May 2014

Final Environmental Impact Statement
& Section 4(f) Evaluation

VIRGINIA AVENUE TUNNEL

RECONSTRUCTION

Appendix L
Draft EIS Comments & Responses

Federal Highway Administration

District Department of Transportation

AGENCIES

ID 1: Architect of the Capitol L-1
ID 2: District of Columbia Metrpolitan Police Department L-2
ID 3: District of Columbia Office of Planning L-3
ID 4: District of Columbia Water and Sewer Authority L-6
ID 5: District of Columbia Deparment of the Environment - Water Quality Division L-11
ID 6: District Deparment of Transportation - Urban Forestry Administration L-14
ID 7: National Capital Planning Commission L-15
ID 8: United States Department of the Interior L-17
ID 9: United States Environmental Protection Agency L-21
ID 10: Virginia Department of Rail and Public Transportation L-34
ID 11: Virginia Rail Express L-36

ELECTED OFFICIAL

ID 12: District of Columbia Councilmember Tommy Wells L-39

ORGANIZATIONS

ID 13: ANC 6B L-40
ID 14: Capitol Quarter Community Association Board of Directors L-52
ID 15: Capitol Quarter Phase 2 HOA Board of Directors L-66
ID 16: Capitol Riverfront BID L-72
ID 17: Casey Trees L-76
ID 18: Capitol Hill Restoration Society (1) L-77
ID 19: Capitol Hill Restoration Society (2) L-92
ID 20: Committee of 100 on the Federal City L-100
ID 21: Garber et al L-139
ID 22: National Railway Historic Society - Washington DC Chapter L-150
ID 23: Sierra Club - Washington DC Chapter L-152

VARIOUS

ID 24: Skidmore et al L-153
ID 25: Weaver et al L-163

INDIVIDUALS

ID 26: Aluisi (1) L-165
ID 27: Aluisi (2) L-166
ID 28: Amanda L-168
ID 29: Bahadaran L-169
ID 30: Baker, Mark (1) L-180
ID 31: Baker, Mark (2) L-190
ID 32: Baker, Meredith L-202
ID 33: Barrett L-207
ID 34: Belcourt L-209
ID 35: Bell L-210
ID 36: Bharwani L-221
ID 37: Black L-228
ID 38: Carlson L-229
ID 39: Carr L-230
ID 40: Chen L-240
ID 41: Chittick L-241
ID 42: Clarke L-243
ID 43: D'Ercole L-246
ID 44: Darconte (1) L-256
ID 45: Darconte (2) L-258
ID 46: Davidowitz L-260
ID 47: Dellinger L-268
ID 48: DiSabella, Heather L-277
ID 49: DiSabella, Marc L-279
ID 50: Duffy L-281
ID 51: Epps L-289
ID 52: Fascett L-299
ID 53: French, Anya L-309
ID 54: French, Christopher L-319
ID 55: Furman, David L-330
ID 56: Furman, Ila L-331
ID 57: Gilliam L-332
ID 58: Goldsmith L-333
ID 59: Goodrich L-350
ID 60: Hamburger L-359
ID 61: Harrington L-360
ID 62: Hartinger L-367
ID 63: Hayhurst L-368
ID 64: Hess L-378
ID 65: Holwill L-388
ID 66: Horton L-389
ID 67: Howard L-392
ID 68: Jackson L-393
ID 69: Joffe L-402
ID 70: Johnson L-405

ID 71: Kahn L-406
ID 72: Keating L-408
ID 73: Kingery-Schwartz L-418
ID 74: Kirrane, Brian L-419
ID 75: Kirrane, Tara L-420
ID 76: Koprucu L-421
ID 77: Lancaster L-431
ID 78: Lard L-441
ID 79: Latham L-442
ID 80: Lee L-444
ID 81: McBee L-464
ID 82: McCarty L-473
ID 83: McGill L-475
ID 84: McNeill L-476
ID 85: McPhillips L-485
ID 86: Millar L-527
ID 87: Moore L-539
ID 88: Ng L-540
ID 89: Norris L-541
ID 90: O'Reilly L-542
ID 91: Overbay L-552
ID 92: Price L-553
ID 93: Purcell L-555
ID 94: Rall L-557
ID 95: Renzi L-567
ID 96: Revesz L-568
ID 97: Selassie L-569
ID 98: Shapiro Low L-579
ID 99: Sherry L-582
ID 100: Shields (1) L-583
ID 101: Shields (2) L-584
ID 102: Skena L-596
ID 103: Skidmore L-606
ID 104: Smith L-608
ID 105: Smolich L-609
ID 106: Stephenson L-610
ID 107: Strickland L-618
ID 108: Taguian L-619
ID 109: Thompson L-629
ID 110: Trejo L-631
ID 111: Walter L-633
ID 112: Weaver L-644
ID 113: White L-651
ID 114: Wiggin L-654

PUBLIC HEARING COMMENTS

ID PH1: Huseman L-664
ID PH2: Salmon L-669
ID PH3: Shields L-670
ID PH4: Schaeffer L-673
ID PH5: Johnson L-676
ID PH6: Purcell L-678
ID PH7: Harrington (1) L-679
ID PH8: Unknown L-682
ID PH9: Skidmore L-683
ID PH10: Ghiotto L-685
ID PH11: Edwards L-687
ID PH12: McPhillips, Jen L-689
ID PH13: DarConte L-691
ID PH14: Holmes L-694
ID PH15: McPhillips, James L-696
ID PH16: Harrington (2) L-698
ID PH17: Mills L-699
ID PH18: Oliphant L-700
ID PH19: Lang L-703

ID 1: Architect of the Capitol

ARCHITECT OF THE CAPITOL

Planning and Project Management
Ford House Office Building, Room H2-557
Washington, DC 20515
202.225.5900

www.aoc.gov

September 25, 2013

Mr. Faisal Hameed, PhD
Manager, Project Development and Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Dear Mr. Hameed:

Thank you for the opportunity to comment on the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement dated July 2013 prepared by the District Department of Transportation and the Federal Highway Administration. The Architect of the Capitol has several major infrastructure construction projects with extended time frames that require the use of Virginia Avenue for staging and storage of materials. While we have been coordinating with the Virginia Avenue Tunnel Reconstruction project team and do not see adverse impact at this time, we reserve the right to comment further as the plans of the project continue to mature. 1-1

If you have any questions regarding this response, please do not hesitate to call me at (202) 225-5900.

Sincerely,

Anna Franz

Anna Franz, PhD, AIA, LEED AP
Director, Planning and Project Management

Response to Comment 1-1:

Thank you for providing your comment. Your comment has been noted. The project team is committed to operate a public outreach program to share information about the project and construction activities.

ID 2: District of Columbia Metrpolitan Police Department

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

AUG 1 6 2013

Faisal Hameed, Ph.D.
Manager, Project Development and
Environment Division
District Department of Transportation
55 M Street, S.E., Suite 400
Washington, D.C. 20003

Dear Dr. Hameed:

This is in response to your letter regarding the Draft Environmental Impact Statement (DEIS) of the Virginia Avenue Tunnel Project, located in the Capitol Hill neighborhood of the District of Columbia. Specifically, it is noted that significant reconstructive efforts will be associated with this project.

The Metropolitan Police Department (MPD) appreciates the opportunity to provide comment. However, MPD has no concerns at this time. 2-1

Sincerely,

Cathy L. Lanier
Chief of Police

P.O. Box 1606, Washington, D.C. 20013-1606

Response to Comment 2-1:

Thank you for providing your comment. Your comment has been noted.

ID 3: District of Columbia Office of Planning

District of Columbia Office of Planning

September 25, 2013

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW
Suite 701
Washington, DC 20005

The DC Office of Planning has prepared the following comments on the Draft Environmental Impact Statement (DEIS) on the Reconstruction of the Virginia Avenue Tunnel.

After review of the DEIS and interdepartmental discussion, the DC Office of Planning recognizes the Project's purpose and need as both valid and necessary. The intent of our commentary is to make both DDOT and FHWA aware of our agency's mission and interests, broader planning issues not adequately addressed by the DEIS, and concerns that we have as the Project goes forward. This submission of comments will primarily address our concerns about the Project's connection to larger planning efforts within the District of Columbia, potential impact on passenger rail operations, noise and vibration impact in the surrounding neighborhoods, and opportunities to enhance the public realm within and near the Project area.

DC Office of Planning Mission and Interests

The Mission of the Office of Planning (OP) is to guide development of the District of Columbia, including the preservation and revitalization of our distinctive neighborhoods, by informing decisions, advancing strategic goals, encouraging the highest quality outcomes, and engaging all communities. As an agency, we are interested in the long-term advancement and improvement of the District's infrastructure in such a manner that benefits affected neighborhoods and communities.

Implications for Passenger Rail Service and Broader Planning Initiatives

Although we recognize the importance of the Project and generally support its goals, we have concluded that the DEIS fails to address how increased freight capacity through the Virginia Avenue tunnel will affect passenger/commuter services in the larger rail network. A two-track tunnel that allows for double-stack intermodal container freight trains would 3-1

1100 4th Street SW, Suite E650, Washington, DC 20024 voice 202.442.7600 fax 202.442.7638

Response to Comment 3-1:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel. Section 5.15 of the DEIS describes how passenger rail and freight coexist in the region. This project does not preclude future discussions on other passenger and freight rail projects. The new tunnel will allow CSX to operate more efficiently including doubling the capacity of intermodal container trains and eliminating the system bottleneck that is in close proximity to part of the network shared with passenger rail. Passenger train service using CSX rail lines in Virginia and District may benefit because of the increased network capacity.

relieve freight train bottlenecks but will have uncertain impacts on the ability to provide passenger rail service on the rail corridor connecting Union Station with points south and noerth. The DC Office of Planning is requesting additional information concerning this issue, including how potential negative impacts on passenger rail movement could be avoided or mitigated. 3-1

In addition, we note that as the rail line through the Virginia Avenue tunnel continues westward, it passes through an area of the District that has been the subject of recent planning efforts by OP and the National Capital Planning Commission (NCPC). OP's Maryland Avenue Small Area Plan (the SAP) and NCPC's Southwest EcoDistrict plan cover the federal district bounded by Maine Avenue to the south, 12th Street to the west, 4th Street to the east, and Independence Avenue and the National Mall to the north. This area includes above-grade rail tracks extending along the Virginia Avenue and Maryland Avenue rights-of-way, along with a Virginia Railway Express (VRE) commuter station near L'Enfant Plaza.

The SAP and Southwest EcoDistrict plans envision a transformation of this federal office district into a walkable, vibrant, mixed-use neighborhood with a significant residential presence. They also call for reestablishing a substantial portion of the original grid of L'Enfant Plan streets in the area, including a portion of Maryland Avenue now occupied by the rail line. The proposed solution to effectuate this reintroduction of streets is to construct a deck over this rail line. Currently, DDOT is conducting a transportation study to determine the feasibility and order-of-magnitude costs of these infrastructure investments.

While we understand that CSX has been involved in these planning discussions and is open to seeing their fruition, there remain a number of unanswered questions regarding the compatibility of the potential decking of Maryland Avenue with CSX's plans. Chief among these are the potential changes in vertical or horizontal alignment of the tracks that would impact any future decking infrastructure, as well as the scheduling of work and potential for coordination of activities. OP requests that the Final Environmental Impact Statement address these issues in as much detail as possible. 3-2

Noise and Vibration Impact

We note that all alternatives (other than the no-build) will have significant noise and vibration impacts on the surrounding community, and stress the importance of reducing or mitigating these to the maximum extent possible. Advisory Neighborhood Commission 6B has provided an accounting of the major concerns in this regard, and OP requests that their concerns be addressed in detail.

Reconstruction and Community Enhancements

Our agency is also concerned with long-term sustainability of the areas surrounding the site of the Virginia Avenue tunnel reconstruction project, particularly the social and community conditions, as well as the condition of parks and availability of recreational resources. The DEIS notes that parks and roadways within the Limits of Disturbance would be restored to at least pre-construction conditions after the Project period is completed.

2

Response to Comment 3-2:

CSX will continue to work with DDOT concerning future decking infrastructure projects, such as the proposal to deck over Maryland Avenue SW. The Project will not preclude the ability of DDOT and others to implement this project.

The DEIS also suggests that as Virginia Avenue is reconstructed, streetscape enhancements such as improved pedestrian and bicycle facilities and new street trees are being considered. OP supports reconstruction efforts that improve pedestrian, bicycle, and transit connectivity and provide greater opportunities for District residents to engage in recreation in improved park space within and around the Project area.

Conclusion

The DC Office of Planning recognizes the critical need for additional freight rail capacity in this region and supports the Project's purpose and need. We ask that additional attention be paid to the broader planning context surrounding this Project area, and for the FEIS to recognize that the Project may have far-reaching impacts on other planning efforts, such as the service expansion plans of the various passenger rail carriers and the neighborhood transformation initiatives promoted by the District. 3-3

Thank you for this opportunity to comment on the Virginia Avenue Tunnel project. If you have any questions about OP's comments, I may be reached at (202) 442-8812 or dan.emerine@dc.gov.

Sincerely,

Dan Emerine
Transportation Planner

Response to Comment 3-3:

Please see response to Comment 3-1.

ID 4: District of Columbia Water and Sewer Authority

dc water is life

Permit Operations

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY | 1100 4th STREET, SW | SUITE 310 | WASHINGTON, DC 20024

August 23, 2013

MEMORANDUM

To: Faisal Hameed
Manager, Project Development and Environment Division
District Department of Transporation

RE: Draft EIS for the CSX Virginia Ave Tunnel Reconstruction

The following is a compilation of comments generated by multiple departments within District of Columbia Water and Sewer Authority (DC Water) on the Draft EIS dated July 2, 2013 for the Virginia Avenue Tunnel Reconstruction.

General:

The Draft EA presents 4 options, one is to do nothing and the other three are to build a new tunnel both wider and taller than the existing in one form or another. The three tunnel reconstruction options are about equal in impact to the DC Water infrastructure.

DC Water does not have a preference for one alternative over the other.

This is a Draft EIS and is not completely in sync with conceptual plans that have been submitted to DC Water for review and comment by the CSX Design group. There are significant discrepancies on work proposed at the west tunnel portal over the existing Tiber Creek Sewer. This Draft EIS references a proposed relocation of the Tiber Creek Trunk Sewer. DC Water understands the concept has been revised to eliminate sewer relocation and bridge the Railroad over the existing sewer. Design review and modifications to concept are underway. 4-1

Additionally, and most importantly, the CSX design team has submitted draft plans for constructing an inverted siphon to carry the 54" combined sewer between 5th at 7th Streets under the proposed tunnel and onto property fronting the Marine Barracks Recreation facility. DC Water is in the process of evaluating that proposed option but has not agreed with it as yet. The assumption that utilities can be relocated as presented in the utility conflict table in Chapter 5 is misleading and requires further evaluation before feasibility is proven. The statement that there are no impacts to the Marine facility is misleading due to greatly increased maintenance of an inverted siphon facility and pumping facility. The facilities would require much more frequent DC Water 4-2

dcwater.com

Response to Comment 4-1:

The relocation of the Tiber Creek sewer line may not be necessary. However, this will not be definitively known until more detailed design is developed. Due to this uncertainty, the FEIS maintained the same assumption disclosed in the DEIS that the relocation of the Tiber Creek sewer line would be required in order to reconstruct Virginia Avenue Tunnel.

Response to Comment 4-2:

The coordination process with DC Water and other utilities, which commenced with this NEPA process, will continue post-ROD when detailed engineering and further construction design will allow informed permitting to ensure that this project will not unduly conflict with the utilities. At this time, installation of a siphon appears to be the best solution to maintain operation of this 54-inch combined sewer line. It is understood that DC Water maintenance staff must have access to the siphon with the proper equipment on the Marine Corps property, and therefore, the Project sponsors, in coordination with DC Water, will be working with the Marine Corps to secure this access. The Marine Corps were informed about the possibility of a siphon on their property. Nevertheless, the Project is open to comments and suggestions from DC Water for alternative methods to maintain operations of this line. This dialogue can continue as the design of the project progresses.

August 14, 2013

MEMORANDUM

Re: DRAFT EIS CSX Virginia Ave. Tunnel Reconstruction

Page 2 of 5

access to the manholes on the downstream side that are located within the fenced in area of the Marine barracks. . 4-2

In our opinion there are significant utility conflicts that are as yet unresolved and may prove infeasible and/or unacceptable. 4-3

Response to Comment 4-3:

The utility impact assessment contained in the DEIS was based on the level of engineering available at the time. As more engineering information becomes available, utility impacts may change. Any changes in impacts to water and sewer lines will be coordinated with DC Water. Please also see response to Comment 4-2.

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT:

While the major purpose of this EIS is to address construction options and potential environmental impacts of each there are several inconsistencies when compared with water main and sewer modifications previously presented in draft format to the DC Water.

The following comments are referenced by chapter and page number:

- Executive Summary page # S-13
  Table S-1 Water Resources Post-Construction
  At this time no draft plans for the indicated "storm water management system" which would drain roadways and connect to the public sewer system have been presented to DC Water. 4-4

Response to Comment 4-4:

Storm water management plans for the rebuilt Virginia Avenue SE and other affected roadways will be submitted to DC Water for review during final design of the rebuilt street.

- Executive Summary page # S-17
  Table S-1 Utilities Construction
  Dozens of storm and sanitary sewers, water mains … would require relocation, protection, or support-in-place. It should be noted in this comment the proposed modification of a 54" combined sewer, realigning this facility to an "inverted siphon" under the new tunnel, will have a major impact on future maintenance of this essential public facility and funding for this additional maintenance will be significant. 4-5

Response to Comment 4-5:

The coordination process with DC Water and other utilities, which commenced with this NEPA process, will continue post-ROD when detailed engineering and further construction design will allow informed permitting to ensure that this project will not unduly conflict with the utilities. At this time, installation of a siphon appears to be the best solution to maintain operation of this 54-inch combined sewer line. The Marine Corps were informed about the possibility of a siphon on their property. Please also see response to Comment 4-2.

The impacts of the proposed work must be monitored with post-construction inspection and mitigation since additional structural support will be required to protect the DC Water utility lines. In addition, DC Water requires the pre-construction and post-construction CCTV and structural analysis showing no impact to DC Water utility lines during construction. Also, DC Water recommends that the plans and approach to their "relocation" and "protection" is vetted through DC Water early in their design process so that DC Water has the opportunity to work with CSX to achieve an acceptable plan. 4-6

Response to Comment 4-6:

All plans for the relocation, protection, and support-in-place of DC Water sewer and water lines will be submitted to DC Water for review. This will include pre- and post-construction monitoring as required by DC Water. No utility relocation, replacement or protection plan will be implemented unless approved by DC Water.

August 14, 2013

MEMORANDUM

Re: DRAFT EIS CSX Virginia Ave. Tunnel Reconstruction

Page 3 of 5

- Chapter #1 Introduction page #1-9
  1.3 Planning Process
  It should be noted a permit from DC Water is also required for any replacement or modification of public water mains or storm, combination, and sanitary sewers. 4-7

Response to Comment 4-7:

Thank you for providing your comment. Your comment has been noted.

- Chapter #4 Affected Environment page #4-77
  4.14 Utilities
  Ownership of water and sewer facilities should be revised as follows. Depending on a number of factors, water and sewer facilities are owned by either the District of Columbia or by DC Water. Although ownership varies, DC Water operates and maintains water and sewer facilities. 4-8

Response to Comment 4-8:

Section 4.14 was revised in the FEIS as requested.

- Chapter #5 Environmental Consequences page #5-37 & 5-38
  5.8.1 Construction Impacts
  Reference to dewatering activities near potential contaminated zones:
  In addition to a DDOE permit if contaminated effluent is to be pumped to a sanitary (or combined) sewer a “Pretreatment Permit” from DC Water is required. (Page# 5-38 indicates only required permission from DC Water) 4-9

Response to Comment 4-9:

Section 5.8 was revised in the FEIS as requested.

- Chapter #5 Environmental Consequences page #5-48
  5.12.1 Construction Impacts
  Reference to the relocation of Tiber Creek Sewer may no longer be applicable as revised concept calls for tunnel to bridge existing facility. Please ensure consistency among all documents. 4-10

Response to Comment 4-10:

The relocation of the Tiber Creek sewer line may not be necessary. However, this will not be definitively known until more detailed design is developed. Due to this uncertainty, the FEIS maintained the same assumption disclosed in the DEIS that the relocation of the Tiber Creek sewer line would be required in order to reconstruct Virginia Avenue Tunnel.

- Chapter #5 Environmental Consequences page #5-54
  5.14 Utilities
  The EIS report shall include the impacts of post-construction and mitigation since additional structural support are proposed to protect the DC Water utility lines such as Tiber Creek Sewer. In addition, DC Water requires the pre-construction and post-construction CCTV and structural analysis showing no impact to DC Water utility lines during construction. 4-11

Response to Comment 4-11:

Section 5.14 was revised in the FEIS to note that pre- and post-construction monitoring and analyses will be required.

  5.14.1 Construction Impacts
  Add the following:
  It should be noted 3” thru 20” watermains along the alignment of this project were constructed over 100 years ago, between 1885 and 1905, utilizing “lead joint cast iron” pipe. Replacement is essential to prevent failure of these lines during adjacent excavation and heavy construction. 4-12

Response to Comment 4-12:

Section 5.14 was revised in the FEIS to include the information provided. Table 5-19, Water Lines Affected by the Build Alternatives, was reevaluated based on this information.

August 14, 2013

MEMORANDUM

Re: DRAFT EIS CSX Virginia Ave. Tunnel Reconstruction

Page 4 of 5

- Chapter #5 Environmental Consequences page #5-56
  Table 5-17 Water Lines Affected by the Build Alternatives
  Item* "F"
  - o Revise 20" Water Line to "Replace and Support-in-Place
  - o Revise Two 12" Water Lines to "Replace one 12" main and Support- In-Place. Second 12" Line no longer in service will not require replacement.

4-13

Response to Comment 4-13:

The single 20" and two 12" water lines will be evaluated during the design phase and will be replaced and/or supported in place as deemed necessary.

- Chapter #5 Environmental Consequences page #5-57
  Figure 5-4 Water Lines Affected by the Build Alternatives
  Relocate letter (D) from between 4th and 5th Streets.
  This should reflect proposed replacement between 3rd and 4th Streets.

4-14

Response to Comment 4-14:

Referenced firugre was revised in the FEIS as requested.

- Chapter #5 Environmental Consequences page #5-62
  5.14.2 Post Construction Impacts
  Add the following :
  Proposed relocation of a 54" combination sewer east of 5th Street beneath new tunnels as an "Inverted Siphon" will provide a facility requiring frequent regular maintenance into perpetuity by DC Water. Electric power supply for pumps to dewater siphons for periodic cleaning will require a monthly power supply bill.

4-15

Response to Comment 4-15:

Section 5.14 was revised in the FEIS to include the information about the proposed inverted siphon for the 54-inch combined sewer line. The coordination process with DC Water and other utilities, which commenced with this NEPA process, will continue post-ROD when detailed engineering and further construction design will allow informed permitting to ensure that this project will not unduly conflict with the utilities.

- Chapter #5 Environmental Consequences page #5-85
  5.19 Permits and Approvals
  Add DC Water to listing of required permits and approvals:
  - o Design and construction plan approvals
  - o Water main and sewer relocations
  - o Support in place of water mains
  - o Contaminated ground water discharge to sewer system
  - o Review of Excavation/Sheeting and Shoring Permits

4-16

Response to Comment 4-16:

Section 5.19 was revised in the FEIS as requested.

- Appendix F Vibration Analysis
  - o The section on Vibration analysis does not cover potential impact to the surrounding utilities. The track will be in close proximity to several of the DC Water utilities, most especially the Tiber Creek Sewer which may have less than 6" of clearance. We request that the EIS address the potential impacts of vibration (both construction and long term railroad operation) on existing aged utilities as well as on future either relocated or protected utilities.

4-17

Response to Comment 4-17:

Section 5.14 was revised in the FEIS to include discussion on the vulnerability of DC water and sewer lines to construction and rail operations.

August 14, 2013

MEMORANDUM

Re: DRAFT EIS CSX Virginia Ave. Tunnel Reconstruction

Page 5 of 5

- Upon vibration impact analysis, isolation layer may be required to minimize long term impact to the masonry sewers as they have no steel reinforcement. 4-18

- For construction purposes DC Water has vibration isolation requirements in order to protect existing infrastructure. This in general requires the pre-augering of piles or sheet piles to a depth below the utility so as not to load the utility. This would typically be for any work with 50LF or our utility. 4-19

Response to Comment 4-18:

As described in Section 5.14 of the FEIS, long term vibration impacts to water and sewer lines are not anticipated. Construction activity will be conducted in accordance with applicable permits and regulations.

Response to Comment 4-19:

Thank you for providing your comment. Your comment has been noted.

ID 5: District of Columbia Deparment of the Environment

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of the Environment

Natural Resources Administration
Water Quality Division

MEMORANDUM

TO: Ibrahim Bullo
Environmental Review Coordinator, DDOE

THROUGH: Collin R. Burrell
Associate Director, Water Quality Division

FROM: David Pilat
Environmental Protection Specialist, Water Quality Division

DATE: August 21, 2013

SUBJECT: **Virginia Avenue Tunnel Reconstruction Project, Draft Environmental Impact Statement, July 2013**

The Water Quality Division (WQD) has reviewed the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement (Draft EIS) prepared by the U.S Department of Transportation Federal Highway Administration and District of Columbia Department of Transportation, dated July 2013. Based on the information contained in this document, WQD has attached comments for the above referenced project.

Attachment:
WQD's comments for the Virginia Avenue Tunnel Reconstruction Draft EIS.

HISTRICT
HEPARTMENT
HF THE
NVIRONMENT
green forward

1200 First St. NE, 5th Floor, Washington, DC 20002 | Tel: 202.535.2600 | web:ddoe.dc.gov

ONE CITY

No response required for this section of comment

Draft EIS, Virginia Avenue Tunnel Reconstruction Project,
Virginia Avenue, SE

The Water Quality Division (WQD) has reviewed the following document for the above referenced Draft EIS:

(a) D.C. Department of Consumer and Regulatory Affairs (DCRA), District of Columbia Wetland Conservation Plan. August 1997.
(b) D.C. Groundwater Resources Studies (series of four reports).
(c) Johnston, P.M., Geology and Ground-Water Resources of Washington, D.C. and Vicinity. USGS Water Supply Paper (WSP) 1776. Reston, Virginia, 1964.
(d) U.S. Geological Survey (USGS), Topographic Map Washington West Quadrangle 7.5 Minute Series, 1965. Photo Revised 1982
(e) U.S Department of Transportation Federal Highway Administration and District of Columbia Department of Transportation (US DOT), 2013. Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement & Section 4(f) Evaluation Washington, DC. Document Date July 7, 2013.

Water Resources/Wetlands
The Draft Environmental Impact Statement (EIS) report was reviewed for water-related issues in accordance with the D.C. Environmental Policy Act and regulations, Sections 7201.2(c), (d), and (l).

No response required for this section of comment

Environmental Setting
The site is located entirely within the Coastal Plain Physiographic Province. It is part of the Quaternary (Pleistocene) Age Wicomico Formation. This formation consists of gravel, sand, and silt, and has local basal deposits of carbonaceous clay containing tree stumps and other woody debris, medium to coarse grained sand and gravel with cobbles and boulders near the base commonly contain reworked Eocene glauconite. Varicolored silts and clays and brown to dark gray lignitic clay contain estuarine to marine fauna in some areas. The thickness of these deposits ranges from zero to 150 feet (US DOT).

Based on the topographic map for the site (USGS, 1965) and Johnston (1964), there are no streams, lakes, ponds, springs, or wetlands within 100 feet of the project site.

Environmental Consequences
The EIS was reviewed for water-related issues in accordance with the D.C. Environmental Policy Act and regulations, Section 7201.2(c), (d), and (l). Sections 7201.2(c), (d), and (1) implementing regulations provide that a project should be assessed to determine whether the action might:

(a) Significantly deplete or degrade groundwater resources;
(b) Significantly interfere with groundwater recharge; and/or
(c) Cause significant adverse change in the existing surface water quality or quantity.

Groundwater
(The following addresses requirements of Sections 7201.2(c) and (d) of the Environmental Policy Act regulations)

Studies conducted in 1998 and 2012 documented soil and groundwater contamination within the proposed area of reconstruction. Construction activities associated with the Build Alternatives involve excavating the soil on top of, surrounding and beneath the existing tunnel, as well as other soils along the south side of the existing tunnel. Dewatering may be required along excavated areas (US DOT, 2013). It is stated in Section *S.9 Environmental Commitments* that all appropriate regulatory precautions will be taken to properly handle and dispose of any contaminated soil or groundwater encountered during excavation. Furthermore, Section *5.8.3 Mitigation Measures* states that during final design a soil and groundwater management plan will be prepared. It is also stated that minimal long term dewatering of the tunnel will be needed and that this water would be disposed of in accordance with applicable laws and regulations.

It is anticipated that there will be a reduction of impervious surface due to the restoration of Virginia Avenue and inclusion of elements of Low Impact Development.

Surface Water
(The following addresses requirements of Sections 7201.2(c) and (d) of the Environmental Policy Act regulations)

As previously stated, the project site is more than 100 feet away from the nearest hydraulically down gradient natural surface water body. Consequently, the project is expected to have minimal impact to surface water flow.

This site is serviced by the Combined Sewer System (CSS). Based on the information provided in the EIS, all applicable EPA, DDOE and DC Water permits will be obtained prior to discharging any water off of the site. In addition, it is stated that a treatment system may be used to treat effluent prior to discharging to the sewer system. Therefore, no contaminated groundwater is anticipated to be discharge to the District's Municipal Separate Storm Sewer System (MS4) or surface water.

Section *5.9.1.1 Surface Water* states that stormwater treatment and control measures would be prepared for the project in order to meet DDOE requirements. Therefore, minimal or no impact to surface water quality is anticipated to result from the project.

Conclusion
In view of the above, the Water Quality Division has assessed that there is no apparent significant adverse impact or likelihood of substantial negative impact to water quality and quantity with regards to Sections 7201.2(c), (d), and (l) of the Environmental Policy Act. 5-1

Response to Comment 5-1:

Thank you for providing your comment. Your comment has been noted.

There is no number 6. Although identified originally as an external agency letter, the comments provided were from DDOT Urban Forestry Administration and have been addressed in the FEIS accordingly. Numbering continues as follows with number 7.

ID 7: National Capital Planning Commission

National Capital Planning Commission 401 9th Street, NW North Lobby, Suite 500 Washington, DC 20004 Tel: 202.482.7200 Fax: 202.482.7272 www.ncpc.gov

IN REPLY REFER TO:
NCPC File No. 7270

September 30, 2013

Mr. Faisal Hameed, Ph.D., Manager
Project Development and Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Comments on the CSX Virginia Avenue Tunnel Environmental Impact Statement

Dear Mr. Hameed:

Thank you for the opportunity for the National Capital Planning Commission (NCPC) to provide comments on the Environmental Impact Statement (EIS) for the CSX Virginia Avenue Tunnel project. Through information provided in consultation meetings and the EIS, NCPC has determined that the following elements of the project will need to be submitted to NCPC for review:

- Replacement/Redesign of Virginia Avenue;
- Improvements to NPS or Marine Corps property beyond replacement in-kind; and
- Improvements to Garfield Park or any other District of Columbia properties beyond replacement in-kind.

Our comments on the EIS pertain to these elements of the project.

For the final EIS, NCPC requests the District Department of Transportation (DDOT) and the Federal Highway Administration (FHWA) to include the following information:

- It is unclear where the project limits of disturbance will encroach into parkland and the Marine Corps property. Therefore, we request that figures be included in Section 5.1.1.1 Right-of-Way Requirements and/or Section 5.12 Parks and Recreational Resources showing the limits of disturbance in relation to the different alternatives. 7-1
- NCPC supports the redesign of Virginia Avenue as a more attractive, sustainable, multi-modal, and pedestrian-friendly street. We request that the EIS include the redesign as mitigation rather than simply proposing to restore the roadway to its existing condition. In addition, the EIS should include the design process DDOT will conduct for Virginia Avenue, identifying how it will coordinate with the community and other stakeholders, and 7-2

Response to Comment 7-1:

Appendix C of the DEIS included detailed maps showing the construction limits of disturbance (LOD), including the areas covering the Marine Corps property and Virginia Avenue Park. A figure was provided in Section 5.12 of the FEIS showing the difference in the LOD between the Preferred Alternative/ Alternative 2 and Alternative 4.

Response to Comment 7-2:

CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

should also note whether the redesign will require additional environmental and historic reviews. 7-2

- Sections 3.3.2.2 and 5.15.2.2 list potential changes to Virginia Avenue; the EIS should discuss how these were determined. NCPC requests that enhanced stormwater management and/or low impact development features be added to the potential changes. 7-3
- The EIS notes that any disturbance to parkland and/or Marine Corps property will be returned to pre-construction conditions upon completion of the proposed action. NCPC encourages FHWA and DDOT to include landscape improvements to these properties as mitigation for disturbances to these properties. Potential enhancements will need to be coordinated with the Marine Corps, the National Park Service, the District Department of the Environment, NCPC, and the Commission of Fine Arts. 7-4
- NCPC supports the District of Columbia's goal to increase the tree canopy throughout the City and we encourage that mitigation measures for tree loss go beyond the proposed one-to-one replacement. We recommend that DDOT coordinate with the community to explore neighboring properties for tree planting opportunities. 7-5

NCPC staff appreciates the opportunity to participate in the EIS process and we look forward to continued involvement in the project. As indicated previously, elements of this project will need to be submitted to the Commission for review; our submission guidelines and calendar are located on our website (www.ncpc.gov). If you have any questions regarding our comments or our submission process, please contact Cheryl Kelly at (202) 482-7291 or cheryl.kelly@ncpc.gov.

Sincerely,

FOR Christine Saum, AIA
Director, Urban Design and Plan Review

Response to Comment 7-3:

Please see response to Comment 7-2. As described in Section 5.9 of the DEIS, the details of storm water management during construction will be developed per National Pollutant Discharge Elimination System permitting, and other DDOT and District requirements. Storm water management plans for the rebuilt Virginia Avenue SE and other affected roadways will be submitted to DDOT and other appropriate agencies for review at the appropriate time.

Response to Comment 7-4:

The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. The project sponsor will ensure that coordination with other stakeholders will occur as appropriate.

Response to Comment 7-5:

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

ID 8: United States Department of the Interior

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

IN REPLY REFER TO:

September 23, 2013

9043.1
ER 13/484

Faisal Hameed
Project Development and Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Dear Mr. Hameed:

The Department of the Interior (Department) has reviewed the Virginia Avenue Tunnel Draft Environmental Impact Statement (DEIS) and draft Section 4(f) Evaluation and submits the following comments in accordance with provisions of the National Transportation Act of 1966, as amended 23 U.S.C. 138 and 49 U.S.C. 303, referred to as Section 4(f), and the applicable regulations at 23 C.F.R. 774, and other regulations and guidance.

No response required for this section of comment

The Department understands that the Federal Highway Administration (FHWA) in conjunction with the District of Columbia Department of Transportation (DDOT) has released a DEIS and draft Section 4(f) Evaluation for the proposed reconstruction of the Virginia Avenue Tunnel, which is owned by CSX Transportation, Inc. (CSX). The location of this proposal is in the Capitol Hill neighborhood of the District of Columbia (District) beneath eastbound Virginia Avenue SE from 2nd Street SE to 9th Street SE; Virginia Avenue Park between 9th and 11th Streets; and the 11th Street Bridge right-of-way.

CSX is seeking approval from FHWA because reconstruction of the tunnel would require the short-term (approximately a week or less) closure of ramps that connect to Interstate Highway 695 (I-695). CSX is also seeking approval from DDOT for the Project effects on I-695 and all roadways affected by construction, including Virginia Avenue SE. The reconstruction of the tunnel would require temporary closure of Virginia Avenue SE between 2nd and 9th Streets SE, as well as other interim effects on several adjacent city streets during construction.

The Project would transform the tunnel into a two-track configuration and provide the necessary vertical clearance (minimum 21 feet) to allow double-stack intermodal container freight train operations. This would allow more efficient freight movement, especially in light of expected increases in freight traffic. Reconstructing the tunnel to allow double-stack intermodal container freight trains would require lowering the grade below the rail line's New Jersey Avenue SE Overpass. The project is needed to address structural and operational deficiencies of Virginia Avenue Tunnel and increasing freight transportation demands.

As part of the DEIS and the draft Section 4(f) process, 12 preliminary concepts were developed. Following an evaluation of these concepts, nine failed to meet the Project's overall purpose and need, and were dismissed from further analysis. The three build alternatives going forward include:

Alternative 2 -Rebuilt Tunnel / Temporary Runaround Track - This Alternative involves rebuilding the existing Virginia Avenue Tunnel with two tracks. It would be rebuilt in generally the same location, except aligned approximately seven feet to the south of the existing tunnel centerline. During construction, freight trains would be temporarily routed through a protected open trench outside the existing tunnel on a runaround track aligned to the south and generally parallel to the existing tunnel, and would be located below street level.

Alternative 3 - Two New Tunnels - This Alternative involves replacing the existing Virginia Avenue Tunnel with two new permanent tunnels constructed sequentially. A new parallel south side tunnel would be built first as trains continue operating in the existing Virginia Avenue Tunnel. After the south side tunnel is completed, train operations would switch over to the new tunnel and the existing Virginia Avenue Tunnel would be demolished and rebuilt.

Alternative 4 - New Partitioned Tunnel / Online Rebuild - Alternative 4 would result in a new tunnel with two permanent tracks. Similar to Alternative 3, the new tunnel would be partitioned. It would be aligned approximately 17 feet south of the existing tunnel's centerline. The new tunnel would be built using protected open trench construction methods. The rebuild would occur 'online' meaning that during the period of construction, the protected open trench would accommodate both construction activities and train operations. Maintaining safe and reliable temporary train operations is a more complicated endeavor under Alternative 4 than under the other two Build Alternatives because of the online rebuild approach.

As stated in the DEIS and draft Section 4(f) Evaluation, all three of the build alternatives have approximately the same layout (i.e., they would cover approximately the same surface area during and after construction). In addition, upon completion of the rebuilt Virginia Avenue Tunnel, the surface of Virginia Avenue SE and other disturbed areas would be fully restored to the environmental conditions that existed prior to construction. Of the three build alternatives being considered, none was identified as being a preferred alternative in either the DEIS or the draft Section 4(f) Evlauation.

After review of the DEIS and the draft Section 4(f) Evaluation, the Department understands that, due to the current location of the tunnel, this project will result in either the permanent or temporary uses of Section 4(f) resources, which include:

The Virginia Avenue Tunnel - The Virginia Avenue Tunnel, which is owned by CSX, is eligible for the National Register of Historic Places (National Register) (Criteria A, C).
The L'Enfant Plan of Washington DC - The L'Enfant Plan of Washington, DC (L'Enfant Plan), which is listed on the National Register (Criteria A, B, and C), is a Baroque city plan with Beaux Arts modifications designed by Pierre L'Enfant (1792). The plan consists of regular orthogonal street grids with numerically and alphabetically designated streets, intersected by diagonal avenues. It also consists of historic and contemporary system of parks and medians. The 1901-02 McMillan Commission recommendations resulted in

No response required for this section of comment

physical changes to the L'Enfant Plan necessary for urban development. Virginia Avenue SE was identified as part of the L'Enfant Plan.

The Capitol Hill Historic District (CHHD) - The Project Area is located within a small portion in the southeast area of the Capitol Hill Historic District on the south side of I-695. Most of this historic district is located north of I-695. CHHD is listed on the National Register and is primarily a residential area with two to four-story row houses and small frame houses in a variety of architectural styles including Federal, Italianate, Greek revival, Queen Anne, Romanesque revival, and vernacular interpretations (Criteria A, C).

The Virginia Avenue Park - The Virginia Avenue Park, which is owned by the National Park Service (NPS) and is maintained and operated by the DC Department of Parks and Recreation (DPR), is a public recreational resource as well as a contributing historic resource to the L'Enfant Plan and the CHHD.

The Department agrees with the statements in both the DEIS and Draft Section 4(f) Evaluation that the Project would likely result in a determination of "adverse effect" under Section 106 of the National Historical Preservation Act (Section 106) due to the proposed demolition of the existing Virginia Avenue Tunnel, the temporary construction occupancy of Virginia Avenue SE and other streets noted in the L'Enfant Plan and within a contributing resource (Virginia Avenue Park) of the CHHD. We also note that since a Section 106 "adverse effect" is expected, mitigations would be developed in consultation with the DC SHPO and consulting parties in the preparation of a Memorandum of Agreement (MOA). The National Park Service (NPS) has been identified as one of the consulting parties and wishes to continue to provide input in this Section 106 effort and the overall planning process.

The DEIS and the draft Section 4(f) Evaluation both need to provide more detail regarding the measurement of the Limits of Disturbance (LOD). Reservation 122, which is a small grassed triangle under NPS jurisdiction located between 4th and 5th Streets SE and Virginia Avenue SE and I Street SE, seems to fall within the LOD for this project. In addition, the NPS maintains an easement that protects the view corridors of K Street SE and Virginia Avenue SE, between 6th and 7th Streets SE; and the view corridor of 6th Street SE, between Virginia Avenue and L Street SE. As directed by the covenants attached to a transfer of jurisdiction agreement (Reservation 124, 2002), these view corridors shall remain free of buildings or structures of any kind. There is no mention of these properties within either the DEIS or draft Section 4(f) Evaluation. Ownership and site restrictions of these parcels should be acknowledged and the impacts assessed in both the DEIS and draft Section 4(f) Evaluation. 8-1

With regard to the draft Section 4(f) Evaluation, the Department understands no feasible and prudent alternatives that avoided the use of Section 4(f) properties were identified and that those build alternatives carried forward seem to have somewhat equal impacts to Section 4(f) properties. As a result, DDOT has not selected a feasible and prudent alternative, as defined in 23 CFR 774.17, to the "use" of land from the Virginia Avenue Tunnel, and the temporary occupancy of the L'Enfant Plan, Capitol Hill Historic District, and Virginia Avenue Park.

Since the draft Section 4(f) Evaluation did not identify any feasible and prudent alternatives that avoids the use of Section 4(f) properties, DDOT, FHWA, and CSX must continue its planning process, as defined in 23 CFR 774.17 to minimize harm. The information gathered through continued planning as part of the Project's Section 106 consultation process and other related Section 4(f) coordination activities will help inform the Section 4(f) Evaluation and guide the

Response to Comment 8-1:

The referenced properties were identified in Section 5.1 of the DEIS. These properties are not considered Section 4(f) properties because they are either used for transportation purposes (Reservation 122 under the jurisdiction of DDOT), or part of a military installation (Reservation 124 under the jurisdiction of the Marine Corps). The small triangular grassy area is part of Reservation 122 can be classified as roadway landscaping. It is not designated as a park. Nevertheless, this grassy area is not part of the limits of disturbance (LOD).

selection of the alternative that minimizes harm to the Virginia Avenue Tunnel, the L'Enfant Plan, the CHHD, and Virginia Avenue Park.

Finally, we appreciate knowing that CSX is committed to improving the function and appearance of Virginia Avenue SE and providing additional amenities at Virginia Avenue Park as part of the Project as a community benefit. However, at this point, the Department has no comment on the proposal since no preferred alternative has been identified. These comments represent an indication of the Departments' thoughts regarding the findings of the DEIS and draft Section 4(f) properties information and involvements, but concurrence or non-concurrence by the Department requires more information on alternatives, mitigation and minimization. The Department looks forward to continued coordination with this effort.

For continued coordination with NPS, please contact David Hayes, Regional Planner and Transportation Liaison at 1100 Ohio Drive SW, Washington DC, 20242. Mr. Hayes can be reached by phone at (202) 619-7277 or email David_Hayes@nps.gov.
We appreciate the opportunity to provide these comments.

Sincerely,

Lindy Nelson
Regional Environmental Officer

No response required for this section of comment

cc:
FHWA - Michael Hicks (Michael.Hicks@dot.gov)
FHWA - Lavinia M. Thomas (Lavinia.Thomas@fhwa.dot.gov)
SHPO-DC – David Maloney (David.Maloney@dc.gov)

4

ID 9: United States Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 2 4 2013

Michael Hicks
Environmental Engineer
Federal Highway Administration
District of Colombia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103

Faisal Hameed
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Draft Environmental Impact Statement & Section 4(f) Evaluation, Virginia Avenue Tunnel Reconstruction, Washington, D.C., July 2013, CEQ# 20130207

Dear Misers Hicks and Hameed:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the United States Environmental Protection Agency (EPA) has reviewed the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement (DEIS) & Section 4(f) Evaluation. The project is located in Washington, DC along Virginia Avenue SE between 2nd Street SE and 11th Street SE. The existing Virginia Avenue Tunnel is owned by CSX, is approximately 4,000 feet long, and is greater than 100 years old. The DEIS addresses the proposed Virginia Avenue Tunnel reconstruction, including converting the tunnel's single track to a two-track configuration, and providing vertical clearance for double-stack intermodal container freight trains. The purpose and need for the proposed project is to preserve the continued ability to provide efficient freight transportation services by addressing structural and operational deficiencies, accommodating expected increases in freight, and ensuring freight services remain uninterrupted during the replacement of the facility.

The DEIS evaluates a no build alternative and three build alternatives. Alternative 1 represents the no build alternative, where the tunnel would not be reconstructed. Each of the build alternatives would result in two tracks with enough vertical clearance to accommodate double-stack container freight trains. Alternative 2 Rebuilt Tunnel/Temporary Runaround Track involves a rebuilt tunnel generally in the same location, utilizing a temporary runaround track to maintain operations during the proposed open trench construction. Alternative 3 Two New

No response required for this section of comment

Tunnels involves constructing sequentially two new tunnels each with a single track, shifted approximately 25 feet to the south, allowing trains to continuously operate in enclosed tunnels during construction. Alternative 4 New Partitioned Tunnel/Online Rebuild involves constructing a new tunnel with a center partition, shifted approximately 17 feet south, utilizing an open trench, which would accommodate both construction activities and train operations. At this time no preferred alternative has been identified.

EPA understands the purpose and need for the proposed action. However, as a result of our review EPA has identified some deficiencies and areas of concern, including environmental justice, children's environmental health, cumulative impacts, and community impacts, especially vibration, parks, visual, and utility disruptions. EPA recognizes efforts made to evaluate and address community concerns and impacts, to coordinate this complicated project with the community, and memorialize commitments. The DEIS includes several environmental commitments, for example ensuring that mobility and crossings are maintained during construction and all properties remain accessible, using techniques to reduce air emissions and fugitive dust, limiting pile driving to daytime hours, using noise control practices, providing pre-construction building inspections, using vibration control techniques, implementing a rodent control program, restoring Virginia Ave SE to at least its pre-construction condition, and restoring park areas to at least their pre-construction condition. While the DEIS includes several environmental commitments, there still remains a great deal of information that should be shared with the public, including final information regarding noise, vibration, utility disruptions, and post-construction configuration of Virginia Ave SE. EPA suggests that Federal Highway Administration (FHWA) and District Department of Transportation (DDOT) consider the best way to share information, some of which may not yet be available, with the public after the completion of the Record of Decision. Detailed technical questions, comments, and additional environmental commitments for consideration are provided in an enclosure to this letter. 9-1

EPA has rated each of the Virginia Ave Tunnel Reconstruction Project action alternatives an EC-2 (Environmental Concerns/Insufficient Information), according to the EPA rating system described on the website www.epa.gov/compliance/nepa/comments/ratings.html. EPA would like to offer to meet with FHWA and DDOT to discuss comments, particularly regarding Environmental Justice and Children's Health, in order to improve this document and future NEPA studies. EPA is also interested in discussing possible methods to share additional information with the public after the Record of Decision. Thank you for providing EPA with the opportunity to review this project. If you have questions regarding these comments, the staff contact for this project is Alaina McCurdy; she can be reached at 215-814-2741.

Sincerely,

Barbara Rudnick
NEPA Team Leader
Office of Environmental Programs

Enclosure

Response to Comment 9-1:

Additional information regarding noise, vibration, post-construction roadway configurations, utility relocations and other issues were added to the FEIS. As noted in your comment, some of the information will be developed as the project moves into final design after completion of the NEPA process. The project team remains committed to continue a regular and robust public involvement process in the next phases of the project that includes design and construction.

Enclosure
Detailed Technical Comments Virginia Ave Tunnel DEIS

Alternatives

- Clarify if double stack will be allowed during construction, particularly if an open trench alternative is selected. Will the proposed temporary runaround track accommodate existing single stack operations or double-stack? Would there be any difference in potential impacts from a runaround track that would accommodate single vs. double stack freight? 9-2
- The DEIS states that there is an existing bottleneck resulting from there being only a single track in the tunnel, causing trains to queue at each end of the tunnel. Will providing a second track and releasing the bottleneck at this location cause any unintended bottlenecks elsewhere? 9-3
- Pg. 3-42 temporary crossings are not shown for Alternative 4. Clarify if there will be different crossings for Alt 4 compared to other alts. Alt 4 Step 10 shows a safety walk, which is not noted on drawings for other alts. Clarify if this safety walk is specific to Alt 4, or if not, consider labeling this feature in other figures. 9-4

Noise and Vibration

- How will the public be informed about additional noise mitigation measures that will be developed during final design? It would be helpful to provide noise contour maps for existing, construction, and post-construction conditions for each alternative. Will noise impacts with alternatives that utilize pile-driving be different than other build alternatives? 9-5
- For the provided vibration analysis, how was the proximity to construction considered? The document states on Pg 5-32 that some properties are located much closer to the limits of disturbance (LOD) than others. How will these properties be affected? Consider if impacts to structures will differ based on structure age or type of construction. Consider the impact of vibration on utilities? Will vibration impacts differ among adjacent residences or build alternatives? If vibration impacts are not uniform, what is the range of potential vibration impacts based on distance? How was the 25ft reference distance determined? Why was this distance used only for construction impacts, not in the evaluation for post-construction impacts? We recommend that construction impacts be broken down by build alternative for both noise and vibration impacts. 9-6
- Pg 5-33- it would be helpful to include distances to Capitol Quarter townhouses, as it would improve the clarity of this section. Table 5-14 include distances to the locations shown in this table. Table 5-14 should include peak particle velocity (PPV)(in/sec) in total per hour. 9-7
- Vibration analysis includes discussion/table information on vibration causing human annoyance. Categorizing impact as human annoyance does not provide a descriptive analysis of the potential vibration impacts. EPA recommends that the vibration analysis include descriptions of the severity of impact and frequency of impact. 9-8
- It is not clear that vibration analysis from construction considers passing trains. This could be important in considering vibration impacts associated with build alternatives that utilize an open trench. 9-9

Response to Comment 9-2:
During construction, all three Build Alternatives will allow the operation of double-stacked intermodal container freight trains. This was disclosed in the DEIS. The operational differences between the Build Alternative during construction were described in Section 5.15.1 of the DEIS.

Response to Comment 9-3:
None are anticipated. Regardless of the alternative, freight transportation demand is going to increase. As described in Section 5.15.1, the Build Alternatives will allow the accommodation of this growth in freight transportation demand more efficiently, which may benefit passenger service using CSX rail lines in Virginia and the District.

Response to Comment 9-4:
The typical sections in Section 3.5.2 tables show the construction phasing are from a mid-block perspective (not at the intersections), which is the reason why the intersection crossings are not shown. The fifth bullet in Step 1 notes the provision of temporary bridge crossings at the intersections. The safety walk shown in Step 10 is of relevance to CSX personnel only (not the general public), and should not have been included on this typical section. They are part of any normal freight rail tunnel. The safety walk was removed in the FEIS.

Response to Comment 9-5:
As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. None of the Build Alternatives would use pile driving near noise sensitive receptors.

Response to Comment 9-6:
As described in Section 5.7 of the DEIS, although there are buildings near the limits of disturbance (LOD), they are not close enough to be affected by vibration that could cause building damage. Nevertheless, additional vibration monitoring will be conducted, and protocols of the vibration monitoring program implemented during construction will address any future potential vibration concerns. Refer to section 5.7.4 of the FEIS for more information on the vibration monitoring program.

Location of water and sewer pipes in the vicinity of the tunnel were reviewed for potential impacts from construction activities, as well as train operations. Results of this evaluation indicated that water and sewer pipes would not be exposed to vibration levels that could cause any damage.

As shown in Section 5.7 of the DEIS, the post-construction operational impacts were evaluated in the same manner, except that the vibration would come from operating trains within a tunnel or open trench during construction (Alternative 2).

The only notable difference between the Build Alternatives in terms of vibration impacts is that Alternative 4 requires the sheet driver (sonic), an activity that produces comparatively high vibration levels. Otherwise, the Build Alternatives use the same types of construction equipment and vehicles. Alternative 3 was selected as the Preferred Alternative and does not utilize sheet pile driving.

Response to Comment 9-7:
Section 5.7 of the FEIS was revised to provide more clarity regarding vibration impacts to Capitol Quarter.

Response to Comment 9-8:
Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel.

Response to Comment 9-9:
Section 5.7 of the DEIS included discussion of the vibration impacts of train operations during construction. The analysis considered trains operating in an open trench on the south side of the existing tunnel (Alternative 2) as well as trains operating in a new south side single-track tunnel during and after construction. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel.

- Four parameters were given to calculate post-construction vibration impacts; however similar parameters were not clearly stated or utilized to evaluate construction related vibration, which appears to generate a greater amount of risk. 9-10
- Post-construction vibration impacts are not presented in the same format, using the same criteria shown in Section 5.7.1. We recommend that construction and post-construction impacts be presented using similar data, and should be clear and easy to understand. Criteria used should be clearly presented in tables provided. 9-11
- The DEIS states that the duration and nature of vibrations will be determined during final design. Outline how this information will be conveyed to the public. Outline what steps will be taken should future vibration analysis reveal that significant frequency or duration of annoyance or building damage will occur. 9-12
- Analysis should provide figures showing annoyance and/or damage distances with properties; especially highlight the south side track for Alt 3. 9-13
- Clarify when a vibration monitoring and mitigation plan will be shared with the public. Clarify if this plan also needs FHWA approval, in addition to DDOT approval. 9-14
- No analysis of potential vibration damage to I-695 was presented in the DEIS. We recommend this information be included, even if there is no anticipated vibration affect on I-695. Unanticipated damage caused by vibration could result in significant impacts to traffic, transportation, and the surrounding community. 9-15
- Show or identify graphically/list affected properties for each alternative/construction activity. 9-16
- EPA suggests clarifying what exactly will be included in the pre-construction building inspections. Clarify if there will be subsequent follow-up post-construction inspections for those properties. Suggest memorializing what actions will be taken should inspections reveal damage or other conditions caused by construction vibrations. 9-17
- Pg 5-36 notes that a phasing plan for high vibration generating activities will be prepared. How will this plan be shared with the public? Also noted is that the use of vibratory rollers and packers will be avoided near sensitive areas. It should be made clear where these sensitive areas are located and how they were identified. 9-18
- EPA suggests that should major changes in vibration data arise during final design, or during vibration monitoring, the information be brought back before the public in some manner, especially as construction generates the majority of impacts that have been analyzed in the DEIS. EPA suggests that FHWA and DDOT consider whether preparing supplemental NEPA analysis may be appropriate in certain situations. 9-19
- It is not clear why the vibration appendix provided only includes annoyance/damage line for Alternative 3. Is it assumed that all build alternatives will have the same vibration impact as Alt 3, or that Alt 3 will have the greatest impact? Suggest clarifying and making analysis in appendix more clear and easy to understand. 9-20

Stormwater, Aquatic Resources, and Vegetation

- Pg 5-38 mentions that stormwater management (SWM) measures would be included and would improve water quality, however it does not clearly state what measures will be utilized. Construction runoff would be "collected and treated in sediment traps or by super silt fence and proposed or existing inlets". Please clarify what type of treatment is being referred to. Additionally, it should be noted that EPA does not consider super silt 9-21

Response to Comment 9-10:

With the exception of construction-period train operations under Alternative 2, a different methodology was used to predict vibration impacts from construction activities.

Response to Comment 9-11:

Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. With the exception of construction-period train operations under Alternative 2, a different methodology was used to predict vibration impacts from construction activities because the nature of vibration during construction is different than vibration from the operation of trains.

Response to Comment 9-12:

If later vibration analyses find the potential for damage to adjacent buildings or unacceptable human annoyance from certain construction activities, additional mitigation measures as approved by DDOT and other appropriate agencies will be employed if proposed measures are found to be inadequate. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 9-13:

Section 5.7 was revised in the FEIS to include a table listing the receptors and pertinent distance information between the new tunnel and receptor, such as the impact distances for human annoyance and building damage. A graphic was also included to assist the reader in understanding the relationship between the vibration effects from the tunnel, and vibration levels at nearby buildings due to distance and depth.

Response to Comment 9-14:

The vibration monitoring and mitigation plan will be posted on the project website after approval by DDOT and other appropriate agencies, and prior to the commencement of construction activities.

Response to Comment 9-15:

I-695 was not identified as a sensitive receptor subject to vibration impact analysis. Any additional vibration from the operation of the new tunnel would not be expected because (1) the existing tunnel's north side wall will remain in place; (2) the new tunnel would be located further south of I-695; and (3) Vibration monitoring shows that the vibration effects of trains operating in the existing tunnel do not extend to I-695. FHWA and DDOT will coordinate in the event of unanticipated damage to I-695.

- Four parameters were given to calculate post-construction vibration impacts; however similar parameters were not clearly stated or utilized to evaluate construction related vibration, which appears to generate a greater amount of risk. 9-10
- Post-construction vibration impacts are not presented in the same format, using the same criteria shown in Section 5.7.1. We recommend that construction and post-construction impacts be presented using similar data, and should be clear and easy to understand. Criteria used should be clearly presented in tables provided. 9-11
- The DEIS states that the duration and nature of vibrations will be determined during final design. Outline how this information will be conveyed to the public. Outline what steps will be taken should future vibration analysis reveal that significant frequency or duration of annoyance or building damage will occur. 9-12
- Analysis should provide figures showing annoyance and/or damage distances with properties; especially highlight the south side track for Alt 3. 9-13
- Clarify when a vibration monitoring and mitigation plan will be shared with the public. Clarify if this plan also needs FHWA approval, in addition to DDOT approval. 9-14
- No analysis of potential vibration damage to I-695 was presented in the DEIS. We recommend this information be included, even if there is no anticipated vibration affect on I-695. Unanticipated damage caused by vibration could result in significant impacts to traffic, transportation, and the surrounding community. 9-15
- Show or identify graphically/list affected properties for each alternative/construction activity. 9-16
- EPA suggests clarifying what exactly will be included in the pre-construction building inspections. Clarify if there will be subsequent follow-up post-construction inspections for those properties. Suggest memorializing what actions will be taken should inspections reveal damage or other conditions caused by construction vibrations. 9-17
- Pg 5-36 notes that a phasing plan for high vibration generating activities will be prepared. How will this plan be shared with the public? Also noted is that the use of vibratory rollers and packers will be avoided near sensitive areas. It should be made clear where these sensitive areas are located and how they were identified. 9-18
- EPA suggests that should major changes in vibration data arise during final design, or during vibration monitoring, the information be brought back before the public in some manner, especially as construction generates the majority of impacts that have been analyzed in the DEIS. EPA suggests that FHWA and DDOT consider whether preparing supplemental NEPA analysis may be appropriate in certain situations. 9-19
- It is not clear why the vibration appendix provided only includes annoyance/damage line for Alternative 3. Is it assumed that all build alternatives will have the same vibration impact as Alt 3, or that Alt 3 will have the greatest impact? Suggest clarifying and making analysis in appendix more clear and easy to understand. 9-20

Stormwater, Aquatic Resources, and Vegetation

- Pg 5-38 mentions that stormwater management (SWM) measures would be included and would improve water quality, however it does not clearly state what measures will be utilized. Construction runoff would be "collected and treated in sediment traps or by super silt fence and proposed or existing inlets". Please clarify what type of treatment is being referred to. Additionally, it should be noted that EPA does not consider super silt 9-21

Response to Comment 9-16:

All buildings adjacent to the LOD were shown in Appendix C of the DEIS.

Response to Comment 9-17:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 9-18:

The identification of sensitive areas and details about the vibration mitigation plan will be developed as additional engineering progresses and will be approved by DDOT and other agencies as appropriate and shared with the public.

Response to Comment 9-19:

If later vibration analyses find the potential for damage to adjacent buildings or unacceptable human annoyance from certain construction activities, additional mitigation measures as approved by DDOT and other appropriate agencies will be employed if proposed measures are found to be inadequate. The project team is committed to operate a public outreach program to share information about the project and construction activities. If significant new information or changed circumstances arise, the applicable CEQ regulations will be followed and a supplemental FEIS will be prepared.

Response to Comment 9-20:

Among the three Build Alternatives, the new tunnel under Alternative 3 would be aligned furthest south, or the closest to the receptors identified, which are all located on the south side of Virginia Avenue SE. As the maps in the vibration technical report in the DEIS show, none of the receptors will be located within impact distances of Alternative 3. Therefore, showing similar maps for Alternatives 2 and 4 would not gain anything. Section 5.7 of the FEIS was revised to clarify why the Preferred Alternative (Alternative 3) represented the worst-case scenario among the three Build Alternatives in terms of vibration impacts at the receptors.

Response to Comment 9-21:

The precise stormwater management measures that will be employed during construction have not been determined. However, such measures are required in order to obtain NPDES stormwater approval. In general, the measures will include a combination of silt fences and sedimentation ponds.

fence to as a treatment method, as this is a required sediment and erosion control measure. More information on construction SWM should be provided in the DEIS. 9-21

- It is also stated that construction runoff will be pumped into an adjacent combined sewer systems. Clarify if this will create, cause or contribute to overflows and discharges of waste into the Anacostia River. Consider both precipitation and groundwater sources. Does this combined sewer system already overflow? It is not clear how water drained to the tunnel will be treated prior to discharge into the combined sewer system. EPA suggests including a discussion on how/if the combined sewer system affects the Anacostia River and the Chesapeake Bay. EPA further suggests that SWM for the proposed project expand beyond the pumping into a combined sewer system, and consider including low impact development techniques. 9-22
- Pg 5-40- please provide each wetland size and type. Clarify if these wetlands have a letter as to their jurisdiction from the U.S. Army Corps of Engineers. Clarify if these areas are non-jurisdictional wetlands or not wetlands. 9-23
- The DEIS states that there will be temporary disturbance of the floodplain. Clarify how long this temporary distance will occur, and clarify if there is any difference in floodplain impacts between build alternatives. Suggest including a discussion of which flood functions will be affected. Outline what steps would be taken in a storm event to secure materials in staging areas, and any steps that may be necessary in the event of a flash flood. 9-24
- Pg 5-42- it would be helpful to include a map showing trees that will be removed for each alternative. Consider including species and tree diameter at breast height (DBH) on the map. How many of the trees mentioned on Pg 5-43 are part of larger forest/tree stands? Discuss if there will be any special treatment/replacement for these trees. 9-25
- Suggest including a discussion on possible tree removal restrictions, especially for forest stands. Tree removal is frequently restricted to protect bat and bird habitat. Consult with appropriate resource agencies to determine suitable restrictions that may consider mating and nesting seasons. 9-26

Parks

- Please provide a map in Section 5.12 Parks and Recreational Resources that shows Virginia Avenue Park, include park acreage and label dog park area. Clarify if any consideration has been given, or if there has been interest from the community, to providing a temporary dog park during construction. Include a discussion on Virginia Ave Park and dog park usage. It may be useful to include where the nearest similar dog park facilities are located. Additionally, discuss how much open area will remain at the park, during and post-construction. Include appropriate maps for each alternative. Clarify how long Alternative 4 will occupy the park. 9-27
- Give examples of possible park improvements that will or are being considered. Outline steps to include the surrounding community in identifying park enhancements, providing an opportunity for input. Also specify how park enhancements will be communicated to the public. 9-28
- Provide a map showing areas that will be disturbed from the Tiber Creek intercepting sewer. Provide a map showing the Garfield Connector. 9-29

Response to Comment 9-22:

As described in Section 5.8 of the DEIS, permission must be granted by DC Water and Sewer Authority before stormwater runoff from construction areas can be discharged in the combined sewer system. DC Water and Sewer Authority is not going to allow such discharges unless proper stormwater management is in place. As described in Section 5.9 of the DEIS, the restoration of Virginia Avenue SE will include elements of low-impact development.

Response to Comment 9-23:

As described in Sections 4.9 and 5.9 of the DEIS, there are no wetlands within the project's limits of disturbance.

Response to Comment 9-24:

Section 5.9.1.4 of the DEIS described the proposed activities within the floodplain, which would be the same for all three Build Alternatives and would last for the duration of construction. Mitigation measures were provided in this section to address a 100-year storm occurring during construction. Additional details will be addressed in construction permitting.

Response to Comment 9-25:

Maps showing the locations of the identified trees in Appendix H were provided in the FEIS. The map is coded based on the table in Appendix H.

Response to Comment 9-26:

The impacts to faunal species from the displacement of trees were addressed in Section 5.10 of the DEIS. Agency coordination with USFWS indicated no presence of protected species, thus restrictions based on faunal impacts are not necessary.

Response to Comment 9-27:

Section 5.12 of the FEIS was revised to include a figure of Virginia Avenue Park showing the limits of disturbance of the Build Alternatives. The fenced in area for dogs is not an official dog park. As noted in Section 5.12 of the FEIS, the restoration of Virginia Avenue Park will include a dog park.

Response to Comment 9-28:

It is not appropriate to speculate what new park amenities could be provided at Virginia Avenue Park at the conclusion of construction. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR.

Response to Comment 9-29:

A figure showing parks and recreational resources is provided in Section 4.11 of the DEIS. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. This description includes figures showing the bike connection.

- Suggest providing improved highlights/table of modified access and/or impacts to parks. It may be useful to list parks that will not be impacted by the proposed project. Evaluate whether parks will be impacted by noise and/or vibration. 9-30
- Pg 5-50 Potential Impacts on Section 6(f) Properties states that the project would not lead to a conversion of Virginia Ave Park to other uses because the construction impacts are temporary. While it may be accurate that construction impacts are not permanent, they are still long term in nature. How is the temporal loss of Virginia Ave Park accounted for until it is reconstructed? Consider the time it will take to fully replace mature trees. Is there a time limit after tunnel reconstruction for work to begin on Park reconstruction and enhancements? What process has been set up to ensure that these park resources are replaced in a timely fashion? 9-31

Utilities

- Tables 5-16/5-20 list which utility lines will be affected by construction and the type of impact. We suggest including the length of each item that will be impacted in order to give some kind of scale of required work. Clarify if all lines will be affected equally by each build alternative. Clarify what aspect of construction will affect each utility, for example will lines be affected by the trench, shift of centerline, deepening, or widening? Will utilities be adversely affected by pile driving or vibration? 9-32
- How much time in the overall construction time/sequence is due to utility impacts, relocations or protection? 9-33
- Provide more detail about service disruptions. The document states that certain temporary service disruptions would be unavoidable. Is there any idea which properties may be affected by service disruptions at this time? Please clarify if possible which utilities or if all utilities will be affected by service disruptions. Additionally it would be helpful to specify the anticipated frequency and duration of these disruptions. Although it states that disruptions would be as short as possible, this statement could be much more descriptive. Consider giving the worst case scenario for service disruptions. Suggest memorializing how residents will be notified of disruptions, and when notifications will be given. 9-34
- Clarify if electric power lines mentioned are currently overhead lines or if they are buried. If lines are currently overhead lines, could FHWA/DDOT consider burying them in order to reduce the visual impact or as visual mitigation? 9-35
- Pg 5-62 states that the HVAC system located on the Marine Corps Recreation Facility would have to be temporarily or permanently moved. However, Pg 5-48 states that no park & recreation facility would be directly impacted during construction, including the Marine Barracks turf field. Please clarify these two statements. Clarify if the Marine Corps Recreation Facility and the Martine Barracks turf field are the same resource. Clarify why the relocation of the HVAC system does not qualify as an impact to a park/recreation facility, as it is not clear that the relocated system may displace or decrease available recreational space at the facility. 9-36
- Pg 5-62 also states that water lines may need to be relocated with the Marine Corps property. Please clarify if this is an existing water line that runs through the facility or a line that is currently located out of the facility that will be relocated into the facility. It is not clear how the relocation of the water line will not cause an impact to the recreation facility or how it will not result in the disruption of the facility and/or turf field. 9-37

Response to Comment 9-30:

Section 5.12 of the DEIS disclosed the Projects impacts to parks and recreational resources. Parks were included among the highway noise analysis sites (see Section 5.6 of the DEIS). For vibration analysis purposes (see Section 5.7 of the DEIS), parks were not identified as sensitive receptors.

Response to Comment 9-31:

As described in Section 5.12 of the DEIS, the project will not trigger Section 6(f) because it will not convert Virginia Avenue Park to other uses. While a portion of the park will not be available to the public during construction, the project will improve the park's amenities at the conclusion of construction. Additional information is provided in Section 5.12 of the FEIS. The rehabilitation work will be conducted immediately after construction of the new tunnel, notwithstanding seasonal conditions that may affect replanting schedules.

Response to Comment 9-32:

Details with respect to utility impacts were presented in Section 5.14 of the DEIS based on the information available at the time of preparation of the document. Revisions to this section were made in the FEIS based on new information. Detailed construction schedules will be prepared during final design, but in general, an individual utility relocation or protection is not expected to take up a substantial amount of time in relation to the overall construction duration. The exception is the Tiber Creek sewer line work.

Response to Comment 9-33:

Detailed construction schedules will be prepared during final design, but in general, an individual utility relocation or protection is not expected take up a substantial amount of time in relation to the overall construction duration. The exception is the Tiber Creek sewer line work.

Response to Comment 9-34:

The information requested cannot be determined until final design. As stated in Section 5.14 of the DEIS, every effort will be made to minimize service disruptions. The project will follow the notification requirements of the affected utility companies and the public outreach program, and affected households will be informed if their utility services are disrupted, and any such disruption will not last more than a few hours on any given day. In addition, the project's outreach program will be used to inform the public.

Response to Comment 9-35:

The power lines are all underground as Table 5-19 of the DEIS states.

Response to Comment 9-36:

The site of a temporary or permanent HVAC will be determined by the Marine Corps at a date after the ROD signature. The possible relocation work will be phased to avoid impacts on the operation of the facility. The turf field is part of the overall facility. The assumption is that the Marine Corps will not locate the HVAC within the turf field.

Response to Comment 9-37:

If relocated onto Marine Corps property, the water line will be underground. No disruption to recreational activities is anticipated as a result of the relocation work. As stated in Section 5.14 of the DEIS, every effort will be made to minimize service disruptions. The project will follow the notification requirements of the affected utility companies and the public outreach program, and affected households will be informed if their utility services are disrupted, and any such disruption will not last more than a few hours on any given day. In addition, the project team's outreach program will be used to inform the public.

- The document states that public notification requirements of affected utility companies would be followed. EPA suggests specifying what those requirements are, as they may differ between utilities or companies. Is there a minimum amount of time that the public will be notified of service disruptions, for example will notice be given not less than 3 hrs, 24 hrs, 3 days? Will the public be notified of any service disruption, regardless of the duration? EPA suggests FHWA/DDOT consider going above the minimum public notification requirements of affected utility companies. 9-38
- Please clarify what steps/actions will be taken to make sure no unexpected outages occur, as well as steps/actions that will be taken in the event of an unexpected outage. When and how will the utility relocation plan be shared with the public? 9-39
- The document states that an attempt to do utility work during non-peak usage hours will be made. Please clarify what is meant by non-peak usage hours; is this time frame different for each utility or alternative? Does this refer to night or daytime hours? 9-40

Environmental Justice

- The goal of the Environmental Justice (EJ) assessment is to identify areas of potential EJe concern using objective clearly definable methodology, to identify the potential adverse impacts associated with the project, mitigations for those impacts, and other relevant data that may help to better define the situation from an Environmental Justice perspective in a comprehensive and coherent manner. EPA is concerned that environmental justice issues may not have been adequately addressed, that populations may not have been adequately characterized, additional documentation of impacts on populations of EJ concern may be needed, and that there may be impacts to populations of concern. Comprehensive steps should be taken to assure early, frequent and appropriate engagement of the community in the decision making process. 9-41
- The text in Section 4.3 Social and Community Conditions, subsection 4.3.1 Demographic Conditions contains the following text: "The U.S. Census Bureau provided year 2010 demographic data for the area in the general vicinity of Project. Figure 4-4 shows the relevant census blocks and census tracts. The census tracks extend far beyond the LOD, generally one-half mile to three-quarters of a mile on each side of Virginia Avenue SE. The pertinent census blocks encompass one or two blocks from Virginia Avenue SE. Basic demographic information, such as population, age, and race based on the 2010 Census is available at the block level. Employment and income information is only available on the census tract level. Tables 3-5 through 3-7 summarize the demographic information for the area surrounding the Project. For purposes of comparison, Tables 3-5 through 3-8 include the same information for the District. For descriptive purposes, U.S. Census Bureau terminology is used." Tables 3-5 through 3-8 are cited in the text, but this appears to be an error. The Tables should be referred to as 4-5 through 4-8. 9-42
- The demographic and assessment data required for a comprehensive assessment of the areas of potential Environmental Justice concern does not appear to be present. Clearly state what block groups constitute the study area. The document should include tables containing the Census Block Groups with demographic data. All of the Block Groups in the study area need to be listed, their respective data presented, and all calculations and comparative information provided in tabular form in the document. The inclusion of this data is important to anyone attempting to conduct a meaningful review. 9-43
- EPA suggests providing the calculations that provide the analysis of the areas of potential Environmental Justice Concern. 9-44

Response to Comment 9-38:

The information requested cannot be determined until final design. As stated in Section 5.14 of the DEIS, every effort will be made to minimize service disruptions. The project will follow the notification requirements of the affected utility companies and the public outreach program, and affected households will be informed if their utility services are disrupted, and any such disruption will not last more than a few hours on any given day. In addition, the project team's outreach program will be used to inform the public.

Response to Comment 9-39:

The construction contractor will work with the affected utility company to restore any unexpected utility disruptions. Any utility related notifications will be conducted in accordance with the protocols of the affected utility provider. The project's community outreach program will also be used to inform the public.

Response to Comment 9-40:

Non-peak for utility usage typically means mid-day and late night. All construction work will be in accordance with applicable work hour requirements or approvals. Non-peak usage hours vary depending on the type and uses of utilities. Utility impacts are generally similar for all three build alternatives.

Response to Comment 9-41:

Sections 4.3 and 5.3 of the DEIS illustrated compliance with Executive Order (EO) 12898 in terms of identifying minority and low income populations that may be affected by the project, and determining whether the identified population would experience disproportionately high and adverse impacts.

Response to Comment 9-42:

The correct table references were provided in the FEIS.

Response to Comment 9-43:

Section 4.3 in the FEIS was revised to include more detailed demographic information at the census block group level according to the 2010 Census. As described in Section 4.3 of the DEIS, income information at the block group level is not available.

Response to Comment 9-44:

Section 4.3.4 of the DEIS, provided the criteria to determine if a census block may be considered an Environmental Justice (EJ) population.

- A minority community is defined as have a minority population of 50% or more. However, the document states that "Among the census blocks surrounding the LOD, 13 were found to meet the threshold that exceeded 50 percent minority population or was at least 10 percent greater than the percentage for the District of Columbia (61.5 percent)." What is the relevance of referencing the 61.5% value? Include the data and other information related to the 13 Block Groups mentioned. 9-45
- Include what measures were used to assess low income populations. Show numbers and calculations. Discussion provided in Table 4-7 and accompanying text should be more useful in identifying at-risk areas from an economic standpoint. 9-46
- Maps provided should include greater detail related to the Block Groups and areas of Environmental Justice Concern. Block Groups should be easy to identify on maps. 9-47
- Section 5.3.3 should provide greater insight into the proposed mitigation measures for the potential impacts. It would be helpful to point out information contained elsewhere that points to steps taken to address potential impacts. 9-48

Children's Environmental Health

Executive Order 13045 on Children's Health and Safety directs that each Federal agency shall make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children, and shall ensure that its policies, programs, activities, and standards address these risks. Analysis and disclosure of these potential effects under NEPA is necessary because some physiological and behavioral traits of children render them more susceptible and vulnerable than adults to health and safety risks. Children may be more vulnerable to the toxic effects of contaminants because their bodies and systems are not fully developed and their growing organs are more easily harmed. Although the DEIS identifies communities and public schools located near the proposed project area, the DEIS does not clearly describe the potential direct, indirect, and cumulative impacts of the project on children's health. 9-49

- Children's Environmental Health does not appear to have been included in the DEIS. FHWA and DDOT should address Executive Order 13045 for the Protection of Children from Environmental Health Risks and Safety Risks. Without analysis or documentation on this topic, it cannot be assumed that there is no potential risk associated with the proposed project that may adversely affect children's health.
- Some limited information on children under age 18 was presented on pg. 4-19 in Table 4-6. However this data was not provided at the block group or census tract level. Based on 2010 Census data, it appears that at both the block group and tract level there are areas with a high percentage of children under age 18 that should be considered in the DEIS. EPA suggests including the tract and block group level data for children under age 18, race and low-income/poverty in the DEIS in order to determine if the study area contains high and/or disproportionate percentages of children, low-income and minority populations and the potential impacts to those children's health. 9-50
- EPA recommends that the EIS include an evaluation of potential direct, indirect and cumulative health impacts of the project that may have a disproportionate effect on children's health. This may include evaluating the excavated soil lead levels, and additional consideration to dust reductions and stockpile stabilization techniques. We also suggest evaluating noise and vibration impacts associated with the project specific to children. Consider evaluating potential impacts associated with pest/rodent extermination specific to children. 9-51

Response to Comment 9-45:

This percentage refers to the total minority population in the District of Columbia in 2010. In terms of identifying minority populations, the criterion pegged to this percentage did not apply to identifying minority populations because the first criterion set a 50% minority threshold. Section 4.3 of the FEIS was revised accordingly. Figure 4-7 shows the locations of the census block groups meeting the threshold of minority populations according the 2010 Census. As described in Section 4.3 of the DEIS, income information at the block group level is not available.

Response to Comment 9-46:

Section 4.3 of the DEIS noted that the four census tracks surrounding the project did not meet the income thresholds. Due to the lack of usable census information for income, additional information was obtained to determine if there low-income populations. Please see Section 4.3 of the DEIS for more details.

Response to Comment 9-47:

As described in Section 4.3 of the DEIS, income information at the block group level is not available.

Response to Comment 9-48:

Refer to Section 5.3.4. As indicated in Section 5.3.4, additional mitigation measures are outlined in Sections 5.5.3, 5.6.4, and 5.7.4.

Response to Comment 9-49:

The intent of Executive Order 13045 has been addressed with regard to hazardous materials. The Modified Phase I ESA was intended to identify potential environmental conditions that would pose a concern to the project. Limited Phase II testing identified various areas with contaminated soil/groundwater that exceeded the regulatory criteria. It was recommended that these soils, along with any suspect contaminated materials identified during construction, be properly handled and managed in accordance with local, district, and/or federal rules and regulations.

Response to Comment 9-50:

Table 4-6 in the DEIS indicates that the percentage of children in the census tracks surrounding the LOD is well below the percentage for the District as a whole. Figure 4-7 shows the locations of the census block groups meeting the threshold of minority populations according the 2010 Census. As described in Section 4.3 of the DEIS, income information at the block group level is not available. Section 4.3 of the DEIS noted that the four census tracks surrounding the project did not meet the income thresholds. Due to the lack of usable census information for income, additional information was obtained to determine if there low-income populations. The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring.

Response to Comment 9-51:

The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. As described in Section 5.10, a rodent control program will be implemented prior to the start of construction. The program will include other pests, such as cockroaches.

- EPA suggests that the children's health analysis consider available Ward specific children's health data. Include documentation of asthma rates and poisoning rates in the study area or Ward, and consider the proposed project in relationship to these rates, particularly air quality, mobile air source toxics, and lead levels in soil. Consider whether any additional environmental commitments (i.e. dust suppression, anti-idling, etc) should be added specific to children's environmental health. 9-52
- Clarify whether mitigated interior noise levels were estimated for homes, schools, childcare centers, and other sensitive receptors. If not, assess the potential interior noise levels that may be experienced at these locations that may have an impact on health and learning, especially at homes, schools and childcare centers. 9-53
- Figure 4-6 shows schools within the study area. EPA suggests adding additional sensitive receptors, including private schools, preschools and childcare facilities and evaluating the project's potential impacts to these receptors within the study area and any impact to children while utilizing these facilities. It appears that many of the schools shown on this figure are located along several of the major hauling routes for the project, particularly along M Street and New Jersey Ave. The document also states that there are other projects occurring in the study area along M street. Consider potential cumulative impacts on children's health from these projects and the proposed action. 9-54
- Identify mitigation measures to reduce impacts from the proposed project's construction and operation to schools and child care centers near the proposed project area, including measures identified in the voluntary EPA School Siting Guidelines (http://www.epa.gov/schools/siting/download.html) and voluntary EPA Guidelines for States: Development and Implementation of a School Environmental Health Program (http://www.epa.gov/schools/ehguidelines/index.html). 9-55
- The following sources can be used to obtain asthma data, DC Control Asthma Now (DC CAN), DC Department of Health, contact, Asthma Program, (202) 442-915 and http://www.cdc.gov/asthma/brfss/archive.htm. 9-56
- The following sources can be used to obtain lead data http://www.cdc.gov/nceh/lead/ or the Childhood Lead Poisoning Prevention Program at (202) 535-2624.

Cumulative Impacts

- The cumulative impact assessment provided appears to be incomplete. Analysis should include a thorough cumulative impact analysis for past, present and reasonably foreseeable projects occurring in the project areas. The DEIS only seems to present a short list of present and near future projects, and does not define a study area. EPA suggests that a secondary and cumulative effects analysis begin with defining the geographic and temporal limits of the study; this is generally broader than the study area of the project. The document should address potential indirect and cumulative effects in the project areas, and analysis may aid in the identification of resources that are likely to be adversely affected by multiple projects, and sensitive resources that could require additional measures. It is not clear that all relevant resource topics analyzed in the DEIS have been included in the cumulative effects analysis. 9-57
- EPA suggests that additional analysis be provided regarding potential cumulative impacts from the proposed project and the Clean Rivers Project, which is occurring along M Street. Previous sections in the document state that M Street will be affected by the Clean Rivers Projects, and will be decreased to one travel lane. This is of concern as 9-58

Response to Comment 9-52:

As described in Section 5.5 of the DEIS, construction and post-construction phase emissions under each of the Build Alternatives are predicted to be well under the General Conformity Rule's de minimus emission thresholds. In addition, Section 5.5 of the DEIS disclosed that the Build Alternatives would have no potential for mobile source air toxics effects.

Response to Comment 9-53:

There are no schools or childcare centers adjacent to the LOD. All predicted noise levels provided in Section 5.6 of the DEIS are for outdoor conditions.

Response to Comment 9-54:

The haul routes were purposely made to be on major roadways where possible, therefore, the number of construction-related vehicles would be minor in comparison to overall traffic volumes and would not contribute to overall noise levels from these streets.

Response to Comment 9-55:

Construction of the project is not predicted to affect any school or childcare facility. Therefore, additional mitigation measures are not necessary.

Response to Comment 9-56:

Thank you for the references.

Response to Comment 9-57:

The cumulative impact analyses provided in the DEIS focused on the construction period of the project because the project is essentially rebuilding existing transportation infrastructure. It disclosed how the reconstruction of Virginia Avenue Tunnel and other construction projects in the vicinity of the LOD could cumulatively affect the surrounding community. Section 5.18 of the FEIS was revised to include activities that are currently taking place or would be conducted in the near future in the general vicinity of the LOD.

Response to Comment 9-58:

The cumulative impact analyses provided in the DEIS accounted for the effects of the Clean Rivers Project. In particular, the traffic impact analysis provided in Section 5.15.3 incorporated the MOT of this and other projects.

many of the proposed haul routes for the proposed project utilize M Street, and there may be cumulative effects possibly including but not limited to traffic, noise, vibration, air, parks, transportation, and historic properties. 9-58

Other resources and general comments

- Please include more information on the rodent control plan mentioned on Pg 5-44. It is not clear that the plan as described in the DEIS makes up a complete effort, as the main activity involves disposing of food garbage regularly and separately. Consider if this control plan should also include cockroaches. Clarify if extermination and/or trapping could occur only before construction, or if these activities could occur during or post-construction. What if construction activities cause rodents or other pests to infiltrate adjacent properties? Discuss any options or steps that may be available to property owners, including extermination and/or trapping. 9-59
- Clearly state the anticipated construction time periods for each build alternative. Does this time frame include reconstruction of Virginia Ave SE and Virginia Ave Park reconstruction/enhancements? What is the anticipated time frame to reconstruct Virginia Ave SE and reconstruct/enhance Virginia Ave Park? 9-60
- Would any areas experience different visual impacts? Would there be different visual impacts by alternative? For example Alt 4 utilizes a pile driver, would the height of this equipment create different visual impacts? 9-61
- The discussion of post-construction visual impact notes loss of canopy and greater visual intrusion of I-695. However, it appears that this impact would also occur during construction. We suggest including this impact in the visual and aesthetic condition analysis during the construction. Evaluate whether trees can be removed in phases. We suggest including an estimate of the time is would take to replace mature trees. Limited visual mitigation is proposed. Consider whether overhead utility lines can be buried, or a graffiti removal program can be utilized as visual mitigation. Suggest consulting with the local community on this issue. 9-62
- The DEIS states that the proposed closure of Virginia Ave SE is two phased. Specify the duration of each phase for each alternative. Clarify when detailed plans to restore Virginia Ave SE will be developed and shared with the public, as several changes from the existing roadway are proposed. How will desired changes to the existing roadway be consulted with the community? How will selected changes to Virginia be memorialized? Clarify if these changes will require or undergo a separate NEPA analysis. 9-63
- Limited air information is included in the DEIS. EPA suggests including more detailed modeling information in support of the conformity determination and presented emissions. Based on the detail provided in the DEIS, it is difficult for EPA to conduct thorough evaluation relating to air and is unable to provide a comprehensive set of comments. 9-64
- EPA is concerned that they may be properties covered under Section 106 that may be affected by the proposed action. It is not clear that possible impacts from noise, traffic, vibrations, and construction have been fully assessed. A similar concern appears to have been raised in Capitol Hill Restoration Society's November 19, 2012 letter. The Area of Potential Effects (APE) shown on Figure 4-15 may be too restrictive, as it does not appear to include majority of construction haul routes and access points shown on Figure 3-14. We are concerned that there may be resources outside of the identified APE that may be directly or indirectly affected by the proposed project, especially in light of the 9-65

Response to Comment 9-59:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 9-60:

Section 3.3.1.6 of the DEIS provided the estimated construction durations for each Build Alternative. These estimates include surface restoration work.

Response to Comment 9-61:

The sheet pile driver has been addressed by the selection of Alternative 3 as the preferred alternative, and thus visual impacts remain largely the same, as described in Section 5.13 of the DEIS.

Response to Comment 9-62:

It was disclosed in Section 5.10 of the DEIS that the project will require the removal of street trees. The construction-period visualizations provided in Section 5.13 of the DEIS reflected this impact. The tree planting will take place towards the end of construction. The exact timing will be affected by seasonal conditions.

Response to Comment 9-63:

Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews. The tree planting will take place towards the end of construction. The exact timing will be affected by seasonal conditions.

Response to Comment 9-64:

Section 3 of the air quality technical report, which was included among the DEIS appendices, provided a more detailed description of the results of the air quality modeling. General conformity procedures of the USEPA were followed.

Response to Comment 9-65:

Extensive consultation with the DC State Historic Preservation Office (SHPO) and the Consulting Parties was conducted to determine the Area of Potential Effect. The FEIS documented FHWA's adverse effect determination and the DC SHPO concurrence.

lengthy construction period. EPA is also concerned that information not yet available for noise, vibration, utility disruptions, and/or the reconstruction plans for Virginia Ave SE have not been assessed for potential affects to Section 106 resources. EPA suggests further coordination with the DC Historic Preservation Office regarding Section 106 resources. 9-65

Additional Environmental Commitments for Consideration

Air

- Consider whether an air quality and dust control specification could be put in place, which would outline necessary measures and requirements for contractors to follow in order to control on- and off-site nuisance dust. Consider implementing a dust control program.
- Consider whether a PM-10 or PM-2.5 monitoring program should be utilized.
- Use ultra-low sulfur diesel (ULSD) fuel in off-road construction equipment with an engine horsepower (HP) rating of 50 HP or above;
- Use diesel engine retrofit technology in off-road equipment to further reduce emissions. Such technology may include diesel oxidation catalyst/ diesel particulate filter (DOC/DPF), engine upgrades, engine replacements, or combinations of these strategies; 9-66
- Limit unnecessary idling times on diesel-powered engines to three minutes;
- Locate diesel-powered exhausts away from fresh air intakes; and
- Control dust related to the construction site through a Construction Environmental Protection Program (CEPP), including a Soil Erosion and Sediment Control Plan that includes, among other things, spraying of a suppressing agent (nonhazardous, biodegradable) on dust piles, containing fugitive dust, and adjusting construction activities to respond to meteorological conditions, as appropriate.

Noise and Vibration

- Where practicable, schedule individual project construction activities to avoid or minimize adverse impacts. Consider using noise barriers, including temporary barriers, semi-permanent barriers, noise curtains, and/or noise tents. Consider using vibration reducing techniques or mitigation measures.
- Coordinate construction activities with projects under construction in adjacent and nearby locations to avoid or minimize impacts.
- Consider condition of surrounding buildings, structures, infrastructure, and utilities, where appropriate. Consider whether any special protection is needed for historic properties.
- Prepare contingency measures in the event established limits are exceeded. Consider steps to avoid generating noise/vibration from cumulative operations that may exceed noise limits. 9-67
- Consider establishing a public communication plan in order to keep the public informed and attempt to reduce public frustration. This plan could include regular public meetings, emails, a hotline, and other notices.
- Consider whether a noise technician/acoustical engineer is needed during peak construction phases.
- Consider restricting the use of certain types of equipment during noise/vibration-sensitive hours. Consider restricting night work all together.

Response to Comment 9-66:

As described in Section 5.5 of the DEIS, construction and post-construction phase emissions under each of the Build Alternatives are predicted to be well under the General Conformity Rule's de minimus emission thresholds. In addition, Section 5.5 of the DEIS disclosed that the Build Alternatives would have no potential for mobile source air toxics effects. Please see revised Section 5.5.4 of the FEIS for more information. This project includes extensive construction related air quality mitigation measures, some of which exceed the steps recommended by EPA. Air monitoring will be included as a component of construction mitigation measures.

Response to Comment 9-67:

The suggested mitigation measures are consistent with the mitigation measures provided in Section 5.6 of the FEIS.

- Consider whether temporary relocations of noise/vibration-sensitive receptors are an option or whether relocations are necessary. 9-67

No response required for this section of comment

ID 10: Virginia Department of Rail and Public Transportation

COMMONWEALTH of VIRGINIA

THELMA D. DRAKE
Director

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
600 EAST MAIN STREET, SUITE 2102
RICHMOND, VA 23219-2416

(804) 786-4440
FAX (804) 225-3752
Virginia Relay Center
800-828-1120 (TDD)

September 25, 2013

Faisal Hameed, Ph.D., Manager
Project Development & Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

RE: Virginia Avenue Tunnel DEIS

Dear Dr. Hameed,

The Department of Rail and Public Transportation (DRPT) has demonstrated its strong support and provided CSX grant funding for the Virginia Avenue Tunnel Project. DRPT commends the progress of the District Department of Transportation (DDOT) and its partners in the development of the Virginia Avenue Tunnel Draft Environmental Impact Statement (DEIS).

As documented in ongoing Mid-Atlantic Rail Operations (MAROPs) research, the freight rail chokepoint caused by limitations at Virginia Avenue Tunnel has an effect on passenger trains as well as freight trains. It is in all of our interest to keep trains moving in this area, which is less than 2,000 feet from Amtrak and VRE's passenger rail southern access to Washington D.C.'s Union Station. DRPT supports Alternative 2 that would allow for more efficient double-stack intermodal rail access in the area as early as possible, while maintaining appropriate surface transportation access that minimizes disruption to residents.

It is our understanding that Alternative 2 will allow double-stack intermodal container freight trains to operate sooner because the runaround track would become operational in a shorter timeframe than under Alternatives 3 and 4, and that Alternatives 2 and 3 will have a shorter overall construction schedule. We suggest that the DEIS executive summary and future public involvement efforts make this clear – especially anticipated construction timeline and anticipated traffic detours for each construction phase of each alternative. Labeling the Maintenance of 10-1 10-2

The Smartest Distance Between Two Points
www.drpt.virginia.gov

Response to Comment 10-1:

Thank you for providing your comment. Your comment has been noted. Please see revised Executive Summary and Appendix J01 in the FEIS for updated Traffic Management Plan.

Response to Comment 10-2:

Please see response to Comment 10-1.

Traffic Plans with more detail and including construction phasing time estimates would be helpful. 10-2

Thank you for the opportunity to comment on this project that will have positive impacts on our nation's busiest corridor.

Sincerely,

Thelma Drake

Thelma Drake

No response required for this section of comment

The Smartest Distance Between Two Points
www.drpt.virginia.gov

2

ID 11: Virginia Rail Express

VIRGINIA RAILWAY EXPRESS
1500 King Street, Suite 202
Alexandria, VA 22314
P: (703) 684-1001
F: (703) 684-1313
www.vre.org

September 23, 2013

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Dear Mr. Hameed:

Please accept the following comments from the Virginia Railway Express (VRE) on the Virginia Avenue Tunnel Reconstruction Project Draft Environmental Impact Statement (DEIS). The DEIS is comprehensive in its assessment of the potential impacts of the tunnel reconstruction within the limits of disturbance (LOD) for the construction and areas immediately adjacent to the LOD. However, it overlooks other potential impacts to rail operations, including passenger/commuter rail operations, within the southwest Washington, DC segment of the CSX freight rail corridor (i.e., from the Long Bridge to the western tunnel portal) that may result from the tunnel reconstruction. Specific comments and concerns on this subject are summarized below.

- The DEIS provides a minimal discussion of passenger rail operations, including VRE commuter rail operations, that utilize the CSX rail corridor west of the tunnel. VRE is a vital part of the greater Washington, DC regional public transit network and carries approximately 19,000 trips per day between northern Virginia and the District. The CSX SW DC rail corridor provides the only means for VRE commuter rail trains to access Washington Union Station from Virginia and for all passenger trains originating at Union Station to travel south. While passenger trains diverge from the CSX corridor near 1st Street SW, approximately a half-mile to the west of the tunnel's 2nd Street SE portal, the bottleneck in the rail network created by the existing tunnel can also cause delays for commuter rail traffic as far west as the Long Bridge and into Virginia due to freight trains waiting to pass through the tunnel. The analysis of environmental consequences should assess the potential for construction activities related to the selected alternative to result in service disruptions to both freight and commuter rail operations throughout the entire CSX SW DC rail corridor and mitigation measures that will be implemented during construction to address any adverse impacts. 11-1

- The DEIS indicates CSX operates between 20 and 30 freight trains through the tunnel each day and notes the tunnel reconstruction will support expected increases in future freight transportation. No estimate of the number of trains or order of magnitude 11-2

Response to Comment 11-1:

During construction, at least the same level of service now provided by the existing Virginia Avenue Tunnel will be maintained. At about the mid-point of construction and the transition from Phase I to Phase II, double-stack intermodal container freight operations will be allowed, which will improve the efficiency of the rail network in and around the tunnel corridor. Passenger rail service will not be affected during construction in a manner different from existing conditions.

Response to Comment 11-2:

As described in Section 5.15.1 of the DEIS, the FHWA estimated that total U.S. freight shipments would grow by 50 percent over the next 30 years. A large percentage of this growth will be accommodated by freight rail. Within the corridor, freight transportation demand will increase regardless of the project. Any of the Build Alternatives will allow CSX to accommodate this growth more efficiently, which will benefit passenger service using CSX rail lines in Virginia and the District. Passenger service does not currently operate through the Virginia Avenue Tunnel.

According to AASHTO, the US economy is growing, and with it the demand for freight transportation services. With moderate growth in the economy—about three percent per year—domestic freight tonnage will increase by 57 percent by 2020 and import-export tonnage will increase by nearly 100 percent. In 2013, more than 368,000 carloads of rail freight originated in or was delivered to the District by CSX. As of 2013, CSX provides serves three customers in the District and two just over the District border in Maryland. There are also other properties in the District that connect to CSX's line, and CSX is currently engaged in discussions with two new potential rail customers in the District. There are also efforts by the City Council to preserve existing industrial zoning for properties with rail connections and outreach to promote further economic development in the District. The products received and shipped by these District customers include lumber, scrap metal, recycling materials, transformers, and aggregate.

Faisal Hameed, Ph.D.
Page 2
September 23, 2013

increase in future freight traffic (i.e., additional trains beyond the current 20-30 trains per day and/or increased length of trains) is provided, however. Due to the shared freight-passenger rail use in the CSX rail corridor, increases in freight volumes may adversely affect existing and future passenger rail operations due to increased interference between freight and passenger train operations. This potential impact should be evaluated and documented in the EIS. 11-2

- Similarly, the DEIS discussion of Other Governmental Plans and Actions does not reference the VRE Strategic Plan, completed in 2004. The Strategic Plan outlines a long-range, incremental strategy to grow VRE ridership over a 20 year period, including increasing the number of trains operated. VRE is currently preparing a System Plan to update its long-range growth strategy. The System Plan builds upon the 2004 Strategic Plan and will provide a framework for VRE system investments through 2040. While the System Plan will not be complete until December 2013, analyses completed to date indicate sustained, long-term demand for commuter rail service between the outer reaches of northern Virginia and Washington, DC employment areas that supports additional weekday VRE trains that would share the SW DC rail corridor with freight trains. 11-3

- The DEIS concludes the project is not anticipated to result in indirect effects or contribute to cumulative impacts to the community. Since the DEIS does not discuss any potential effects of the project on commuter rail operations within the tunnel rail corridor, that conclusion is uncertain. Potential effects to commuter rail operations as a result of the tunnel reconstruction and future freight rail operations should be evaluated to confirm there will be no direct or indirect effects or cumulative impacts. 11-4

Thank you for the opportunity to comment on the DEIS. If you have any questions about these comments, please do not hesitate to contact me.

Sincerely,

Christine Hoeffner
VRE Planning Manager

CC: Mr. Michael Hicks, Federal Highway Administration
Mr. Jay Westbrook, CSX Transportation, Inc.
Mr. Christopher Murphy, District of Columbia, Executive Office of the Mayor
Representative Eleanor Holmes Norton

Response to Comment 11-3:

CSX will continue to coordinate with VRE concerning the VRE Strategic and System Plan.

Response to Comment 11-4:

Sections 5.17 and 5.18 were revised in the FEIS to include discussion of the indirect and cumulative effects to passenger rail service, respectively. This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel but also does not preclude future discussions on other passenger and freight rail projects.

From:
Sent: Monday, October 07, 2013 1:10 PM
To:
Cc:
Subject: FW: VA AVe tunnel DEIS

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: Christine Hoeffner [mailto:choeffner@vre.org]
Sent: Monday, October 07, 2013 11:58 AM
To: faisal.hameed@dc.gov;
Subject: VA AVe tunnel DEIS

Faisal, Steve,
Was any railroad operational simulation modeling done of the SW DC rail corridor in conjunction with the preparation of the DEIS? 11-5

Christine Hoeffner
Virginia Railway Express
Planning Manager
choeffner@vre.org
Voice/Fax: 703-838-5442
Cell: 571-238-9076

1

Response to Comment 11-5:

Regardless of any possible railroad simulation modeling, rail operations will not change, and double stacking intermodal vertical clearance will also not change.

ID 12: District of Columbia Councilmember Tommy Wells

COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

TOMMY WELLS
Councilmember, Ward 6
Chairperson
Committee on Judiciary and Public Safety

Committee Member
Education
Transportation and the Environment
Human Services
Workforce and Community Affairs

September 25, 2013

Re: Virginia Avenue Tunnel Reconstruction Project
Draft Environmental Impact Statement June 2013

District of Columbia Department of Transportation and
Federal Highway Administration

I am writing regarding the Virginia Avenue Tunnel project and the EIS process that is nearing conclusion. This is a difficult and complicated project and as such, has raised significant questions and concerns from neighbors, particularly those in the Historic District and those closest to the construction. Most of the resident concerns regard safety. My constituents are justifiably anxious about the physical safety of their families from dangers of open trenches and possible contaminants from the construction as well as from train cargo and also have expressed concerns about possible damage to their properties primarily from extreme vibrations.

I understand that both affected ANC6B and ANC6D have prepared and submitted comments and while they diverge in part, they are interested in assuring that the project is conducted with safety as paramount and with the least inconvenience to residents and businesses in the affected areas.

I strongly believe that all residents in the area are entitled to feel confident that their properties and families will remain safe during and after the construction and all deserve direct and clear answers to any outstanding questions. 12-1

I therefore ask that the two lead agencies, District Department of Transportation and the Federal Highway Administration, responsible for this EIS identify a process to address any remaining concerns.

Thank you.

Tommy Wells
Councilmember, Ward 6

Response to Comment 12-1:

Thank you for providing your comment. Your comment has been noted. FHWA will consider all public comments on the DEIS and public hearing testimony.

ID 13: ANC 6B

ANC 6B
Capitol Hill / Southeast

921 Pennsylvania Avenue SE
Suite 305
Washington, DC 20003-2141
202-543-3344 (office)
202-543-3507 (fax)
office@anc6b.org

Executive Director
Susan Eads Role

OFFICERS

Chair
Brian Flahaven
Vice-Chair
Ivan Frishberg
Secretary
Philip Peisch
Treasurer
Brian Pate
Parliamentarian
Nichole Opkins

COMMISSIONERS

SMD 1 *David Garrison*
SMD 2 *Ivan Frishberg*
SMD 3 *Philip Peisch*
SMD 4 *Kirsten Oldenburg*
SMD 5 *Brian Pate*
SMD 6 *Nichole Opkins*
SMD 7 *Sara Loveland*
SMD 8 *Chander Jayaraman*
SMD 9 *Brian Flahaven*
SMD 10 *Francis Campbell*

September 18, 2013

Mr. Joseph C. Lawson
Division Administrator
Federal Highway Administration
1990 K Street NW, Suite 510
Washington, DC 20006-1103

Mr. Faisal Hameed, Chief
Project Development, Environment & Sustainability Planning
District Department of Transportation
55 M Street SE, Suite 400
Washington DC 20003

VIA E-MAIL: christopher.lawson@dot.gov; faisal.hameed@dc.gov

RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

Dear Messrs. Lawson and Hameed:

During a regularly scheduled Advisory Neighborhood Commission 6B (ANC6B) meeting on September 10, 2013, with a quorum present, the Commission voted 9-0-0 to send this letter to the DC Department of Transportation and the Federal Highway Administration with its comments on the Draft Environmental Impact Statement (DEIS) on the Reconstruction of the Virginia Avenue Tunnel (VAT).

As the Commission stated in its letter of November 15, 2011, sent after the initial NEPA Scoping public meeting, and in its subsequent letter of December 27, 2011, we are most focused on making sure that impacts of the construction phase of the project on the quality of life of those in its path, traffic flows, and economic development are minimized and, where necessary, mitigated. ANC6B has also been quite firm in making sure that the neighborhoods that endure three or more years of this major construction project are benefited in the post-construction phase of the project. We continue those themes here. 13-1

Parts of ANC6B will be affected differently by reconstruction of the VAT. Our residential and commercial areas north of the Freeway will be primarily impacted by decisions made on road closures and detours and how well these are actively managed. These decisions will also impact the 6B area south of the Freeway, east of 7th Street SE. But, this area—what is called the *Lower 8th*—will also be directly impacted by many aspects of the VAT reconstruction itself as the Limits of Disturbance (LOD) for all 3 build alternatives crosses this portion of 6B, cutting through Virginia Avenue Park.

Response to Comment 13-1:

Thank you for providing your comment. Your comment has been noted. Construction of the project will not prevent an owner or developer from developing any parcel in the Lower 8th because access and mobility to this area will be maintained throughout construction.

The intention of having an alternative with the best characteristics of each Build Alternative has been considered but is not possible. The Build Alternatives represent trade-offs that must be considered in order to select a Preferred Alternative that would lead to the overall least impacts to the environment while still addressing the purpose and need.

Although the MOT plan was developed in August 2012, the basic plan elements remain valid at this time. The MOT plan will refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction. The 11th Street ramp is part of the on-going 11th Street Bridge project. Depending upon progress of the VAT project and the status and timing of the ramp construction, the project team will perform extensive coordination with not only the 11th Street Bridge project but with all on-going construction projects within the project area to avoid and/or minimize impacts on the built infrastructure. The proposed ramp is in close proximity to the proposed VAT construction, however CSX will continue to coordinate extensively with DDOT on this separate project to address unnecessary construction/reconstruction situations.

The Lower 8th has unique features compared with the majority of the project area south of the Freeway.[1] The Park and all but one block are in the Capitol Hill Historic District. The buildings in the Lower 8th are primarily historic townhouses built over 100 years ago and, thus, more susceptible to vibration damage than the newer buildings elsewhere. These buildings are either residences or are used for commercial purposes, making the Lower 8th the only portion of the overall project area with a cluster of small businesses adjacent to or near the LOD. Lastly, while there is a development boom in other parts of the project area, desperately needed development in the Lower 8th is frozen until the VAT is reconstructed.

The Four Alternatives

ANC6B does not support the No Build Alternative. We recognize that a 100-year old tunnel is likely to need comprehensive repairs in the near future.

As to the three "build" alternatives, 6B finds that each has strengths and weaknesses. Thus, we support the development of a hybrid as the FEIS preferred alternative and below present the attributes we ask that it encompass. 13-1

ANC6B would prefer an FEIS alternative whose construction:

- takes the shortest time to complete (2,3)[2]
- work duration is lowest in the MOT Phase 1 (2)
- work duration is lowest in MOT Phase 2 (3)
- noise and vibration impacts are the least (unclear but probably 2,3)
- enables freight trains to operate along a covered track (3)
- LOD has the smallest footprint in Virginia Avenue Park (4)

and, results in a reconstructed tunnel that:

- has a barrier between the 2 tracks (3,4)
- occupies the least space beneath Virginia Avenue Park (2,4)
- results in one East Portal (2,4)
- ends up closest to the center line of the existing tunnel (2)
- has no or the least increased noise or vibration impacts (?)

[1] Yet, according to the DEIS (Chapter 4, page 4-1): "In general, the land uses on the north side of I-695 have retained their historical characteristics. The land uses on the south side, however, have been subject to large scale redevelopment that eliminated most of the original structures and buildings."
[2] The number(s) in parentheses indicate the DEIS alternative(s) that illustrate the attribute.

Project Duration

As detailed in the DEIS, VAT reconstruction will have significant negative impacts on the community for an extensive period of time. Consequently, the shortest time that the community will be disrupted is preferred by ANC6B as this could lessen all impacts. If overall impacts are equal, total project duration favors Alternatives 2 and 3, for which the estimated maximum duration is 42 months compared with the 66 months of Alternative 4. According to the construction phasing details of each alternative in the DEIS, construction activity will proceed along the entire line from 2nd to 11th Street SE for the duration of Alternatives 2 and 3. 13-1

For Alternative 4, however, work will advance eastward in 400 foot segments along the line such that when the work reaches the eastern part of the area, the community at the western end may have long since experienced the worst of the project. While this different distribution of impacts is difficult to analyze, asking the entire community to bear the longer duration of Alternative 4 is unacceptable to ANC6B, especially since it would completely close Virginia Avenue south of the Freeway for most of the 66 months[3] diverting traffic both south and north of the Freeway and, ultimately, put off development in the Lower 8th area of 6B for almost twice as long as would Alternatives 2 and 3.

Traffic and the MOT Plan

While there is a host of details and data in the DEIS on the impact of the project on multi-modal traffic flows during the construction, we note that the Maintenance of Traffic (MOT) Plan Report (Appendix J) that supports statements in the DEIS is dated August 2012 and labeled "draft" and "preliminary." This leads us to some uncertainty about aspects of the study as it pertains to the build alternatives. For the preferred alternative in the FEIS, the MOT Plan should be updated, especially sections regarding coordination with 11th Street Bridge and DC Water M Street projects. For example, it may be that by the time this project actually begins, the new Freeway on ramp at 8th Street and the new off ramp at 11th Street SE may be completed easing some of the existing congestion and changing vehicle flow patterns in the neighborhoods. 13-1

For instance, on September 9, 2013, at the 11th Street Bridge Stakeholders Meeting, we learned that both of these ramps will be operational by Spring 2014. We also learned at that meeting that reconstruction of the VAT will impact the Bridge project plans to create four lanes for the 11th Street off ramp, at its intersection with 11th Street. This widening from two lanes is to facilitate both right and left turns onto 11th Street. Because the two southern lanes will be in the way of VAT reconstruction, CSX has apparently committed to finishing this part of the 11th Street Bridge Project during the VAT post-construction phase. ANC6B asks that this commitment be detailed in the FEIS, including any impacts on the Bridge project for delays in the VAT project.

[3] There is some inconsistency on this point in the MOT Plan Report between the text (p. 4-3) and Figure A-3.

Page 4
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

ANC6B would not likely support this project without the commitment to keep the north-south crossings of Virginia Avenue and the 6th Street off ramp open during construction. The separation of the MOT plan into phases is helpful in that it reduces the duration of certain road closures and detours. Not all of the project area community will be affected similarly by the MOT plan. Much will depend on where people live and businesses are located and on how people normally drive through the project area and how they react when faced with detours. 13-2

We have tried to analyze the difference between the impacts of MOT Phase 1 and MOT Phase 2. But, we have residents and businesses on both sides of the Freeway and several signalized intersections north of the Freeway move into the LOS D and E columns during Phase 2, as do several south of the Freeway during Phase 1. Still, some think that residents of and businesses north of the Freeway will be more affected by Phase 2 when it detours traffic from the south side of the Freeway to the north side along Virginia Avenue and G Street. This perspective suggests an FEIS preferred alternative with a lower duration in Phase 2 than Phase 1, such as DEIS Alternatives 2 and 3.

We are unable to reconcile the fact that 6th Street is a northbound one-way street with Figure A-4 in Appendix J that appears to indicate a long-term detour directing traffic southbound on 6th Street SE, north of the freeway, toward Virginia Avenue. The draft MOT also predicts increased traffic along 6th Street SE creating congestion (LOS of D and E) at un-signalized intersections as far north of the Freeway as D Street. Is the information on Figure A-4 an error? We cannot find any mention of converting 6th Street to a southbound street, something the ANC6B would not support without good evidence of the need. We are also unclear as to why 6th Street intersections north of G Street SE would experience significant additional traffic as a result of the VAT project. Is it because the MOT assumes that drivers having to turn left as they exit from the 6th Street ramp will opt not to turn right onto Virginia Avenue but continue up 6th Street to turn at intersections farther north? 13-3

ANC6B supports plans to convert L Street between 8th & 9th Streets SE from one-way westbound to a 2-way street in order to facilitate the use of L Street as an east-west alternative to Virginia Avenue. However, in order to accommodate vehicle traffic that ends up at 9th & L, 9th Street between Virginia Avenue and M Street also should be converted from one to two ways. (Currently, 9th Street between L and M is one way northbound.) 13-4

Finally, we recognize that—despite all the work on a MOT plan—unexpected changes will occur during construction whatever the MOT Phase. In addition, there will be specific stages in construction when the project will switch from Phase 1 to Phase 2 if this concept is maintained in the FEIS. Thus, we ask that a notification process—beyond the normal DDOT Traffic Alerts—be established to ensure that residents and businesses in the project area are notified *well in* 13-5

Response to Comment 13-2:

As described in Section 3.3.1.4 of the DEIS, all cross streets from 3rd to 8th Streets would remain open. The 6th Street off-ramp would remain open throughout construction, except when 5th/6th Street temporary crossing is installed and removed.

Response to Comment 13-3:

Figure A-4 of the Draft Transportation Management Plan in Appendix J01 of the DEIS does incorectly show southbound arrows at 6th Street. This was corrected. The draft MOT does not propose converting 6th Street to southbound traffic only.The MOT will be refined and updated as the project moves forward. The MOT does assume that some drivers exiting the 6th Street ramp will utilize northbound 6th Street.

Response to Comment 13-4:

Thank you for providing your comment. Your comment has been noted.

Response to Comment 13-5:

The transition to MOT Phase 2 will be directed by DDOT. All appropriate means will be used to notify residents of these and other changes. The project team will work in conjunction with DDOT and will promulgate changes in a timely manner.

Page 5
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

advance of any major change. Notification could be handled through the community outreach effort discussed below. 13-5

Vibration and Noise

Having reviewed the numerous impacts of VAT construction, we find that noise and vibration will be the most serious ones in our and other neighborhoods. While both the vibration and noise technical reports provide a wealth of information, we find it difficult to evaluate them in terms of the resultant impacts on our community because the conclusions do not account for multiple types of equipment operating at the same time. We ask that when the FEIS focuses on a preferred alternative, it provide more comprehensive information on cumulative effects. 13-6

Noise and vibration impacts will occur from construction activities and passage of CSX freight trains during construction. Freight trains operating underground in the existing tunnel in Alternate 3 are projected to create no more noise than trains currently do. Whereas, trains operating in a runaround track (Alternate 2) or open tunnel (Alternate 4) are projected to increase noise by 0 to 2 dBAs and 0-1 dBAs, respectively. These slight increases in noise may be drowned out by construction noise during the daytime but be significant if CSX plans to run trains at night time. In any case, in addition to the noise impacts, the community is particularly concerned about the safety aspects of open trench/tunnel freight operations. 13-7

The DEIS estimates that noise from construction activities will be the same in Alternatives 2 and 3 and the same or lower in Alternate 4 except when sheet piling is required. The commitment in the DEIS is to conduct sheet piling only between 830am and 430pm on weekdays and, when working near residences, to use quieter vibratory techniques. The DEIS is not clear about whether sheet piling has to occur along the entire length of the line or only in specific areas. Overall noise data, as mentioned above, are presented in the DEIS by single equipment types. Reality is that several types will be employed simultaneously. Bottom line: Noise will be a nuisance to businesses and residents of the project area regardless of the Alternative and more so if/when sheet piling by hammer has to occur. 13-8

The Vibration Analysis Report of June 2013 (Appendix F) is troubling because it does not appear to acknowledge that the 6B area bounded by 7th Street, M Street, 10th Street, and Virginia Avenue/Park contains relatively small buildings that 'contribute" to the Capitol Hill Historic District. With few exceptions, these buildings are old and more fragile than many others in the project area. We ask that this omission be corrected in the FEIS and that it properly account for the effects that will occur to this type of buildings. We note that the DEIS does mention that *train* vibrations could damage fragile older building; it does not discuss the impact of other sources. While the DEIS attention to the historic St. Paul AUMP Church is warranted, it is located farther from the LOD than are several buildings in 6B's Lower 8th. Two buildings, 809 13-9

Response to Comment 13-6:

The noise and vibration studies used for the DEIS and FEIS were based on the level of engineering available. However, the noise modeling includes more than the effects of a single piece of equipment. Refer to Section 5.6.2 of the FEIS for more information.

Response to Comment 13-7:

The construction area, including any area used for temporary train operations, will be secured. Robust security measures will be put in place to prevent unauthorized access. The project team will maintain a construction area in accordance with District and federal health and safety regulations.

Response to Comment 13-8:

Under Alternative 4, sheet piling would be used throughout the construction area as indicated in Table 5-6 of the DEIS. The methodology used to evaluate potential construction noise impacts is accepted by the FHWA.

Response to Comment 13-9:

The vibration effects to the structures identified would be similar to the impacts identified for Capitol Quarter and Capper Senior Apartments in Section 5.7 of the DEIS. During construction, vibration levels could cause human annoyance, but will not cause building damage.

Page 6
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

& 811 Virginia Avenue, abut the LOD and on their south elevation share party walls with 808 & 810 L Street SE, respectively. The area's two oldest historic buildings (1003 and 1005 8th Street SE) are just below the LOD on the west side of 8th Street SE. The businesses in these buildings will be affected by the daytime construction work as will the residents who live in historic townhouses along the 900 block of Potomac Avenue, across the street from the LOD. 13-9

The DEIS mentions pre-construction surveys. But, the language in the DEIS, such as the following, does not make it clear at all which buildings in the project area would qualify for a survey.

> "… the owner of a building close enough to a construction vibration source that damage to that structure due to vibration is possible would be entitled to a pre-construction building inspection to document the pre-construction condition of that structure." [DEIS, Chapter 5, page 5-36] 13-10

We ask that all the historic buildings in 6B's Lower 8th area be entitled to pre-construction surveys if the individual property owners are agreeable. We fully support the provision of a "vibration monitoring & mitigation plan" mentioned in the DEIS but ask that more details of the plan be provided in the FEIS. For instance, this plan should include the installation of seismographs at key buildings along the south side of the entire length of the LOD in the project area and have a periodic and public reporting system of the data gathered. 13-11 The FEIS also needs to provide details about a claims process and identify an adjudication process and a third party to manage it. 13-12

Finally, while noise and vibration during construction is a serious concern, the post construction noise and vibration impacts also leave us with many questions. The DEIS mentions that it found no increase in noise or vibration with the doubling of trains due to the bi-directional capacity, but it failed to mention how double-stacked trains or the overall increased capacity may affect noise and vibration. 13-13

This leads 6B to concerns about the placement of the reconstructed tunnel. All 3 of the alternatives place the center line of the reconstructed tunnel south of the existing tunnel centerline by: 7 feet (Alternative 2), 17 feet (Alternative 4) and 25 feet (Alternative 3). For Alternatives 3 and 4, this puts a portion of the reconstructed tunnel under the tree box strip on the south side of Virginia Avenue. While the DEIS does not appear to state the depth below the surface of the reconstructed tunnel, lack of sufficient soil depth may affect the size and variety of replanted street trees that can survive along the Avenue. 13-14 The positioning of the reconstructed tunnel significantly closer to residences and businesses along Virginia Avenue, as Alternatives 3 13-15

Response to Comment 13-10:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 13-11:

Vibration monitoring equipment will be employed at appropriate locations within the LOD to monitor potential effects to adjacent buildings. Refer to Section 5.7 of the FEIS for more information on the vibration monitoring program.

Response to Comment 13-12:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 13-13:

Double-stack intermodal container freight trains do not produce higher noise or vibration levels than other types of freight trains. For instance, some types of trains that currently traverse though Virginia Avenue Tunnel are heavier than double-stack intermodal container freight trains.

Response to Comment 13-14:

The depth of the new tunnel will not affect the location or growth potential of replanted trees on Virigina Avenue SE and other affected areas, with the exception of the 200th block of Virginia Avenue SE. Within this block, the tunnel will have no or very little top cover between the tunnel roof and street surface. As the building on this block is set back from the roadway, there is ample space for new tree plantings. The project team will work with DDOT Urban Forestry Administration on the locations and selection of the new street trees.

Response to Comment 13-15:

Under Alternative 3, trains operating in the new tunnel are not predicted to cause noise and vibration impacts to nearby buildings.

Page 7
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

and 4 do, moves the potential of noise and vibration effects closer to the buildings and population south of the Freeway. 13-15

Land Use, Impacts on Businesses and the LODs
Among the commitments in the DEIS is one providing all properties directly adjacent to the LOD [ES page S-23] with alternative access for both vehicles and pedestrians. The specifics are listed in Table 5-1 of the DEIS MOT report (Appendix J01) and the table includes two businesses and two lots in 6B's Lower 8th neighborhood. Our comments are below:

- National Community Church (Square 906) 701 Virginia Avenue. The first point is that this property is no longer "under demolition" as noted on the MOT table. The buildings that were on the property have been razed and two sections of the property have been converted into private parking pads for church members. One of these pads could be accessed from the driveway/gate on L Street (as the MOT table says) but the other pad cannot. There is a driveway on 7th Street as mentioned in the MOT table. However, a gate created here in the fence would lead vehicles directly through the bio-retention pond that the DC Department of Environment required NCC to construct when it paved two portions of the lot. One option might be to connect the two parking pads within the lot so that vehicles in both pads could access the L Street gate. For pedestrians the optimal solution would be to create a small gate in the fence next to 1003 8th Street SE to facilitate members walking between the NCC church in the 500 block of 8th Street and their vehicles parked on the lot. 13-16
- Temporary Parking Lot (Square 929) 801 Virginia Avenue. As the MOT table says, an access driveway needs to be located off L Street to replace the one on Virginia Avenue. The MOT table mentions two existing driveways but only one is used for the parking lot.
- 809-811 Virginia Avenue (Square 929). These properties are not mentioned on the MOT table. These two townhouses are businesses and need both vehicle and pedestrian access. This could be accomplished from L Street by creating a temporary driveway and walk way, perhaps using an empty lot/space east of this property. 13-17
- 808-810 L Street SE (Square 929). These properties are mentioned in the MOT table and will be accessible by both east and west bound vehicles once L Street between 8th & 9th Streets is converted to a two-way street.
- Dog-Ma Dog Daycare & Boarding (Square 929), 821 Virginia Avenue. Currently this business is accessed by vehicles and pedestrians via Virginia Avenue and has a driveway onto Virginia Avenue. The MOT table appropriately says that the vehicle entrance and pedestrian access would be relocated to 9th Street SE. But the viability of this is dependent on the direction of 9th Street (see above under Traffic). 13-18
- Al's Carry Out 1003 8th Street SE and Wrenn's Barber Shop 1005 8th SE (Square 929). Neither of these buildings is mentioned in the MOT table but the LOD border is shown 13-19

Response to Comment 13-16:

Access to this property including both parking pads will be maintained from 8th and/or L Streets SE. The project team will work with the property owner to maintain access for the users of this property.

Response to Comment 13-17:

Access to these properties will be maintained from L Street SE.

Response to Comment 13-18:

Thank you for providing your comment. Your comment has been noted.

Response to Comment 13-19:

The LOD would not affect vehicular nor pedestrian access to these properties. Limit of Disturbance is defined as the area affected by construction and staging for the Project. This would include activities such as access to utilities. Refer to the Construction Phasing exhibits in Appendix M in the FEIS that clarify LOD that would distinguish within the LOD where the tunnel excavation area is located.

Page 8
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

running directly in front of both businesses. The DEIS definition of the LOD implies that the borders are consistent with where fences will be placed. 6B needs clarification of the impact of the LOD on these businesses. Both rely on pedestrian access and the Carry Out on vehicles being able to pull up curbside for quick pick-ups. 13-19

NOTE: As the above properties are in the Capitol Hill Historic District, any driveways created should be temporary in nature. Any new curb cuts would have to be removed after construction is completed.

ANC6B needs several clarifications regarding LOD borders. First, as mentioned above, what complications might occur because LOD borders are drawn such that they jut out into north-south crossing streets? 13-20 Is this simply to indicate areas that will be temporarily affected by the installation of decking? And, specifically, why does the LOD border extend along the east side of the 1000 block of 8th Street SE? 13-21 Third, the LOD for Alternatives 2 and 3 extends to the south side of the 1000 block of L Street SE. Will this portion of L Street be incorporated into the LOD such that vehicle, pedestrian, and bicycle traffic will be interrupted? (This block and its intersections at 10th & 11th Streets are not mentioned elsewhere in the DEIS as slated to be closed.) 13-22

For all 3 alternatives in the DEIS, the land consumed by each LOD is the same except within and east of Virginia Avenue Park. There, Alternative 4 has a smaller footprint than do Alternatives 2 and 3. Under Alternative 2, the large footprint is to accommodate the temporary run around track trench. Under Alternative 3, the larger footprint is required because the reconstructed tunnel has to be split into two single tracks, creating two East Portals rather than one. The DEIS does not explain why the Alternative 3 reconstructed tunnel does not fit (as do Alternatives 2 and 4) between the two pillars of the outbound Freeway that straddle the existing tunnel. But, the construction consequences of the wider LOD for Alternatives 2 and 3 moves this activity closer to the historic residential buildings along the 900 block of Potomac Avenue and the business at the corner of 10th & L Streets SE. 13-23

The post-construction consequences of Alternative 3's split tracks are that more of Virginia Avenue Park will be on top of the new tunnel, possibly affecting the location and variety of trees that could be planted. 13-24 CSX tracks between the Anacostia River and the East Portal have long created a significant barrier preventing full use of the land north and south of the tracks and cutting off easy access to the riverfront. As such, ANC6B appreciates that CSX has decided to move the East Portal a block eastward, freeing up some land in that area. But, the proposed two East Portals will consume more land north of M Street, east of 12th Street SE, and create a wider barrier of train tracks up to about 14th Street than currently exists in part of the area that the 13-25

Response to Comment 13-20:

Correct. Please refer to the Construction Phasing exhibits in Appendix M in the FEIS that provide additional detail on the LOD, Tunnel excavation areas and Maintenance of Traffic (MOT).

Response to Comment 13-21:

Please see response to Comment 13-20.

Response to Comment 13-22:

The LOD of Alternative 3 includes the section of L Street immediately south of Virginia Avenue Park. This section of road will be closed to traffic. Section 3.5.1 was revised in the FEIS to illustrate this aspect of the LOD.

Response to Comment 13-23:

Please see revised Section 3.5 of the FEIS for clarification.

Response to Comment 13-24:

The depth of the new tunnel will not affect the location or growth potential of replanted trees on Virigina Avenue SE and other affected areas, with the exception of the 200th block of Virginia Avenue SE. Within this block, the tunnel will have no or very little top cover between the tunnel roof and street surface. As the building on this block is set back from the roadway, there is ample space for new tree plantings. The project team will work with DDOT Urban Forestry Administration on the locations and selection of the new street trees.

Response to Comment 13-25:

It is correct that the width of the railroad immediately east of the new eastern portal would be wider under Alternative 3, than under Alternatives 2 or 4. The placement of the portals is driven by the presence of the highway support columns and avoiding conflicting with sewer lines underneath, which dictates both the horizontal and vertical alignment of the tunnel in this area.

Page 9
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

community is currently considering as possible park land under DDOT's Barney Circle/SE Boulevard NEPA study and with the completion of the 11th Street Bridge project. 13-25

More Details for Mitigations
ANC6B appreciates the commitment of many mitigation measures throughout the DEIS and endorses those included in S.9 Environmental Commitments [pages S-23 to S-25]. However, we request that the FEIS provide specific details about the rodent prevention and controls program and dust control program as we have requested above for the vibration and monitoring plan. 13-26

We ask for a rodent control program that features: a) baiting in around the project area; b) removal of waste from the project area on routine basis (daily, semi-weekly, weekly, etc.); c) regular dewatering of any catchment areas; d) pro-active reduction of potential habitation areas, such as rodent burrows; e) increased vector control activities during specific phases of construction, such as demolition/removal/disturbance of the existing tunnel; and f) coordination with Department of Health to conduct mutually supporting abatement activities beyond the LOD. 13-27

A dust control program should incorporate: a) water spraying on areas of loose soil and exposed dirt on a frequent basis, even daily if needed; b) wind screens shielding areas of major construction; c) netting or fiber covering over soil piles; and d) as construction progresses, rapid re-vegetation of exposed areas. 13-28

In addition, the FEIS needs to inform us how affected residents and businesses will be notified about planned outages and the duration of both planned and emergency outages. Will this be handled by CSX through its community outreach program or by the utilities? And, by what means? 13-29

The DEIS says that construction workers would be "prohibited from parking" in either residential or metered curbside spaces [ES page S-25]. The FEIS should spell out how this prohibition will be enforced. 13-30

Historic and Archeological Resources
As the DEIS states, because the 100 year old tunnel will be demolished, it is most likely that an "adverse effects" finding under Section 106 of the National Historic Preservation Act will be made, triggering a Memorandum of Agreement to establish mitigations. ANC6B is a Consulting Party to the Section 106 process and plans to contribute to that document.

In the FEIS, we ask that the 35 contributing buildings of the part of Capitol Hill Historic District located south of the Freeway be specifically identified (see discussions above). In addition, we ask that the Virginia Avenue Belgian block paving and existing tunnel's East Portal entrance 13-31

Response to Comment 13-26:

Section 5.10 and 5.5 were revised in the FEIS to include more information about the rodent and dust control programs.

Response to Comment 13-27:

Thank you for your comment. Your suggestions will be taken into account. Section 5.10 of the DEIS pointed out the importance of good housekeeping practices to control against rodent infestation

Response to Comment 13-28:

Section 5.5 of the DEIS includes the measures identified.

Response to Comment 13-29:

Any notifications of temporary stoppage of utility service will be conducted in accordance with the protocols of the affected utility provider. The project's community outreach program will also be used to inform the public. However, utility disruptions tend to affect targeted users rather than the larger community.

Response to Comment 13-30:

The contractor will enforce the parking requirements among the construction workers.

Response to Comment 13-31:

Other than Virginia Avenue Park, these 35 contributing resources will not be affected by the Project. They were addressed in the Section 106 consultation process.

Page 10
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

bricks be preserved during construction so they could be used as historic features in the restored and enhanced Virginia Avenue Park. The paving stones could delineate the ROW of Virginia Avenue that transverses the Park and the bricks could be used to construct a small-scale replica of the East Portal as an archway entrance to the Park. 13-32

Post-Construction Restorations
6B is quite concerned about the language used in the DEIS about the post-construction status of Virginia Avenue Park. It varies in the DEIS, ranging from "Virginia Avenue Park would be restored" [ES, pages 5-4, 5-15, 5-50 and others] to "CSX would provide enhancements to the park at the conclusion of construction in coordination with NPS and DC DPR" [ES, table S-1].

The FEIS should emphatically state that Virginia Avenue Park will be re-designed during its restoration and that planning will be done in consultation with NPS, DPR, *and the community.* Note that it is the community that will be deprived of using most of this recreational resource during the years of construction. Re-design should consider a number of additions to the Park, such as an already planned dog park, a children's playground, tennis courts, a basketball court, conversation areas, and so on. To this end, ANC6B has already begun prompting DC DPR's leadership to engage with the community. We also ask DDOT to clarify what public lands have been "freed up" by the 11th Street Bridge project and could be added to Virginia Avenue Park or used in other ways for public benefit. 13-33

We fully support the DEIS in its post-construction commitment to "improving access to Garfield Park at 2nd Street" [ES, page S-26] according to plans already developed and to facilitating a connection between Garfield Park and Canal Park, as discussed in Paragraph 5.12.2 in the DEIS Executive Summary.

We are in full support of the post-construction commitment [bottom of ES page S-25] to work with DDOT and the community to create what amounts to a linear tree-lined pedestrian and bicycle parkway along the north side of the portion of Virginia Avenue south of the Freeway. This linear park should extend from Garfield Park to Virginia Avenue Park and beyond, as depicted in the CSX draft concept drawings of April 8, 2010.

In addition, ANC6B assumes DDOT is planning to convert the portion of Virginia Avenue on the north side of the Freeway between 6th and 8th Streets back to a one way street after construction is completed. ANC 6B further assumes DDOT will repave this section of Virginia Avenue after the increased use it will experience during MOT Phase 2. 13-34 In addition, ANC6B asks DDOT to use this opportunity to design and install traffic calming measures on Virginia Avenue north of the Freeway. Residences line the north side of this street, and vehicles currently speed along the route as if it is part of the 3rd Street on ramp to the Freeway. Finally, ANC 6B asks 13-35

Response to Comment 13-32:

The opportunity for reuse of the paving stones and portal entrance stone is stipulated in the Section 106 Memorandum of Agreement.

Response to Comment 13-33:

The Virginia Ave park will be restored per direction of DPR. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR.

Response to Comment 13-34:

The pavement condition of westbound Virginia Avenue SE will be evaluated at the end of Phase 2 MOT to determine if the roadway should be repaved.

Response to Comment 13-35:

Thank you for providing your comment. Your comment has been noted. The project team will consider this request.

Page 11
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

that the post-construction restoration of this part of Virginia Avenue include the addition of trees and other landscaping, and bike and pedestrian infrastructure. 13-35

Informing and Engaging the Community and Responding to Community Concerns
Realistically, no matter how good the planning is, problems will arise during construction. This project will need a robust outreach program. We are pleased that CSX has already set up a CSX police unit and a community office in the project area. And, we support its commitment [ES page S-23] to establish a system for email blasts and flyers as well as a website where up-to-date construction related information can be posted (such as progress of and any changes to the project).

But, this website should also enable residents and businesses to post comments, ask questions, and otherwise provide input. In addition, CSX should commit to a formal complaint process in the FEIS for when the community becomes aware that mitigations promised are not being carried out. As part of this process, we ask that CSX agree to set up a community group to meet publicly on a periodic basis during construction and post-construction as a forum where problems can be vetted and solutions found and any unforeseen matters can be discussed. 13-36

In conclusion, ANC6B hopes that the VAT reconstruction project starts soon and ends as quickly as possible. Our community has already been waiting at least 4 years to get this project behind us. We look forward to developing a good working relationship with CSX and its construction management for the duration of the construction and post-construction phases of the project. Finally, ANC6B thanks DDOT and FHWA for extending the review period of the VAT DEIS so that we had the time to assess the document and its many appendices and prepare this review.

If you have any questions, please contact Commissioner Kirsten Oldenburg, ANC 6B Transportation Committee Chair, at 202-546-8542 or kirsten6b04@anc6b.org.

Sincerely,

Brian Flahaven
Chair

cc: Parsons Brinckerhoff
Delegate Eleanor Holmes Norton, U.S. House of Representatives
Councilmember Tommy Wells

Response to Comment 13-36:

The project team will continue regular public involvement throughout the project. FHWA and DDOT will ensure that CSX commits to a formal complaint process for instances when mitigation commitments are not being met.

Page 12
September 18, 2013
ANC6B Letter to Joseph C. Lawson and Faisal Hameed
RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

Councilmember Mary M. Cheh, Chair, Committee on Transportation and the Environment
Mr. Jesus Aquirre, Director, DC Department of Parks & Recreation
Ms. Harriet Tregoning, Director, DC Office of Planning
Mr. Andy Litsky, Chair, ANC6D
Mr. Andrew Lewis, DC Historic Preservation Office
Mr. Stephen Flippin, Director, Federal Affairs, CSX Corporation
Ms. Janet Quigley, Chair, Capitol Hill Restoration Society
Mr. Michael Stevens, Executive Director, Capitol Riverfront BID
Mr. Martin Smith, Executive Director, Barracks Row Main Street
Commissioner Kirsten Oldenburg, Chair, ANC6B Transportation Committee

No response required for this section of comment

ID 14: Capitol Quarter Community Association Board of Directors

Capitol Quarter

Community Association

September 17, 2013

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW, Suite 701
Washington, DC 20005

RE: Comments on the Virginia Avenue Tunnel Draft Environmental Impact Statement

The Capitol Quarter Community Association (Homeowners' Association) Board of Directors (HOA) submits this letter on behalf of the residents of the first phase of the Capitol Quarter neighborhood in response to the Draft Environmental Impact Statement (DEIS). We incorporate by reference the statements and concerns noted in our previous filings in this document. Also, in addition to the HOA's concerns, several Capitol Quarter residents are likely to submit additional comments given the extent of concern among our community.

By this point, you are aware of the demographics and location of the Capitol Quarter community, including the extreme impact that any build alternative will have upon our ability to live in our homes.[1] This comment on the DEIS will address four primary areas: (1) the alternatives chosen for inclusion in the DEIS; (2) specific concerns about the build alternatives presented; (3) additional information requested and needed; (4) additional mitigation and community benefits in the event construction were to proceed; and (5) withdrawal of the current VAT DEIS and issuance of a Supplemental Environmental Impact Statement (SEIS) or a new DEIS that addresses the concerns outlined in this comment.

I. The Alternatives Chosen for the DEIS

A. <u>We Continue to Support a No Build Option</u>

We continue to believe that a no build option should be chosen. Any build option will pose extreme environmental, health, safety, traffic, and construction concerns that we have previously identified. This project as proposed cannot proceed without significant 14-1

[1] We do not believe, however, that the Limits of Disturbance (LOD) identified in the report is procedurally or substantively proper. The entire Capitol Quarter community will be severely impacted by the construction and should be included within the LOD area. As one specific instance of the LOD's severe and undue limitations, we note that the triangle park at 4th and Virginia SE (Reservation 122), although only feet from construction, was not included in the LOD.

1

Response to Comment 14-1:

Thank you for your response. Your comment is noted. Safety is always a primary consideration in project development and therefore, would not be a differentiator in evaluating the concepts. Community disruption was included among the criteria. Criterion 7 differentiated the concepts in terms of their comparative duration of construction in the community immediately surrounding the tunnel. In addition to Section 3.3 of the DEIS, Section 5.3 was revised in the FEIS to include the safety aspects of the project. Resident safety and minimizing resident disruption will continue to remain a priority for the project team.

environmental, traffic, and human impact, and we thus urge that the no build option be chosen as the preferred alternative.[2]

The DEIS sets forth eight criteria for the project, which guide the alternative selection process (page 3-4). None of these eight criteria, however, include resident safety or minimizing disruption to residents as a project goal. The failure to include these factors among the guiding project principles is a significant oversight. All of these criteria are slanted towards an intensive construction project geared solely towards the needs of CSX's business and not for the needs of residents of the District of Columbia. We urge that resident safety and minimizing resident disruption be included as guiding project criteria and, if they are not, we request a full and detailed explanation as to the reasons for not doing so. 14-1

We also note that the DEIS is internally inconsistent when discussing the non-business rationales for building a new tunnel. Specifically, in section 3.1, the DEIS claims that the tunnel project needs to go forward because, "given its 100-year plus age, the tunnel could require emergency or unplanned repairs at some point in the future to maintain commercial freight movements and protect the safety of railroad personnel and the public." As the sole evidence supporting this claim, the DEIS cites a 1985 incident in which part of the tunnel apparently collapsed. However, in discussing the purpose and need for the project in section 2.1.3, the DEIS notes that "overall structure [of the tunnel] is in relatively good shape" and only vaguely gestures toward visible wear and tear and now-obsolete construction methods as posing imminent problems. More importantly, the DEIS specifically disclaims both any danger of collapse and the relevance of the 1985 incident, stating "the tunnel is in no danger of collapsing in part due to tunnel reinforcements and reconstruction made in late 1985 and early 1986." Accordingly, the only specific evidence cited by the Draft EIS to support the possibility of imminent tunnel collapse, the 1985 incident, is discredited by the DEIS itself. 14-2

In the absence of specific evidence, the DEIS in section 2.1.3 relies solely on conjecture, asserting that "a major structural deficiency could materialize over the next few decades, possibly due to the continued aging of the tunnel's masonry structure." The direct discussion of the no build option in section 3.1 is no better, adding only that "the tunnel would eventually require rehabilitation or replacement, which may occur under an unplanned condition, and possibly at a time when the surrounding neighborhood is more fully developed with increased traffic as a result." Not only are these arguments entirely speculative, but they are so vague as to be applicable to all the alternatives. "[A] major

[2] We note that page 2-2 of the DEIS states that queues entering the western end of the Virginia Avenue Tunnel could cause delays in passenger rail service if trains were to be lined up towards the Long Bridge and the tracks that proceed to Union Station. The DEIS does not state, however, whether this has ever happened or the frequency of such occurrences and does not give projections of such delays if there were increased rail traffic. Such conjecture cannot demonstrate a purpose and need of the project. We request answers and facts on this important point. 14-3

2

Response to Comment 14-2:

The physical conditions of the tunnel described in Section 2.1.3 of the DEIS were based on information obtained through engineering inspections. The fact that the tunnel is showing evidence of "distress" and yet the "overall structure [of the tunnel] is in relatively good shape" are not inconsistent. The evidence of distress is early indicators that the tunnel needs to be replaced. The evidence does not suggest there is an immediate danger that any section of tunnel would collapse. Adopting Alternative 1 will result in an increased risk of structural failure over time. A new modern tunnel will have a lower risk of structural failure.

Response to Comment 14-3:

Although delays do not currently occur due to available time for scheduling windows for passenger service, Virginia Avenue Tunnel is a bottleneck and inhibits the flow of train traffic. Future growth is likely to cause these windows to shrink and create potential conflicts. The reconstruction of this tunnel, particularly with two tracks, will provide additional capacity for freight movements.

structural deficiency could materialize over the next few decades" in a rebuilt tunnel, and a rebuilt tunnel would similarly "eventually require rehabilitation or replacement, which may occur under an unplanned condition." In sum, what little evidence the DEIS provides in section 3-1 to discount the no-build option is contradicted by the report itself. Thus, the DEIS has not shown a demonstrable purpose and need for the project. 14-2

B. A Rerouting Alternative Should Have Been Included in the DEIS

At least one rerouting option should have been selected for further review in the EIS process. The DEIS's reasons for removing these concepts from further consideration are not well-explained nor particularly convincing and do not satisfy NEPA requirements.

For instance, the discussion beginning on page 2-7 of the DEIS states that it is not feasible to stop train service as CSX does not own the other tracks needed for rerouting. This section, however, does not address the feasibility of sharing or renting tracks owned by other carriers. This section also states that common carrier obligations require CSX to continue train operations. What the section fails to acknowledge, however, is that common carrier obligations cannot be demanded if there is a physical impossibility to such requested service, such as a repair or expansion of the tunnel. Thus, any alleged common carrier obligations cannot form the basis for exclusion of a rerouting alternative.

Additionally, page 3-17 of the DEIS simply states that rerouting is not possible because a two-year rerouting agreement with Norfolk Southern "would be very difficult," but fails to explain why. The DEIS does not state the costs for any such rerouting. It does not state the degree of difficulty of obtaining a rerouting agreement. It does not state whether any such rerouting agreement has ever occurred. And it does not state whether CSX has approached Norfolk Southern about the possibility of such a rerouting arrangement. (It also fails to acknowledge that Norfolk Southern would also have a common carrier obligation and that the Surface Transportation Board can, and has, ordered temporary rerouting.) Without even these minimal explanations, the validity of removing this option is at question. We thus request that these questions be answered and analyzed in detail. 14-4

A combination of the earlier rerouting options should be included in the EIS process to allow for a full public examination of the options. Specifically, we urge that a combination (and variation) of concepts 7A, 7B, and 11 either be considered or that the NEPA agencies provide factual, documentary evidence of the basis for their exclusion as reasonable alternatives. During construction, trains could be rerouted through Union Station (7A), could be rerouted on existing rail lines (7B), and could be rerouted on existing lines in conjunction with the use of truck traffic only during the limited period of time that the tunnel is being rebuilt (a variation of 11, as that option only concerned permanent rerouting).

Because no rerouting alternative was included in the DEIS, the NEPA process will not reveal whether simply rebuilding the tunnel without having to also build a temporary track

3

Response to Comment 14-4:

As described in Section 2.3 of the DEIS, CSX must maintain at least the same level of freight rail transportation service to its customers throughout construction. The three Build Alternatives met this requirement, whereas Concept 7 did not. It was eliminated from further consideration because it would not be able to maintain nearly the same level of freight service due to substantial mileage increases. Please see Section 2.3 of the DEIS for further information.

might result in an environmentally superior approach or a much shorter period of construction. If that were true, then the claims that the overall environment, or the overall movement of freight, would suffer from rerouting might be exaggerated. For instance, if an option were chosen that would only reroute traffic during construction, and that option might shorten the construction period by a year or more, then that option might best satisfy the needs of all interested stakeholders. At a minimum, these alternatives certainly warranted inclusion in the DEIS. 14-4

II. Build Alternatives Presented in the DEIS

Although we continue to urge that a no build option is in the best interest of the District of Columbia and the residents affected by this project, at this stage of the process we would like to address concerns we have with the three build alternatives presented in the DEIS.

A. Trains Should Not Run in an Open Trench

As we have mentioned previously, out of the build alternatives presented, we believe that trains should not be allowed to run in an open trench during construction. We do not see any way that residents can possibly live in their homes while trains are running in trenches night and day for three years within feet of their front doors. Among other things, we are deeply concerned with issues such as air quality, air contaminants, hazardous materials, transportation of harmful material during construction, safety in case of accident or derailment, safety during construction (including continued emergency access to homes), noise impacts, health impacts from vermin or insects during construction, structural impacts upon our homes, utility disruptions, the impact of construction lighting, traffic impacts, pedestrian safety, security and terrorism impacts, the impact and encroachment on private property and public space, and the impact on residents' ability to sleep or reasonably inhabit their homes during construction. We believe there is no way, given the facts that have been presented to us in the DEIS, that these impacts can be adequately addressed for concepts that involve trains in open trenches. 14-5

Alternative Three involves rebuilding the current tunnel and building a single track tunnel to the south of the existing tunnel. As we stated in our filing last year, between the two bad choices of trains running in an open trench and Concept Five (now Alternative Three), we have no choice but to believe that this is the least noxious build option presented to us.

In stating that this alternative is the least bad choice presented to us, we note that we are deeply concerned with the vibrations and potential safety impacts as a result of a new train tunnel running, with increased double-stacked traffic, closer to our homes, as would be the case under this alternative. 14-6 We believe that the final EIS should require state-of-the-art construction methods and materials and that any construction plans or vibration studies should be independently evaluated by an expert of our choosing that would be paid for by CSX as part of the NEPA process. We also note that the DEIS has not adequately addressed 14-7

4

Response to Comment 14-5:

Your concern about trains operating in an open trench is acknowledged. However, as noted throughout the DEIS, trains operating in an open trench (Alternatives 2 or 4) would not lead to violations of nationally accepted air quality standards, nor would it present health and safety risks to nearby residents and others who work or travel near or through Virginia Avenue SE. Alternative 3 does not require an open trench except for approximately 230 feet immediately east of the west portal. The project team will maintain a construction area in accordance with District and federal health and safety regulations. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

Response to Comment 14-6:

Your concern about the vibration effects and safety of the new tunnel under Alternative 3 (the Preferred Alternative) is acknowledged. As described in Section 5.7 of the DEIS, trains passing through the new tunnel under the Preferred Alternative are not predicted to cause vibration impacts at any nearby structure. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. With the exception of construction-period train operations under Alternative 2, a different methodology was used to predict vibration impacts from construction activities.

Response to Comment 14-7:

Modern construction methods will be used, such as the use of drilled piles, which produce lower noise levels than traditional piling. DDOT will provide oversight of construction plans and activities. The DEIS disclosed the long-term effects of the project. Essentially, at the conclusion of construction, the environment will return to pre-construction conditions.

the potential long-term impacts upon residences of this alternative and believe that NEPA procedural requirements have not been satisfied in this regard. 14-8

However if Alternative Three, or any build alternative is chosen, CSX should be required to reroute as much of its train traffic as possible during the construction period. Our understanding is that, at a minimum, two trains per day may be rerouted through Union Station on CSX lines and an additional one-third of CSX capacity may be rerouted onto the Norfolk Southern lines. The NEPA agencies should mandate that CSX contract for at least this much rerouting during construction. Doing so would achieve at least some reduction of the environmental impact to the construction site itself and also would provide a financial incentive for CSX to complete the project in as timely a manner as possible. 14-9

Additionally, we are extremely concerned about the long time periods for any construction alternative and ask that the time periods be substantially reduced. The shortest period of construction mentioned in the DEIS was for 30-42 months, a very long time period for such a disruptive project to a residential community. At a previous public meeting, when asked what could be done to shorten the construction time period, a CSX representative stated that the time period could be dramatically shortened if more money were spent on crews and equipment. Even though we mentioned this in previous public comments, the DEIS does not conduct a cost-benefit analysis for what steps could be taken to reduce the construction time frame. We emphatically ask that the final EIS require additional funds to be expended (including significant fines to be set aside for community improvements if CSX does not meet construction milestones throughout the process) and, as a result, provide for dramatically shortened time periods for all concepts. 14-10

If the goals of this project are to reduce environmental impact from increased freight and facilitate interstate commerce, as CSX has stated, then those objectives will be reached more rapidly if the construction period is shortened. Additionally, we as homeowners and individuals would be willing to consider enduring the possibility of greater construction annoyances for a reduced period of time, creating a net benefit for all parties involved. Thus, we strongly request that any construction concept be limited to no more than a 12-18 month time frame while recognizing that invasive construction must still be limited in hours as residents still need to live and sleep in their homes.

B. Right of Way

We do not believe that CSX has a valid right of way to complete construction of any of the build alternatives. In our view, it is clear that the 1901 statute allowing for construction of the tunnel only contemplated the running of temporary tracks for the limited period of time allowed for construction of the original tunnel. CSX has not pointed the public to precedent or statutory language that would allow it to build a new set of temporary tracks or that would allow it to expand the tunnel past its original footprint, especially since the 14-11

5

Response to Comment 14-8:

Please see section 5.7 of FEIS for vibration concerns.

Response to Comment 14-9:

The difference in envrionmental impacts that would result from having two or three fewer trains on average per day traversing through the Virginia Avenue SE corridor during construction would be neglible. With respect to rerouting see Section 3.7 in the FEIS.

Response to Comment 14-10:

The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended.

Response to Comment 14-11:

The reasons for constructing the tunnel are documented in Chapter 2, Sections 2.1-2.3, Purpose and Need. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

build alternatives contemplate a new tunnel anywhere from 7-25 feet south of the existing tunnel.[3]

We have repeatedly requested additional information about how any decision concerning the right of way will be made and how the public will be compensated for any taking or encroachment. We repeat our previous calls for answers to the following questions: (1) if additional right of way is needed, who would grant the right of way?; (2) on what grounds will that decision be made and will there be opportunities for public input before the decision?; (3) is there a process for appeal?; and (4) in what way(s) would the city and its residents benefit in return for any grant of right of way?. In sum, we strongly want transparency and an opportunity to comment before any final right of way decision is made. We also believe that the public should be appropriately compensated for any additional right of way given for this project. 14-11

III. Additional Information Needed

Throughout the NEPA process, we have asked many questions about construction techniques, mitigation, and process, most of which have still not been answered in the DEIS. We reiterate our call for answers to those questions and additionally pose new questions raised by the DEIS in four categories: process, construction, traffic and parking, and safety.

A. Process

We strongly request additional information about the timing envisioned by the NEPA agencies, particularly regarding when the final EIS and the Record of Decision can be expected to be completed. We also believe that if any new piece of information is revealed in the final EIS or if the final EIS changes any assumptions or uses any additional study or report not in the DEIS, then an additional opportunity for public comment and review should be allowed. We believe that an ongoing dialogue is appropriate and needed and that failure to do so will be violative of NEPA procedural requirements. 14-12

Response to Comment 14-12:

Section 1.3 of the DEIS provided information about next steps in the NEPA process. In accordance with FHWA's regulations, a Record of Decision would be issued no sooner than 30 days after the FEIS is issued. The FHWA's NEPA regulations require that a supplemental EIS be prepared if certain conditions are met. Regulations regarding supplemental EISs are found at 23 CFR 771.130. Public outreach will continue.

We also request information about the permitting process to be conducted after the NEPA process is complete. We ask for opportunity for public comment and dialogue before any construction or traffic permits are actually issued. 14-13

Response to Comment 14-13:

Sections 1.3 and 5.19 of the DEIS provided the information requested. The opportunity for comments under these other permits and approvals rests with the procedures of the agencies identified.

The report fails to satisfy NEPA's procedural requirements, as it does not include all relevant information, such as the map identifying the street trees referenced in the Appendix H document and Appendix E to the Appendix J02 report (see page 5-3 of this appendix). We believe these should be provided and that the comment period is insufficient for adequate public comment without these relied-upon, but not-provided, pieces of information. 14-14

Response to Comment 14-14:

Maps showing the locations of the identified trees in Appendix H are provided in the FEIS. See also Appendix J02 of the FEIS for Appendix E in the traffic operations report. The DEIS comment period was extended by 30 days from August 26, 2013 to September 25, 2013.

[3] The statement on page 3-5 of the DEIS that any new tunnel would only be located on CSX-owned or public property has not been adequately proven in the DEIS.

6

As to process, after the years of work that have been put into the evaluation and assessment to date, there are still a large number of unanswered questions, factual inaccuracies, and inconsistencies in the DEIS. As a result of these inconsistencies and inaccuracies, we believe that the NEPA agencies should address the flawed studies and re-do the analysis in the DEIS or issue a SEIS, based upon the concerns noted in this comment, in order to satisfy NEPA procedural requirements and to allow the public to provide meaningful input

B. Construction

We have numerous questions about the construction process not addressed in the DEIS and thus will address them serially below.

First, the DEIS (page 1-7) states that Reservation 122 (the triangle park at 4th and Virginia/I) will not be part of the Limits of Disturbance (LOD). Please provide more information about how residents can still obtain access to the park and about steps taken to minimize tree and landscaping damage to this important community resource. 14-15

Second, page 3-28 states that the area west of 2nd Street will be a single two-track portal rather than two single track portals, thus necessitating an open trench during construction. The DEIS, however, fails to explain why this is necessary or beneficial. The DEIS also fails to explain what precautions can be taken to minimize the significant disruptions that will result from open trench construction in an area extremely close to homes.[4] 14-16

Third, the DEIS states that Saturday construction will require a permit (page 3-52). It does not state, however, the criteria that will be used for awarding the permit, whether there will be any limits placed on such construction, and how Saturday or weekend construction would affect project timing. Similarly, the DEIS states that construction noise is "usually" limited to daylight hours, but provides no further explanation as to those hours or what is meant by the "usually" qualifier. These important questions should be answered. 14-17

Fourth, as mentioned above, the DEIS should have explained in detail and conducted a cost/benefit analysis of what steps could be taken to shorten the time frame of construction under any build alternative. 14-18

Fifth, we request an accounting of other mitigation measures that are available but that were not included in the DEIS as "reasonable and feasible" mitigation measures. 14-19

[4] At a minimum, we believe that train traffic should be forced to travel at a slow speed in the open trench portion, rather than the maximum 25 mph speed noted on page 5-63 of the DEIS.

7

Response to Comment 14-15:

Although the recently planted perimeter trees may be affected, Reservation 122 will be located outside the construction fencing and will be accessible to the public during construction.

Response to Comment 14-16:

Sections 3.4 and 3.5 were revised in the FEIS to include an explanation why the noted design change was made. Section 3.3 of the DEIS included the safety and security measures employed during construction for all the Build Alternatives.

Response to Comment 14-17:

As described in Section 3.3 of the DEIS construction work will occur between 7 AM and 7 PM, Monday to Friday. If beneficial to the community, permission may be sought to conduct work outside these hours. The granting of such a permit will depend on whether the community benefits outweigh the impacts. The overall estimated construction duration does not take into account work outside of normal working hours and days.

Response to Comment 14-18:

The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended.

Response to Comment 14-19:

The DEIS contained proposed mitigation measures. Mitigation measures proposed in the FEIS were incorporated as a result of comments received from agencies, organizations, and members of the public.

Sixth, although the DEIS states that certain homes would be offered pre-construction inspection (page 5-36), it does not state what homes would qualify and what the inspection would entail. We request an explanation and believe that any homes in the block surrounding Virginia/I/3rd/4th and any homes along the 400 block of I Street should qualify, at a minimum.[5] 14-20

Seventh, we request that the final EIS provide substantially more details about the rodent control program conclusorily mentioned in the DEIS (page 5-44), including how the program will be operated and monitored, and the types of chemicals, controls, and remediation taken and the area treated, as rodents tend to travel. 14-21

Eighth, we request more detail regarding the overall time of construction occurring in front of the homes on Virginia Avenue. In previous comments, we have advocated for a "zippering" approach in which construction begins at the east end of Virginia avenue, working its way to the west and then back again, thus causing the least amount of disruption to residences. The build alternatives in the DEIS seem to take the exact opposite approach. We request a detailed explanation and cost-benefit analysis for a zippering approach to construction and why it was not included in the DEIS. 14-22

Ninth, we request more information about the impact of the VAT construction on the many infants and school-age children in the neighborhood and the fact that the Van Ness Elementary School (located at 5th and L Streets SE, only a few blocks from the LOD) will reopen in 2015. Currently, many children leave this neighborhood to attend school elsewhere, with many crossing Virginia Avenue on foot. We request explanation about the construction impact upon children and parents and future Van Ness students, and believe that by failing to consider the school's presence, the DEIS does not satisfy NEPA requirements. 14-23

Tenth, we request specific explanation that CSX and the NEPA agencies have engaged with the utility providers, such as Pepco, Washington Gas, DC Water, Verizon, and Comcast, all of which will have serious disruptions under any build alternative. It is not clear that the utilities have even been notified about the project and, if they have, their views need to be expressed specifically in the DEIS. Once they are consulted and their views are included, we request another opportunity for the public to comment on these data points. 14-24

Finally, the vibration study (Appendix F, page v) states that detailed construction activities and types of equipment are not available at this time so that the overall vibration levels from the construction phase cannot be predicted. However, several pages later (Appendix F, page 21), the vibration study states that there will be no structural vibration 14-25

[5] We also strongly believe that homeowners should be provided with additional protections: (1) homeowners should be able to have an inspector of their choosing; (2) inspection reports should be made available promptly and publicly; (3) there must be an adequate appeals process; (4) all inspections should be paid for by CSX; and (5) all of these issues must be resolved before any construction permits are issued. 14-20

8

Response to Comment 14-20:

The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 14-21:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 14-22:

As explained in Section 3.3.1.4 of the DEIS, construction of this type of project is complex. With the level of engineering conducted to date, it is not possible to accurately predict when and where specific construction activities would take place. CSX is planning to use a number of construction crews along different locations along the corridor, which would expedite timetables. The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended.

Response to Comment 14-23:

Section 5.3.1.2 of the DEIS addresses access to community facilities, including schools. Access to Van Ness Elementary School will not be affected by construction of the project.

Response to Comment 14-24:

The project's design team has coordinated with the affected utility companies, which will continue into construction. DEIS comments from DC Water were included in the FEIS.

Response to Comment 14-25:

Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. With the exception of construction-period train operations under Alternative 2, a different methodology was used to predict vibration impacts from construction activities. The statements are not inconsistent. The analysis predicts that building damage, such as plaster cracks, will not occur during construction, but that does necessarily mean it would not occur. Hence, the reason for the inspection program noted in the previous responses.

impacts during construction from any build alternative. We ask you to read these two sentences together and explain to us how both of them can be accurate.[6] These statements demonstrate flaws in the conclusions reached as a result of the vibration study.[7] We believe the vibration study should be conducted again once this clarification and any additional information are provided. 14-25

C. Traffic and Parking

We request additional information concerning several traffic and parking issues. First, the Maintenance of Traffic (MOT) plan contains significant errors and incorrect assumptions and does not satisfy NEPA requirements (see Appendix J01, 5-5.) The traffic management plan study states that traffic around Nationals games is not impacted because the LOD is not near Nationals Park at South Capitol and M Street SE. This is simply incorrect. Even a casual observation of game traffic along 3rd Street SE demonstrates that Nationals games have a significant impact upon ordinary traffic operations. 14-26

Response to Comment 14-26:

Maintenance of Traffic (MOT) would not affect the throughput capacity of 3rd Street because a temporary crossing will be furnished at Virginia Avenue SE. Therefore, the statement in Appendix J01 regarding traffic effects to Nationals Park-related traffic is accurate. Nevertheless, the MOT plan will be refined and updated as the project moves forward.

Second, the MOT plan also fails to take into account rush hour traffic plans. Again, casual observations show that traffic on 3rd Street SE attempting to get on the freeway is backed up significantly on regular work days -- yet the plan does not take this fact into account. Traffic northbound on 5th Street SE is also problematic during rush hours and after games (and will be worse when 5th Street is converted into two-way operation) – yet the plan does not take this fact into account. And traffic exiting I-695 to get onto 8th Street SE and the new I-295 exit frequently backs up Virginia Avenue and can "block the box" on 5th Street SE – but yet again the plan does not take this fact into account. And when a day game and rush hour coincide, traffic already becomes unbearable and will undoubtedly cause serious harm to commuters and residents during any VAT construction. 14-27

Response to Comment 14-27:

The traffic study did account for baseball game traffic. The study team coordinated with DDOT with respect to the study area limits and traffic count program. With the exception of short term closures to install temporary structures, traffic capacity within this stated area will not be affected. With respect to temporary road closures, the MOT reflects baseball game and Nationals Park event days and times.

Third, the MOT plan also fails as to its timing conclusions. The study anticipates a schedule of construction starting in the third quarter of 2013, which will not happen based upon the current NEPA timing. Thus, its claims of no impact regarding the temporary closures of the north/south streets (because they will allegedly take place during the baseball offseason) are completely erroneous. We urge that the MOT be conducted again, taking into account both Nationals Park and rush hour traffic activity, and that an additional opportunity for public comment be provided after the new analysis is complete. 14-28

Response to Comment 14-28:

Despite the delay in the construction start date assumed by the MOT plan, the basic plan elements remain valid. The MOT plan will be refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction. The traffic study did account for baseball game traffic. The study team coordinated with DDOT with respect to the study area limits and traffic count program. With the exception of short term closures to install temporary structures, traffic capacity within this stated area will not be affected. With respect to temporary road closures, the MOT reflects baseball game and Nationals Park event days and times. Detailed construction schedules will be prepared during final design.

[6] If one of these statements is not accurate, then we believe an immediate correction should be made, the vibration study should be completed again accurately, and an additional opportunity for public comment based upon an accurate study should be allowed. Any other course of action would not satisfy NEPA procedural requirements.

[7] We also note that page 23 of Appendix F states that there will not be plaster cracks from any individual piece of equipment, but also states that can vary depending on soil composition and building type. Again, this statement is inconsistent, states nothing, and cannot form the basis for a NEPA impact analysis without much more detail. 14-25

9

Fourth, the DEIS also is wholly incorrect as to the parking impacts. Page 5-77 states that it is "conceivable that some residents may use two-hour parking on Virginia Avenue." Some of our Capitol Quarter residents do in fact use Virginia Avenue parking as they either do not have garages or have more than one car. We request that this portion of the traffic study be conducted again, that a new opportunity for public comment be provided, and that, as described below, mitigation be provided to those residents. 14-29

Fifth, we request information as to how Capitol Quarter residents will be able to access their driveway and garages during the temporary closures of 3rd and 4th Streets (see Appendix J01, page 4-7). 14-30

Finally, we note that the list of residents identified on page A-17 of Appendix J01 is completely inaccurate as it does not include all affected residents. For instance, those on the 300 block of I Street who access their driveways from Virginia Avenue will certainly be affected but are not listed. We request that this list be updated and that additional public comment be provided once that has been done. 14-31

D. Safety

The DEIS does not state whether the appropriate emergency authorities (fire, police, and ambulance) have been in consultation with or have approved of the emergency access plans. We request additional information on this point and an opportunity to respond to any comments. Additionally, the DEIS does not state whether, even if the alleys are accessible through the makeshift entrances, how emergency vehicles will be able to access the front of homes, especially along Virginia Avenue. We likewise request additional information on this point. And, finally, we also note that there are many infants and children under the age of five living on Virginia Avenue. The DEIS does not adequately take their health and safety needs into account, and we request a more detailed examination and explanation of the impact upon them during any construction. 14-32

IV. Mitigations and Community Benefits

If any build alternative is to be selected, it is imperative that additional mitigations be implemented to address the impacts that have already been identified in the DEIS. Similarly, certain community benefits both during and after construction should be required in the final Record of Decision to address the incalculable inconvenience, loss of enjoyment, and loss of economic value that will occur as a result of any construction. We address these areas in the following categories: (1) noise; (2) traffic and parking; (3) trees and landscaping; (4) home maintenance and security; and (5) post-construction community benefits.

10

Response to Comment 14-29:

The DEIS acknowledged that some of the on-street parking is utilized by residents. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 14-30:

All affected residents of Capitol Quarters will be provided with temporary driveway access during construction. Emergency response vehicles access will be maintained during construction.

Response to Comment 14-31:

The referenced list (figure A16 in Appendix J-01) includes property owners that abut the project LOD. However, it is acknowledged that the access to all the properties bounded by Virginia Avenue, 3rd, 4th, and I Streets would be temporarily impacted. Temporary driveways would be constructed off of 3rd and 4th Street SE to maintain access to the rear of their properties throughout project construction.

Response to Comment 14-32:

It is acknowledged that families with children live near the proposed construction area. The DEIS acknowledges that construction-related noise (a daytime activity) would exceed the Federal Transit Administration (FTA) Construction Noise Impact Criteria at nearby residences. Therefore, mitigation measures will be implemented as described in the Section 5.6.4 of the FEIS.

Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in the DEIS, emergency response vehicle access will be maintained during construction activity. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. An emergency response plan will be developed and updated in coordination with the appropriate authorities.

A. Noise

The noise study found in Appendix E of the DEIS demonstrates that all build alternatives will exceed the FTA noise criteria (page 2) and that noise levels could be a "nuisance" (page 18). Because of the alleged existing 70 dBA noise level on Virginia Avenue, the NEPA agencies should think creatively about ways to reduce both construction noise and the current ambient noise level, so that increases in construction noise will not cause overall levels to rise above FTA noise criteria. 14-33

We propose several items in this regard. First, the DEIS (Appendix E, page 20) states that the "noisiest" activities should be avoided from 7-8 am, but provides no further explanation. We demand a full accounting of what activities would classify as the "noisiest" and also expect a full commitment that no pre-7 am noise or activity of any kind (e.g., cleaning tools at the worksite or idling trucks) be allowed. 14-34

Second, we believe that sound barriers should be placed on the freeway. Doing so would help alleviate some of the ambient noise, which will help keep total noise levels at an acceptable threshold. We point to the attractive and clear sound barriers on the Woodrow Wilson Bridge as a model for what could be placed on I-695.[8] We also view that as a mitigation for the loss of the tree canopy along the freeway, which currently provides sound buffering to the neighborhood from highway traffic noise. 14-35

Third, certain specific noise-reducing actions should take place. We suggest that the truck idling time be shortened from 30 minutes to a minimal amount of time (page 5-19), that noise blankets should be mandated from the beginning of the project (page 5-29), rather than only later on if needed. We also request that each homeowner in the affected area receive certain funds to install additional window soundproofing in their homes if they choose. 14-36

Fourth, the final EIS should require that trains only run during the daytime hours to minimize noise levels during the nighttime sleeping hours. 14-37

Finally, for activities where there is a high possibility of human annoyance, in addition to these other noise mitigation activities, before the NEPA process is finalized, there should be discussion and an opportunity to comment about potential alternative living arrangements during these phases of construction. 14-38

B. Traffic and Parking

We have already identified the clear flaws in the traffic study. To help minimize the serious impacts in traffic and parking disruption, we have several requests. We believe that

[8] We also note that the original freeway plan was to include sound barriers but this part of the plan was never implemented. We urge that a commitment from DDOT for these barriers be included in the final EIS.

11

Response to Comment 14-33:

Mitigation measures, as described in the Section 5.6, were proposed to reduce noise levels at sensitive receptors to below the FTA construction noise criteria, including a noise monitoring program that will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders.

Response to Comment 14-34:

Please note that the citation provided is a recommendation of the noise analyst, not a mitigation measure identified in the DEIS or FEIS. What specific activities can or cannot be conducted during the first hour when construction is allowed will be subject to ongoing discussion among the affected neighborhoods and the project team. For example, a particular noisy activity may be allowed at certain locations, but not others.

Response to Comment 14-35:

The loss of trees along the highway does not attenuate noise from the highway and therefore the construction of noise barriers to deal with the pre existing highway noise is unnecessary.

Response to Comment 14-36:

The suggestions provided were taken into consideration in developing the mitigation measures in the FEIS.

Response to Comment 14-37:

The project objective of keeping the existing level of freight rail service throughout construction cannot be maintained if train operations are limited only to daylight hours. The noise impact analysis prepared for the EIS assigned penalties (i.e., higher noise levels generated per train) for nighttime operations. Under an Alternative 2 scenario where trains are operating in an open trench, the noise analysis predicted that overall noise levels will not rise above ambient conditions. Please see Section 5.6 of the DEIS for further information.

Response to Comment 14-38:

Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695.

the final EIS should require traffic officers directing traffic 24 hours a day, 7 days a week during the temporary closures of the north/south streets. We also request that traffic officers be present during all afternoon rush hours and during all Nationals games. 14-39

To assist with the parking disruption along Virginia Avenue, we request that parking for residents and guests be provided in the surface parking lots closest to the LOD. As part of that request, we believe that the parking availability should include parking during Nationals games. (The surface lots require cars to vacate the lot prior to and during Nationals games without a separate Nationals parking permit.) 14-40

C. Trees and Landscaping

The disruption to our landscaping and tree canopy will be significant and is irreplaceable. It is unacceptable that only 110 of the 168 trees in the LOD will be replaced after construction (page 5-43). The DEIS also acknowledges that the replacement trees along Virginia Avenue will be smaller and the neighborhood feel in Capitol Quarter will be less because of the smaller trees (page 5-53). 14-41

We thus propose several mitigations and benefits to help remedy this intolerable situation. First, all street trees should be replaced, regardless of diameter size and that the replacement trees along Virginia Avenue (and especially in front of the residences) should be mature trees and as tall as possible.[9] We request that the final EIS mandate size replacement. 14-42

Second, we are concerned that the root structures for the replacement trees will not be sufficient to ever achieve even close to the same height that is there now, given that the roof structure of the tunnel will only be a few feet below ground. We ask that this issue be addressed and that enhancements be made to allow sufficient growth of any replacement trees. 14-43

Third, we believe that CSX should commit to and fund a tree watering and maintenance plan post-replanting to ensure that the trees are capable of surviving and achieve their full growth potential. 14-44

Finally, we are deeply concerned about the destruction of the Capitol Quarter common area landscaping, on which we currently spend a great deal of time and money to maintain. CSX should fund the installation of a sprinkler and irrigation system (the design and installation of which should be approved by the HOA) to help maintain the common area. And we should have total approval and right of demand over the landscaping plan to be developed for Capitol Quarter (page 5-45). 14-45

[9] We believe that an organization dedicated to preserving the District's tree canopy, such as the Casey Trees Foundation, should be brought in to develop and approve a plan for replacing the tree canopy to the greatest extent possible.

12

Response to Comment 14-39:

The need to post police officers for certain construction activities will be based on District requirements.

Response to Comment 14-40:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 14-41:

The project will replace the same amount of trees as removed. The project team is working with DDOT Urban Forestry Administration to ensure proper number and types of trees are used. The tree canopy will reestablish over time.

Response to Comment 14-42:

As described in Section 5.10 of the DEIS, the tree replacements will follow the requirements of the Urban Forestry Administration. This does not mean that the project team is prevented from partnering with other organizations to assist in tree plantings and maintenance of planted trees.

Response to Comment 14-43:

CSX will work with DDOT Urban Forestry Administration to determine the best type, size and location for replacement trees. The location of the rebuilt tunnel will not affect the overall landscape plan of Virginia Avenue SE, which will include the planting of replacement trees. The tunnel depth will not hinder tree growth.

Response to Comment 14-44:

CSX will commit to and work with DDOT and other agencies as appropriate in maintaining the replacement trees post construction.

Response to Comment 14-45:

The restoration of Virginia Avenue SE includes the landscaped areas fronting Capitol Quarter. The project team will work with the HOA to determine the appropriate treatment of this area.

D. Home Maintenance and Security

We are concerned that we are still only receiving vague and utterly unsatisfying answers as regards to the claims process. The final EIS must include a detailed process for fair and prompt resolution of resolving homeowner claims that includes a neutral third party, the implementation of which should be a prerequisite for the issuance of construction permits. 14-46

We also believe that CSX should be required to pay the HOA for all homeowner HOA assessments for the Capitol Quarter community during the construction period. Doing so provides a reasonable and concrete way of compensating the HOA for the destruction of its common area property. And we would like additional payments for each month that construction is delayed beyond the project's stated end date, establishment of which should be part of the permitting process. In this way CSX will be incented to complete construction on a timely basis and the neighborhood will be rewarded for further inconvenience. We are happy to begin these discussions with CSX and the NEPA agencies at any time.[10] 14-47

E. Post-Construction Community Benefits

We urge CSX and the NEPA agencies to think more creatively about mitigation for our community given the impact of this project. First, we believe that since the freeway underpasses are within the LOD, that the final EIS should require that substantial improvements, with community and ANC 6D input, be made. 14-48

Second, we believe that an ANC 6D and a HOA community representative be designated for input on all post-construction design, including that of Garfield Park, Virginia Avenue,[11] and the Virginia Avenue Park.[12] 14-49

Third, we believe the final EIS should contain a commitment that DDOT, CSX, and the Architect of the Capitol will reopen that part of Virginia Avenue currently closed to vehicular 14-50

[10] We also anticipate, and request, that the affected homes and their windows will be regularly cleaned for dust and other construction debris. 14-51

[11] As indicated on page 3-41, it appears that the slope against I-695 will be reinstalled. We request additional explanation as to why this is the case. We would hope that the unused slope could be removed and that this additional space could be used for community amenities, such as a greenway, park, or bicycle lane. 14-52

[12] We note that page 5-49 states that the project will fund partial construction of the Garfield Park Connector plan but it does not state which parts will be funded. We expect that the HOA should be involved as a mandatory community stakeholder for this project, along with the Friends of Garfield Park organization, and that emphasis should be placed on providing additional park connections and benefits to those individuals south of the freeway. We also note that page 5-48 states that CSX has agreed to provide some enhancements and upgraded amenities to the Virginia Avenue Park, but the DEIS does not explain what those are and whether community input has been obtained, both of which we believe should be corrected. 14-53

13

Response to Comment 14-46:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 14-47:

Capitol Quarter HOA is not entitled to compensation for the construction period use of public right-of-way between 3rd and 5th Streets. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

Response to Comment 14-48:

Thank you for your response. Your comment is noted. The project team will take under consideration these comments when they develop post construction plans.

Response to Comment 14-49:

Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews. The DC Department of Parks and Recreation will control the planning process for the restoration of Virginia Avenue Park.

Response to Comment 14-50

The requested changes or improvements are unrelated to this project.

Response to Comment 14-51

Through employment of best practices management, the project team does not anticipate fugitive dust and construction debris generated outside the construction limits.

Response to Comment 14-52

The slopes were part of the original design of the highway retaining wall foundations, therefore they need to be replaced post-construction

Response to Comment 14-53

Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews. The DC Department of Parks and Recreation will control the planning process for the restoration of Virginia Avenue Park.

traffic. Turning the section of this public street west of 2nd street into a greenway or bicycle path would greatly enhance the proposals for Virginia Avenue post-construction. Similarly, we believe that decking over a greater portion of the freeway west of 2nd street to allow a more seamless connection between Garfield and Canal Parks is essential to an adequate community benefits package. 14-50

And finally, page 5-59 of the DEIS states that abandoned utilities should be removed. We believe that the two unused telephone poles on 3rd Street SE should be removed as part of this commitment. 14-54

V. Conclusion

In conclusion, the HOA strongly believes that if a construction option is chosen over our objections, we should be provided with an additional closed-trench reduced-footprint option that involves temporary rerouting. We also believe it is imperative to reduce the construction time substantially for all options. We also request that the NEPA agencies re-issue the DEIS and address the many inconsistencies and inaccuracies noted in this comment. Additionally, we would like to have a more detailed and substantive discussion of community mitigation and benefits. We appreciate your consideration of our comments. 14-55

Sincerely,

The Capitol Quarter Community Association Board of Directors

CC:
Delegate Eleanor Holmes Norton
Mayor Vincent Gray
Deputy Mayor Victor Hoskins
ANC 6D
Mike Hicks, FHA
Faisal Hameed, DDOT
Jamie Henson, DDOT
DC City Council

14

Response to Comment 14-54

If the referenced poles interfere or conflict with construction of the project, they may be removed after coordinating with their owners.

Response to Comment 14-55

Thank you for providing your comment. Your comment has been noted.

ID 15: Capitol Quarter Phase 2 HOA Board of Directors

Capitol Quarter Phase 2 HOA
Board of Directors

September 19, 2013

Mr. Joseph C. Lawson
Division Administrator
Federal Highway Administration
1990 K Street NW, Suite 510
Washington, DC 20006-1103

Mr. Faisal Hameed, Ph.D, Manager
Project Development & Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Attention : Virginia Avenue Tunnel DEIS Public Comment

The Capitol Quarter Phase 2 (CQ2) development is a mixed income community of 162 town homes and rental units. The second phase of the Hope VI project was completed in 2012 and is bordered by the south side of I Street SE to the north, 4th Street SE to the east, L Street SE to the south and 3rd St SE to the west. There are not any Capitol Quarter Phase 2 residents within the LOD, however we will all be impacted if and when the project goes forward. As a consequence, we would like to take this opportunity to raise some questions and concerns on behalf of the Capitol Quarter Phase 2 Community.

1) Selection of Alternatives

a) The CQ2 HOA has encouraged the CQ2 residents to individually support or comment on the "Alternatives" as represented in the DEIS. CQ2 would prefer that the "No Build" Alternative but if a build takes place, we would like further consideration given to trains being re-routed during the construction period so as to minimize the disturbance to our community. On the assumption that one of the current DEIS build alternatives will ultimately be selected, the focus of the CQ2 HOA is to make the construction period safe, secure, and the least disruptive given the situation. 15-1

b) The CQ2 HOA respectfully requests that the VAT Reconstruction Project Team consider the following to ensure the least amount of direct impact on the CQ2 Community:

i) By providing incentives to complete the project on time and disincentives for project delays. 15-1

Response to Comment 15-1

Thank you for your response. Your comment is noted. The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

2

ii) By doing as many concurrent construction tasks as possible so the construction is competed in the CQ2 residential area between 2nd and 5th Streets and the noise and disruption is 'moved down the line' as quickly as possible. 15-2

iii) By providing more detailed communication in the final EIS on the phases of the construction, and what should be expected in noise, vibration, and heavy equipment movement when there is resolution of the final alternative. 15-3

iv) By creating an online communication tool, the purpose of which would be to provide the public with up to date information pertaining to the VAT reconstruction project. Ideally, a website would be created through which residents affected by the project could get information to include updated project status, current traffic patterns/restrictions, anticipated utility interruptions, and any information on vibration levels, dirt/dust, and rodent control measures. 15-4

2) Community Safety & Security

a) Pedestrian and Cyclist Protection: More detailed information in the final EIS is requested on how pedestrians and cyclists will be protected at the intersections, beyond the 8' or greater fencing, wayfinder signs, and temporary ramps. Including consideration given to:

i) Updating the Maintenance of Traffic (MOT) plan from the August 2012 report used in the DEIS, with respect to the additional projects underway such as the 11th Street Bridge project, the M Street Project with DC Water, the scheduled condominium projects such as Twelve12 at M St and 4th Street SE, the Chelsea Tower, the Capper Community Center at 5th and K Streets SE, the reopening of Van Ness School, and several others that will contribute to the construction/heavy equipment movement as well as traffic detours. 15-5

ii) Details on the height and width of the barriers between the construction fencing and the roads that will be used to protect the pedestrians from the traffic. Many residents in the CQ2 Community are confined to wheel chairs or have children, in doublewide strollers and/or dogs.

iii) Providing crossing guards during peak pedestrian periods such as Nationals' game days, concerts at the parks, and other major events that draw car, walking, and cycling traffic.

b) Emergency Response Plan: Providing a plan to ensure that the Emergency Responders are kept up to date on the most current traffic patterns and road access to be able to immediately respond to the CQ2 neighborhood streets. Many of the wheel chair bound residents within the community rely on EMS to respond to medical situations on a frequent basis. Within CQ2, there is a new street (3rd Place) that is not yet on the common GPS systems. This has created problems in the past and extended response time even without construction detours. 15-6

c) Traffic Monitoring: While there was a two phase MOT included in the DEIS, as mentioned above, it needs to be updated with all of the approved projects. In addition, it is requested that consideration be given to:

i) Ensuring that all STOP signs within the CQ Community are maintained and consideration given to additional STOP signs or temporary speed bumps on the key North/South and East /West streets within the community to ensure the safety of the families and leashed pets in the community. An 15-7

Response to Comment 15-2

Thank you for providing your comment. Your comment is noted. Section 3.3.1.2 of the DEIS provided general information about construction phasing. As explained in Section 3.3.1.4 of the DEIS, construction of this type of project is complex. With the level of engineering conducted to date, it is not possible to accurately predict when and where specific construction activities would take place.

Response to Comment 15-3

Detailed assessments are located throughout the FEIS.

Response to Comment 15-4

The project team is planning to operate a public outreach program, which includes a website, to share information about construction activities.

Response to Comment 15-5

Although the MOT plan was developed in August 2012, the basic plan elements remain valid at this time. The MOT plan will refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction. The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas. All temporary pedestrian facilities, including the temporary bridge decks at cross streets, would be accessible or usable to those who are wheelchair dependent, or those who are pushing strollers. These crossings will not require guards, even during Nationals games.

Response to Comment 15-6

As described in the DEIS, emergency response vehicle access will be maintained during construction activity. An emergency response plan will be developed and updated in coordination with the appropriate authorities.

Response to Comment 15-7

Thank you for providing your comment. Your comment has been noted. The MOT plan will refined and updated as the project moves forward. Changes to the MOT would be communicated through the public outreach program described in the response to Comment 15-4.

3

example of which is L Street SE. It is contemplated in the DEIS that L Street SE will be become major East/West routes between 9th Street SE and the western boundaries of the LOD. There are currently no STOP signs at the intersection of L Streets and 3rd Place SE. 15-7

ii) Having a dedicated notification alert system to update the community in advance, on the latest traffic pattern flow surrounding the LOD.

d) Parking Monitoring: While it has been stated that the construction workers will NOT be allowed to park within the CQ2 community, more details are required in the EIS as to how this will be monitored and what fines/disincentives will be used given that there are only 90 spots being reserved for construction and over 200 workers are said to be employed on the project. There is already a significant parking issue inside of the CQ2 community as a result of the office workers, care givers for many of the community residents, guests of the community, as well as game day and event parking. The community respectfully requests: 15-8

i) Additional parking enforcement personnel during the construction period.

ii) A heavier fine schedule or more responsive towing for parking infractions.

iii) Providing additional free parking spaces during the construction period within the local parking lots for residents of Capital Quarter as validated by a current driver's license with a Capitol Quarter address.

e) Security: The community is appreciative of the policing done by the MPD officers assigned to our area and the additional security being provided through the CSX field security force before and during the construction period. We are also aware that valuable equipment and general construction can attract crime. We would like to respectfully request that additional consideration be given to:

i) Security cameras being mounted/employed in key areas at, or close to, the LOD as a further disincentive. 15-9

ii) Ensuring that the Capitol Quarter street & courtyard lighting stays in place at all times during the construction period.

iii) Additional security in the area during special events such as game days.

3) CQ2 Residents' Safety & Security

a) Home damage due to vibration is a possibility due to the proximity to the LOD and the unknowns in any construction project of this magnitude. The DEIS outlines a process for those homes within the LOD. It is respectfully requested that all homes within the CQ2 community be given an opportunity to a hearing and reimbursement of expenses from legitimate damages that may have been caused directly by the VAT Reconstruction Project. The CQ2 HOA 15-10

i) Will encourage homeowners to engage a home inspector at their own expense to inspect and record the condition of the home prior to construction, or take validated, date stamped pictures of their home prior to construction as poof of prior condition should there be any damage due to vibration from construction at the site or heavy equipment traveling back and forth from the site.

Response to Comment 15-8

The contractor will enforce parking restrictions among its employees. On city streets, the District government enforces parking infractions. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 15-9

Thank you for providing your comment. You comment has been noted. Security measures will be put in place for the construction area. It is inevitable that, because of construction, some of the lighting in the public space will be temporarily removed or relocated.

Response to Comment 15-10

Construction vibration is not predicted to affect residences in Capitol Quarters Phase 2. Vibration monitoring equipment will be employed at appropriate locations within the LOD to monitor potential effects to adjacent buildings. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

4

ii) Request vibration sensors to be placed at a reasonable spacing throughout the CQ2 community to monitor the vibration level and foresee any problems before damage is incurred. Establish a process for regular communication to the community of the ongoing results of the sensor readings.

iii) Establish a process for submitting an application for damages and a swift (30 day) resolution.

iv) Establish a process for submitting an application by the CQ2 HOA for damages for sidewalk or CQ2 owned common element property damaged by the VAT construction related vehicles or process. 15-10

v) Establish a contact and process with DDOT/DPW for any CQ2 community road or structural damage such as lamp standards, signs, curbs or sewer openings damaged by the VAT construction related vehicles or process.

b) Rodent control is a big concern of the CQ2 community. It is requested that complete details be provided in the EIS as to how and when this will be handled as well as how rodent control will be monitored on a weekly or more frequent basis. 15-11

c) Dirt and Dust management. It is understood from the DEIS that 'best practices' will be used to manage the dust and dirt levels within the area. Because the DEIS does not define 'best practices', we request more specific information on what 'best practices' will be followed to manage dust and dirt during construction. In addition, it is respectfully requested that additional measures be undertaken during the period of the construction to keep the CQ2 community in its current 'new' condition and protect the allergy sensitive children and adults. 15-12

i) Providing for street, alley, and exterior residential home cleaning two times per year during the construction period.

ii) Frequent air quality monitoring and public reporting.

d) Disruption of Utilities. There is an expectation that all of the utilities within the CQ2 community will be disrupted several times over the course of the construction period. Clarification is required on how the disruptions will be communicated in advance so the necessary preparations can take place, and what steps will be taken to ensure that emergency supplies of either water or power are available for the disabled and home bound residents within CQ2. 15-13

e) Noise Level management. It is understood that 'best practices' will be used to minimize the impact of noise pollution on CQ2 during the reconstruction project. We request more specific information on what 'best practices' will be followed to manage noise pollution during construction. Additionally, we would like to request that additional consideration be given to:

i) The DEIS references a new policy whereby each individual train conductor will have the discretion on whether or not to sound the horn when entering the Virginia Avenue tunnel. We request clarification on whether or not this policy will be implemented during construction, or only after the project has been completed. 15-14

ii) Ensuring that construction be limited to regular business hours to minimize noise disruption to CQ2 residents.

Response to Comment 15-11

Section 5.10 was revised in the FEIS to include more information about the rodent control program.

Response to Comment 15-12

Residents in Capitol Quarter 2 HOA are not expected to be affected by fugitive dust from tunnel construction. Section 5.5 of the DEIS included measures to control dust emissions from the construction site. This project includes extensive construction related air quality mitigation measures, some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. Please see revised section 5.5.4 of the FEIS for inclusion of the air monitoring program.

Response to Comment 15-13

The public notification requirements from the affected utility companies will be followed. In addition, the project's outreach program will be used to inform the public. As described in Section 5.14 of the DEIS, efforts will be made to minimize the disruption if required.

Response to Comment 15-14

Section 5.6.4 of the DEIS included information about noise mitigation or noise control management. Any construction activities occurring outside of normal hours will be communicated through the public outreach program.

5

iii) Providing up to date information to CQ2 residents when construction will occur outside normal business hours, including on weekends. 15-14

4) CQ2 Community Quality of Life

a) Dog Parks: The Virginia Avenue Dog Park is heavily used by dog owners in the CQ2 community, and is the only fenced-in dog park with grass in the area. To minimize the disruption to CQ2 dog owners, we would like to respectfully request that additional consideration be given to:

i) Leaving the dog park undisturbed and available for use during construction, regardless of the alternative chosen, just as CSX has agreed to leave the Virginia Avenue Community Garden undisturbed and outside the LOD.

ii) If CSX will not agree to leave the Virginia Avenue Dog Park undisturbed, we respectfully request temporary relocation of the dog park to another fenced-in grassy area in the neighborhood with access to water so that dog owners will continue to have access to a fenced-in park for the exercise and recreation of their pets. 15-15

iii) Upon completion of the VAT Project we respectfully request that the dog park be restored, and that CSX provide certain improvements such as permanent water stations with fresh running water for the dogs, benches for dog owners, a double-gated safety vestibule, a dog wash or hosing-off area for the dogs, and planting mature trees to provide shade in some areas of the park.

b) Garfield Park and Skateboard Park: The VAT Project will eliminate the use of the skateboard park and basketball court that currently exists under the highway between New Jersey Avenue and 2nd Street SE. To minimize the disruption to CQ2 youth, we would like to respectfully request that additional consideration be given to:

i) Temporary relocation of the skateboard park and basketball court to another nearby location. 15-16

ii) Restoration of the skateboard park after the VAT Project is completed, including the consideration of installing new skateboard ramps and a basketball court for use by CQ2 youth.

iii) Providing improved pedestrian access between Canal Park and Garfield Park under the highway through the skateboard park.

c) Post Construction Restoration of Virginia Avenue and the Virginia Avenue Park.

i) Tree Replacement: Where the DEIS references the removal and ultimate replacement of trees along the LOD, we request that trees be replaced like for like in both size and quantity and a post construction tree maintenance plan for their care and watering is put in place to ensure the long term life of the trees. Also the final EIS should provide detail on the depth of the land to the top of the tunnel and its impact on having sufficient soil coverage to support trees of the current height and girth. 15-17

ii) Community Involvement in the Landscaping Redesign. The final EIS requires a clear statement of the involvement of the community (including representation from CQ2 residents) along with DPR in the redesign of the green space along Virginia Avenue and the Virginia Avenue Park. It was mentioned in the DEIS that additional space will be 'freed up' by the 11th Street bridge project and

Response to Comment 15-15

The temporary fenced area, supplied by CSX to the community within Virginia Avenue Park would be displaced during construction. The Preferred Alternative will not provide enough space within the unaffected areas of Virginia Avenue Park to provide a temporary fenced area. An official dog park will be considered in the redesign of Virginia Avenue Park to be determined by the DC Department of Parks and Recreation following construction.

Response to Comment 15-16

Skateboarding and basketball are unauthorized activities and the current facilities (ramp, rails, and basketball rim) were erected by third parties without the District's authorization. The skateboarding and basketball facilities will not be replaced during construction. At the conclusion of construction, the area under the freeway at 2nd Street SE will be restored and improved for pedestrian access to Garfield Park. Other uses of this area will be determined by DDOT, the owner of the property.

Response to Comment 15-17

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Section 3.3 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

6

could be added to the Virginia Ave Park or used in other ways for public benefit. It is respectfully requested that this be clarified to run from Garfield Park, connecting with Canal Park, to beyond the Virginia Ave Park. The Capitol Quarter Phase 2 community looks forward to being a part of the creation of an showcase green space area and the DEIS commitment to a tree-lined pedestrian and bicycle parkway along the north side of the Virginia Avenue running south of the Freeway with consideration given to:

(1) An improved dog park as identified above.

(2) An improved community garden space.

(3) A children's playground and reinstatement of an improved skateboard area.

(4) Tennis courts and reinstatement of an improved basketball court.

(5) Water features that can be used by the children as play/cooling areas.

(6) Conversation and meeting areas. 15-17

Thank you for the opportunity to comment and participate in the development of this project. The Capitol Quarter Phase 2 HOA is committed to working in partnership with CSX and the governing agencies, ANC 6D and ANC 6B as well as all neighborhood community groups to ensure the speedy completion of the project, least disruption to the community and the ultimate beautification of the neighborhood.

Sincerely,

Eric Habermann

President, Capitol Quarter Phase 2 HOA

Cc:

Delegate Eleanor Holmes Norton - U.S. House of Representatives

Councilmember Tommy Wells – Ward 6

Mr. Andy Litsky (Chair) & Mr. David Garber (Commissioner) – ANC 6D

Mr. Brian Flahaven (Chair) & Ms. Kirsten Oldenburg (Commissioner) – ANC 6B

Mr. Stephen Flippin, Director, Federal Affairs – CSX Corporation

ID 16: Capitol Riverfront BID

MEMORANDUM

TO: PARSONS BRINCKERHOFF
ATTN: VIRGINIA AVENUE TUNNEL PROJECT

FROM: MICHAEL STEVENS, AICP
PRESIDENT, CAPITOL RIVERFRONT BID

SUBJECT: VIRGINIA AVE TUNNEL PROJECT DRAFT EIS

DATE: SEPTEMBER 24, 2013

CC: FAISAL HAMEED
CHIEF, PROJECT DEVELOPMENT, ENVIRONMENT & SUSTAINABILITY PLANNING
DISTRICT DEPARTMENT OF TRANSPORTATION

The Capitol Riverfront Business Improvement District (BID) is dedicated to making the Capitol Riverfront area clean, safe, friendly and vibrant. We do so on behalf of our stakeholders: the residents, employees, property owners and visitors who together comprise the Capitol Riverfront community. The BID operates under the direction of our board, a group which represents the breadth and diversity of our community.

On behalf of those constituents, we offer the following comments regarding the Draft EIS for the proposed Virginia Avenue Tunnel project. Please note that the BID has not taken a position on the merits of any of the individual project scenarios described in the EIS. As such, our feedback herein is not directed to any particular scenario, but rather to the project as a whole.

Mitigation

If this project moves forward, regardless of which scenario is chosen, it will cause significant disruption for the BID community, particularly property owners adjacent to the project site or corridor. These disruptions include noise, vibrations, dust, rodent abatement, trash, and road closures. In this case, it is in the interest of the BID to ensure that these disruptions are minimized and mitigated to the maximum extent possible. To that end, the BID is committed to working with the project team, as well as with stakeholders most impacted by the project, throughout the process to ensure that every effort is taken to mitigate any negative impacts. This includes:

- Using the highest-quality fencing to secure the site and protect adjacent residents and businesses from harm. The security fencing should also secure the construction site from entry by children, visitors to the neighborhood, criminal elements, etc. 16-1
- Using the highest quality security lighting for the project that also minimizes light "pollution" for adjacent residences and businesses, especially in the evening and night-time hours. 16-2
- Utilizing on-site security and traffic control officers to warn visitors and residents of the dangers of the construction site, manage and direct auto, bus bicycle and pedestrian traffic through and/or 16-3

Response to Comment 16-1

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 16-2

Security measures will be put in place to prevent unauthorized access, and security lighting would be directed on the project construction area and not on adjacent residents or buildings. CSX will provide 24/7 security of the construction site. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 16-3

Please see response to Comment 16-2.

around the construction site, and provide an overnight security presence for the entire construction corridor. 16-3

- Minimize noise and dust on adjacent properties throughout the construction process. This would include protective covers on all dump trucks or other vehicles removing dirt, soil or other construction debris from the project site(s). 16-4
- Minimize vibrations of the construction process from activities such as boring, drilling or driving pilings so that adjacent residences and businesses are not impacted during early morning, evening, or overnight hours. The project coordinators should regularly post the hours of these construction activities that generate noise and vibration. 16-5
- Scheduling construction in a way that maintains adequate access to the neighborhood and the immediate area, particularly on days where ball games or other large events generate higher than normal traffic. 16-6
- Establishing and maintaining a daily construction schedule appropriate for working in a residential neighborhood that will not result in undue disruption of normal habits. 16-7
- Employing rodent control strategies to limit any potential increase in rodent activity as a result of the construction. 16-8
- Establishing daily litter, trash and construction debris pick-up and removal from the project site(s) and the neighborhood. 16-9
- Providing clear, consistent, easily accessible information to residents and community members before and during the construction process regarding specific construction impacts, construction activities associated with each phase of the project, and a timeline of construction activities. 16-10

Connectivity

The Virginia Avenue tunnel, together with the nearby freeway, divides two significant neighborhoods, Capitol Hill and the Capitol Riverfront. As such, assuming this project moves forward, any of the proposed scenarios has the potential to significantly limit accessibility to and between both neighborhoods, impacting tens of thousands of residents and visitors.

Given that, maintaining connectivity throughout the project area before, during and after construction is a key priority for the BID. We believe that all existing points of vehicular, north-south access between the two neighborhoods must be maintained throughout the construction process. Further, any temporary facility provided to maintain vehicular access during construction must also include provisions for safe pedestrian access as well.

To achieve these goals, we request that the project team provide the following:

- Additional details on the construction and operations of all north/south temporary bridges that will be used to maintain traffic flow at all SE/SW Freeway underpasses that provide access between the Capitol Hill and Capitol Riverfront communities. 16-11
- A traffic management plan and signalization plan that illustrates how local traffic access and circulation patterns are maintained daily and on baseball game days. 16-12
- A traffic management and signalization plan that illustrates how regional traffic access and circulation patterns are maintained daily for the commuter population as well as baseball game day patrons. Since the majority of Virginia Avenue traffic on the south side of the freeway will be eliminated during the construction process, describe how that traffic will be diverted or rerouted without negatively impacting adjacent neighborhoods. 16-13
- A detailed plan of how long each north/south underpass of the SE/SW Freeway would be closed due to demolition and construction of a "temporary access" bridge, the schedule for the closing and reopening of each access point, and the duration of the temporary measures. 16-14

Response to Comment 16-4

Section 5.6.4 of the DEIS included information about noise mitigation or noise control management. Any construction activities occurring outside of normal hours will be communicated through the public outreach program. Refer to Section 5.5.4 of the FEIS for air quality mitigation measures, including dust control best practices.

Response to Comment 16-5

Alternative 3 was selected as the Preferred Alternative and will not utilize sheet pile driving. Construction activities that may have potential for annoyance will be conducted during the weekday daytime hours. This is one of the potential construction vibration mitigation measures outlined in Appendix F of the DEIS.

Response to Comment 16-6

The traffic study did account for baseball game traffic. The study team coordinated with DDOT with respect to the study area limits and traffic count program. With the exception of short term closures to install temporary structures, traffic capacity within this stated area will not be affected. With respect to temporary road closures, the MOT reflects baseball game and Nationals Park event days and times.

Response to Comment 16-7

The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended.

Response to Comment 16-8

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 16-9

Refer to Section 5.13.3 of the FEIS. The contractor would be required to conduct good housekeeping practices, such as making sure equipment is orderly parked when not in use, daily regular clean-up is conducted, and that soil stockpiles are stabilized as required by District regulations.

Response to Comment 16-10

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 16-11

As described throughout the DEIS, one key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access. Temporary bridge decks will be installed at every intersection on Virginia Avenue SE from 3rd to 8th for pedestrian, cyclists and autos to allow north-south movements for each of the modes. These crossings will also be accessible to those who are wheelchair dependent.

Response to Comment 16-12

Please see revised Executive Summary and Appendix J in the FEIS for updated Traffic Management Plan. The traffic study did account for baseball game traffic. The MOT reflects baseball games and Nationals Park event days and times.

Response to Comment 16-13

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. Although the MOT plan was developed in August 2012, the basic plan elements remain valid at this time. As noted in the DEIS, all north-south roadways would maintain connectivity with the exception of very short periods during installation of temporary bridges over the Virginia Avenue Tunnel. The project team will work with DDOT to continue to monitor and adjust the MOT. Please see revised Executive Summary and Appendix J in the FEIS for updated Traffic Management Plan.

- A detailed pedestrian and bicycle access plan for both neighborhoods during the construction process. 16-15
- Detailed plans for temporary signage to guide all types of traffic through the construction zone, and plans for signal "flagmen" to assist in directing traffic. 16-16
- A detailed plan that illustrates the routes that construction vehicles will take through the neighborhood with the least amount of disruption and impact on adjacent residents and businesses. 16-17

Post-Project Conditions

The Capitol Riverfront community in general, and the stakeholders located adjacent to the project site in particular, will be asked to endure extended hardship should this project proceed. In consideration of that hardship, the surrounding community deserves an enhanced, not merely restored, streetscape at the conclusion of the project. On this point, the language of the Draft EIS is cause for concern. The document contains varied language regarding the process for redesigning Virginia Avenue after the project's completion, leading to ambiguity regarding who will be in charge of making decisions about the design. Draft alludes to "possible" incorporation of pedestrian and bicycle enhancements, if desired by "stakeholders", but does not define stakeholders or how "desire" will be measured.

It is the position of the BID that an improved Virginia Avenue, including an off-street, pedestrian and bicycle greenway, must be included, and budgeted for, in the final project design. Likewise, restoration and improvement of the Virginia Avenue Park, which will be closed during the construction period, must be included and funded in the final project agreement. The final design of the park should be done in consultation with local stakeholders, including the BID and the controlling ANC.

The BID will continue to advocate for the inclusion of these elements in any final project agreement that emerges as a result of this process, and will oppose any project that does not provide for this critical provisions. Specifically, we believe that the following principles should guide the redesign and reconstruction of the Virginia Avenue corridor and Virginia Avenue Park:

- The Virginia Avenue corridor should not be designed and constructed as simply a freeway frontage road, but rather as a linear green space that accommodates vehicular traffic, bicycle and pedestrian trails, green space and drainage swales that incorporate storm water control techniques, possible playground space, and substantial tree canopies. The corridor should exhibit high quality design of the public realm and all associated streetscape and traffic signalization systems. 16-18
- All underpasses at the SE/SW Freeway that are part of the project should be renovated to create a more engaging, safe and friendly passageway for autos, pedestrians and bicyclists alike. This would include incorporating new lighting programs, art installations, painting of concrete walls and underpass ceilings, renovating all approach areas to each underpass. 16-19
- The underpass at 2nd Street, SE and Garfield Park shall be designed and constructed to accommodate bicycle trails in order to connect to Canal Park and Yards Park. The same innovative lighting, painting and art installation tactics employed in other underpasses should also be utilized here. 16-20
- The intersection at Virginia Avenue SE and 8th Street, SE should be redesigned to make it as pedestrian and bicycle friendly as possible, while maintaining vehicular and bus access. This would include enhanced lighting, better pedestrian crosswalk environments, better directional signage, improved streetscape systems, and landscape systems that buffer pedestrians from vehicular traffic. 16-21
- The Virginia Avenue Park should be redesigned and constructed to meet the needs of the adjacent communities and should include at a minimum the community gardens, a children's playground, and a functional dog park. The park should also be designed to have appropriate lighting and landscape features as to make it an attractive destination for families, employees, and other residents of the area. 16-22

Response to Comment 16-14

As described in the DEIS, temporary bridge decks will be installed at every intersection on Virginia Avenue SE from 3rd to 8th for pedestrian, cyclists and autos to allow north-south movements for each of the modes. These crossings will also be accessible to those who are wheelchair dependent. Detailed construction schedules will take into consideration applicable DC regulations on work hours and construction activities. CSX wants to finish the project as soon as possible. The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 16-15

As described throughout the DEIS, one key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 16-16

Section 5.12 of the FEIS was revised to include a figure of Virginia Avenue Park showing the limits of disturbance of the Build Alternatives. The fenced in area for dogs is not an official dog park. As noted in Section 5.12 of the FEIS, the restoration of Virginia Avenue Park will include a dog park.

Response to Comment 16-17

Please see revised Executive Summary and Appendix J in the FEIS for updated Traffic Management Plan.

Response to Comment 16-18

Thank you for your comment. Your suggestions will be taken into account. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 16-19

Please see response to Comment 16-18.

Response to Comment 16-20

Please see response to Comment 16-18

Response to Comment 16-21

Please see response to Comment 16-18

Response to Comment 16-22

Thank you for providing your comment. Your comment has been noted. The project team will work with DPR to determine the final plans for VA Ave Park.

- The land parcels beneath the 11th Street Bridges freeway overpasses should be designed and developed as passive recreational areas for the community, and the underside of the overpasses as well as structural columns should be designed to become public art features through lighting, painting and other methods. These vacant parcels can also be designed to incorporate a significant public art program and installations, as well as the planting of a substantial tree canopy. 16-23
- Environmental sustainability should be incorporated in all design elements for these projects, from lighting to landscaping to storm water management. 16-24

Conclusion

The Capitol Riverfront Business Improvement District looks forward to continuing to work with the project team, nearby residents, property owners, businesses, and other stakeholders to ensure that this project, should it move forward, is done in a way that results in the least minimal adverse impacts to our community, while also providing long-term, tangible benefits for residents, visitors, property owners, businesses and employees.

Response to Comment 16-23

CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 16-24

Please refer to revised Section 3.6 of the FEIS. The Project essentially provides the opportunity to make physical changes to Virginia Avenue SE if desired by DDOT in consultation with the community. The specifics of these physical changes would be determined during final design or during construction of the new tunnel. As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. As described in Section 5.9 of the DEIS, the details of storm water management during construction will be developed per National Pollutant Discharge Elimination System permitting, and other DDOT and District requirements.Storm water management plans for the rebuilt Virginia Avenue SE and other affected roadways will be submitted to DDOT and other agencies as appropriate for review at the appropriate time.These elements are consistent with the principles of environmental sustainability.

ID 17: Casey Trees

September 25, 2013

Faisal Hameed, Ph.D,
Manager, Project Development & Environment Division
Attn: Virginia Avenue Tunnel DEIS Comments
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Dear Dr. Hameed:

Casey Trees is a Washington D.C.-based nonprofit, with a mission "to restore, enhance and protect the tree canopy of the Nation's capital." We appreciate the opportunity to provide public comment on the Virginia Avenue Tunnel Project.

Large canopy trees have the greatest potential to reduce noise and filter particulate matter from construction. Their leaves act as powerful air filters, trapping fine particles and removing pollutants. As they are particularly important along busy corridors with high levels of exhaust, they are crucial to areas like Virginia Avenue. We recommend that CSX work to minimize the scope of disturbance and the number of Special Trees scheduled for removal. 17-1 We applaud CSX for its intent to follow the Urban Forest Preservation Act and to plant replacement trees for those removed. However, we ask that CSX plant three trees for every one tree removed that is not protected by the Urban Forest Preservation Act. 17-2 By using this approach to replacement planting, it will take less time to regain the environmental benefits from the trees lost.

In addition, we recommend that CSX comply with the District Department of Transportation's Engineering Standards and Guidelines for tree protection to ensure the survival of those trees impacted by construction. 17-3 By taking proper measures to protect trees' root zones, such as installing fencing around trees, CSX will reduce the tunnel's contribution to stormwater runoff and foster the development of strong, healthy trees.

CSX has an opportunity to reduce the burden to its Virginia Avenue Tunnel stormwater management system. By maintaining and preserving existing trees and installing green infrastructure along the roadways, it can slow and divert runoff from the Anacostia. We ask that CSX commit to leaving Virginia Avenue and other affected streets in better condition than before construction. The project team should commit, in advance, to improving the street and sidewalks and installing green infrastructure that will improve the site at street level. 17-4

Thank you for your time and for the opportunity to comment. If you have any questions, please feel free to contact me. I may be reached at mhughes@caseytrees.org or 202.349.1893.

Maisie Hughes
Director of Planning & Design

Casey Trees®
WASHINGTON DC
3030 12th Street NE · W DC 20017
202.833.4010 · f 202.833.4092 · caseytrees.org

Response to Comment 17-1

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The project will replace the same amount of trees as removed. The project team is working with DDOT Urban Forestry Administration to ensure proper number and types of trees are used. The tree canopy will reestablish over time, as stated in section 5.10.3 of the DEIS. As a point of clarification, the project will implement a tree replacement plan for those trees displaced within the public right-of-way, Virginia Avenue Park and the Marine Corps property. Trees displaced within CSX properties will not be replaced. However, CSX will comply with the Urban Forestry Preservation Act for the displacement of special trees within its property. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR.

Response to Comment 17-2

Please see response to Comment 17-1.

Response to Comment 17-3

Please see response to Comment 17-1.

Response to Comment 17-4

Please see response to Comment 17-1. As described in Section 5.9 of the DEIS, the details of storm water management during construction will be developed per National Pollutant Discharge Elimination System permitting, and other DDOT and District requirements. Storm water management plans for the rebuilt Virginia Avenue SE and other affected roadways will be submitted to DDOT and other agencies as appropriate for review at the appropriate time. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. This will also include the post-construction condition of the area under I-695 at 2nd Street SE. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

ID 18: Capitol Hill Restoration Society (1)

CAPITOL HILL RESTORATION SOCIETY

September 25, 2013

Mr. Joseph C. Lawson email: Christopher.lawson@dot.gov
Division Administrator
Federal Highway Administration
DC Division
1990 K Street, NW, Suite 510
Washington, DC 20006-1103

Subject: Comments on the Draft Environmental Impact Statement for the CSX Virginia Avenue Tunnel Project in Southeast Washington, DC

Recommendation: Adopt Alternative 1, No-Build

Dear Mr. Lawson:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the CSX Virginia Avenue Tunnel Project (Project) in Southeast Washington, DC. The Capitol Hill Restoration Society (CHRS) appreciates the opportunity to share with the Federal Highway Administration, District of Columbia Division (FHWA-DC), the DC Department of Transportation (DDOT), and other involved agencies its comments and concerns about the many impacts this extensive project will have on the Capitol Hill community and the Capitol Hill Historic District (CHHD). As the oldest and largest civic organization on Capitol Hill and one of the largest in the city, CHRS is committed to preserving the historic fabric and character of Capitol Hill and protecting its neighborhoods, environment, cohesiveness, and residential nature. CHRS is a consulting party in the Section 106 review of this Project and previously filed scoping comments regarding this project.

Summary

CHRS strongly urges FHWA to adopt Alternative 1, the No-Build Alternative. We believe the safety and security risks and vibration and environmental impacts of the other alternatives would devastate this residential area and are avoidable. 18-1

P. O. Box 15264 - Washington DC 20003-0264
202-543-0425 - www.chrs.org - info@chrs.org

Response to Comment 18-1

Thank you for providing your comment. Your comment has been noted. Chapter 2 of the DEIS provides detailed information about the Purpose and Need of the Project.

I. Comments concerning Alternative 1, No-Build

No-Build is the only alternative that saves residents and businesses in the Project area from 30-66 months of increased noise, vibration, dust, decreased air quality, and reduced access to their homes; damage to area buildings; loss of more than 400 trees; loss of access to most of Virginia Avenue Park; and a devastated streetscape during construction and for decades afterward.

The No-Build Alternative meets the Purpose and Need described in DEIS Section 2 as part of a plan to satisfy the urgent need for additional passenger rail service in and out of DC. In a nutshell, CSX uses the Long Bridge across the Potomac River, the Southwest (SW) rail tracks, and the VAT to transport freight through DC. Currently, freight and passenger trains (e.g., Virginia Railway Express) compete to use the Long Bridge (controlled by CSX), the only Potomac River rail crossing within 70 miles, and also compete to use rail tracks in Southwest DC (SW). Only CSX uses the VAT. Because CSX and passenger railroads each expect traffic volumes to increase, the Long Bridge bottleneck will become more and more of a problem in the future. CSX will understandably want to maximize Long Bridge capacity for its own operations. The solution suggested by several planners to solve this serious problem is to construct a new freight rail bridge across the Potomac, then connect to existing freight rail tracks in Maryland so that freight trains would no longer need to transit through the District of Columbia. As a result, there would no longer be a need for the VAT.[1] CHRS understands that other commenters will present a detailed analysis of plans for improving freight and passenger rail service that obviate the need for the VAT. 18-1

II. Comments concerning Alternatives 2, 3, and 4, the Build Alternatives

CHRS's comments below set forth multiple significant adverse impacts from the Project's Build Alternatives.

A. Summary of Build Alternatives

Alternative 2: Rebuild the Virginia Avenue Tunnel (VAT). Temporary run-around track in protected open trench below street level and seven feet south of the existing tunnel's centerline. DEIS S.3; Figure S-2; Table 3-2.

- Estimated construction time: 30-42 months.[2]
- Estimated cost: $175 million.

Alternative 3: Two new tunnels, constructed sequentially in a protected open trench; existing tunnel to be used during construction of first new tunnel, then demolished and rebuilt; tunnels

[1] We understand that CSX delivers coal to the Capitol Hill Power Plant, CSX's only customer located in DC. The power plant is converting to cogeneration, and after that conversion it will no longer need coal delivered by CSX. The Architect of the Capitol has stated: "The [cogeneration] permits do not allow CPP [Capitol Power Plant] to return to coal burning, as some have suggested, because the plant currently burns limited coal as it has since the early 1900s. The proposed permits would also not roll back emission limits in order to allow the power plant to burn more coal. The permits significantly lower the emission limits at the power plant and therefore limit the amount of coal that CPP can use." www.aoc.gov/capitol-buildings/capitol-power-plant

[2] Construction timelines and cost estimates from VAT public meeting on July 31, 2013.

2

separated by center wall for most of their length, and 25 feet south of the existing tunnel's centerline. DEIS S.3; Figure S-3; Table 3-3.

- Estimated construction time: 30-42 months.
- Estimated cost: $168 million.

Alternative 4: New partitioned tunnel, online rebuild, 17 feet south of the existing tunnel's centerline. DEIS S-3; Figure S-4; Table 3-4.

- Estimated construction time: 54-66 months.
- Estimated cost: $208 million.

B. Severe shortcomings in DEIS's, scope, data, and analysis

The DEIS contains multiple serious defects in scope, data and analysis, both for the construction period and post-construction operations.

Air quality

A key factor in Purpose and Needs is the increase in rail traffic beginning in 2015. DEIS 2.2. The DEIS fails to project the Build Alternatives' effect on air quality, because it lacks a key variable: number of freight trains using the tunnel in 2015, 2020, 2030 and 2040. Projections to 2040 are used in other recent rail transportation studies. See e.g., "TransAction 2040: Northern Virginia Rail Transportation Plan Technical Report" (Nov. 2012). In 2005, the Federal Railroad Administration issued its Report to Congress: Baltimore's Railroad Network: Challenges and Alternatives, and projected that the number of CSX trains traveling between Washington and Baltimore will increase from 33 trains a day in 2012 to a high of 56 trains a day in 2050. Page 4-13. This projection, performed in 2005, did not take into account the increased freight that will result from expansion of the Panama Canal. The projected number of trains per year in 2015, 2020, 2030 and 2040 must be supplied and analyzed to determine the Project's effect on air quality. 18-2

The DEIS is also deficient because it treats changes in air quality only during construction, and totally fails to account for easily foreseeable changes in air quality after construction is completed. CXS presently runs 20-30 trains powered by diesel locomotives through the Virginia Avenue Tunnel. The number of trains will likely double after the Panama Canal expansion. DEIS 2.2. As a result the amount of emissions from CSX trains on Capitol Hill and in other areas in the Washington region will double. Increased CSX emissions are only one part of foreseeable future change in air quality. CSX requires that Amtrak and MARC also use diesel locomotives on CSX tracks in DC. These rail lines also project an increase in traffic, which will further increase diesel emissions on Capitol Hill. These increased diesel locomotive emissions from three rail lines must be quantified in order to evaluate the environmental impacts of rebuilding the Virginia Avenue Tunnel.

3

Response to Comment 18-2

As described in Section 5.15.1, the Preferred Alternative or the other two Build Alternatives will reduce the number of intermodal container freight trains passing through the District when compared to the no build condition. A rebuilt Virginia Avenue Tunnel will not exceed the General Conformity Rule's de minimis emission thresholds. Please see Section 5.5 of the DEIS for further information.

Noise

A majority of the predicted construction noise is expected to exceed the Construction Noise Impact Criteria of the Federal Transit Administration (FTA). The very high projected noise levels from Alternative 4 (sheet piling) are a particular concern. DEIS 5.6.2, Table 5-6. DEIS 5.6.4 describes "reasonable (i.e., cost effective) and feasible (i.e., physically achievable)" mitigation measures. The DEIS fails to specify whether all the listed measures will be implemented, and whether the expected reduction in noise from any implemented measures would collectively reduce the noise levels below the FTA limits, and if not, what additional measures are available to bring construction noise below the FTA limits. Because most construction will be done during weekdays, we are particularly concerned about effects of the noise on the children at nearby schools, including Tyler Elementary, Capitol Hill Day School, Van Ness Elementary School (which will be reopened), and the Eagle Academy Public Charter School. Construction noise will also have a serious adverse impact on the environmental justice population of low-income seniors living in the Capper Senior Apartments, an assisted-living facility immediately adjacent to the construction zone. Other residents, including retirees, infants, and small children who live near the LOD, will also experience undue noise impacts. 18-3

Response to Comment 18-3

The effectiveness of noise mitigation will be evaluated by monitoring, which was identified in Section 5.6. If necessary, additional measures would be implemented. No school is predicted to experience construction noise impacts even without noise mitigation. Alternative 3 was selected as the Preferred Alternative and does not utilize sheet pile driving.

Vibration

The DEIS methodology in evaluating vibration is flawed, and its conclusions that no harm will be caused to historic buildings are invalid.

The DEIS correctly points out that older buildings are typically more susceptible to ground-born vibration damage because of construction codes (or their absence) in the past. DEIS 5.7.1. Many of the buildings in the Project area are 19th century or early 20th century buildings. See e.g., construction dates for buildings shown in Section 4(f), p. 92 et seq.

Train Height, Weight, Length, Speed and Volume were Underestimated. The DEIS states that because the closest building to the alignment edge of the track is 44 feet, and that human annoyance and building damage only occur at distances closer than 44 feet, there will be no vibration damage during construction or post-construction. DEIS 5.7.2, 5.7.3. However, the DEIS vibration measurements are based on existing trains operating in the Project area. DEIS 4.2. The DEIS fails to answer what the construction and post-construction vibration levels will be from double-stacked intermodal container freight trains. This is a critical shortcoming in the DEIS, and casts doubt on the conclusion that construction and post-construction vibration will not annoy people or damage buildings: 18-4

- Construction vibration levels from trains: It appears that double-stacked intermodal container freight trains will run during the construction of any Build Alternative. See DEIS Tables 3-2, 3-3, 3-4 (construction phasing) and Figures S-2, S-3, S-4 (post-construction Build Alternatives). Data from double-stacked trains would be the most relevant and CSX and the consultants should have access to data on vibration from these double-stacked trains.

Response to Comment 18-4

The vibration analysis was prepared using Federal Transit Administration procedures. In response to specific remarks in this comment: (1) double-stack intermodal container freight trains do not produce higher vibration levels than other types of freight trains; (2) vibration modeling was based on the design speed of the new tunnel, which will be 40 mph; (3) train lengths would affect the duration of the vibration, not intensity (in other words, if the receptor does not feel the vibration, it would not matter how long is vibration); (4) the fill material will not change the propagation of the vibration from the tunnel; and (5) the analysis used applicable vibration parameter levels for the projected quantity of train events. Please see revised Appendix F for additional details.

4

- Post-construction vibration levels: The tests for vibration levels from passing trains were based on current train configurations using the VAT, and not on double-stacked intermodal container freight trains. DEIS Appendix F, section 4.2. CSX runs double-stacked intermodal container freight trains on some of its routes. Data from double-stacked trains would be the most relevant and CSX and the consultants should have access to data on vibration from these double-stacked trains.

- Train Height and Weight are Underestimated. The DEIS projects the vibration from two passing train trains in the VAT by doubling the vibration measurements for single-track trains. DEIS 5.7.3. Is this projection accurate for One would expect vibration to be higher for passing double-stacked intermodal container freight trains? Data from double-stacked trains is relevant and CSX and the consultants should have access to data on vibration from these double-stacked trains.

- Train Speed is Underestimated. Measured passing trains were traveling at 12, 14, 19, and 20 mph. DEIS Appendix F, Tables 4-1., 5.4. During construction trains speed is to be limited to 25 mph. DEIS 5.15.1.1. After tunnel reconstruction, would trains speeds increase? And how would any increase in speed affect vibration from double-stacked trains? 18-4

- Train Length is Underestimated. Measured passing trains were 28, 47, 70, 120, and 143 cars in length. It appears that vibration levels peak during the mid-part of a train's passage. DEIS Appendix F, Tables 4-1, 5-4. After tunnel reconstruction, would train lengths increase? (With the end of single-tracking through the VAT, train lengths may increase.) A longer train may increase the duration of higher vibration levels. And, how would higher speeds or longer double-stacked trains affect vibration?

- The vibration dissipation rate depends on the "local soil composition." DEIS Appendix F section 4.2. The DEIS provides data on current soil conditions. DEIS Figure 4-10. However, some the soil surrounding the tunnel would be replaced. DEIS 5.8. For this reason, it is unclear what post-construction vibration would be.

- Train Traffic is Underestimated. Is there a cumulative effect from repeated vibration events? DEIS 5.15.1.2 states that freight rail transportation is expected to substantially increase. An average of 18 trains per day is projected to use the VAT during construction. DEIS 5.15.1.1.
  In addition, improved vibration studies may indicate that buildings will be damaged by vibration. If either of these circumstances occurs, the projected number of trains per year in 2015, 2020, 2030, and 2040 must be supplied and analyzed to determine the post-construction vibration effects from the Project.

Safety and Security; Hazardous Cargo

The DEIS fails to address key safety and security issues inherent in all the Build Alternatives, which are vividly illustrated by the iconic photograph of rail tanker cars with the Capitol in the 18-5

5

Response to Comment 18-5

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS.

background. While CSX has assured everyone that "hazardous cargo" (generally as substances posing a poison or toxic inhalation hazard, explosives, and radioactive materials (49 CFR Parts 171-180)) is routed outside the District of Columbia, other dangerous substances in rail cars may be routed through the city. (CSX, not the Federal Railroad Administration, decides what "hazardous cargo" is rerouted.) Dangerous chemicals that are not "hazardous" and thus may be routed through the city include oil, terephthalic acid, fluorolytic acid and sodium chlorate. These chemicals have caused major damage in accidents in recent years. The most recent example is the CSX train that derailed near Baltimore, MD, on May 26, 2013. The derailed train, carrying sodium chlorate, terephthalic acid and a partially empty tank car containing fluorolytic acid, exploded and caught fire. The train that derailed was traveling from Selkirk, N.Y. to Waycross, Ga., along CSX's Eastern Seaboard Freight Rail Corridor that includes the Virginia Avenue Tunnel. In addition to the danger from serious accidents, these dangerous cargoes traveling through the city offer targets for terrorists. 18-5

The No-Build Alternative is the only alternative that addresses these serious safety and security issues. The DEIS must address how reconstructing the Virginia Avenue Tunnel and the associated increase in the number of freight trains contributes to increased national security threats, from both sabotage of trains and from explosives in container cars. Worst-case scenarios should be an important, if not decisive, component of the DEIS analysis.

Effects on wildlife

The DEIS totally fails to accurately account the effect on wildlife because it omits all effects of construction period noise, vibration, air quality changes, and habitat destruction, each of which is a threat to wildlife identified by DC Department of the Environment (DDOE).

DDOE has identified many species of birds, animals, reptiles, amphibians, and invertebrates in DC. DDOE identified species living in DC urban landscapes. Within that group, DDOE lists species of greatest conservation need in urban landscapes:

- Birds: Black-crowned Night Heron, Brown Thrasher, Chimney Swift (a migratory species),[3] Eastern Towhee, Red-shouldered Hawk.
- Mammals: Eastern Red Bat, Eastern Chipmunk, Gray Fox.
- Reptiles: Eastern Box Turtle, Eastern Hognose Snake.

DDOE Wildlife Action Plan (WAP), Ch. 5, www.ddoe.dc.gov. 18-6

We believe that the Project area is an urban landscape, as this term is used in the WAP. DDOE also identifies several threats to wildlife in DC urban landscapes, including habitat loss, noise pollution and air pollution. WAP, Ch. 4, Table 10.

DDOT asked DDOE for information concerning District-listed or proposed threatened or endangered plant or animal species, species of greatest conservation need, and/or any critical

[3] National Geographic Society, Field Guide to the Birds of North America (Washington, DC: National Geographic Society, 1995, 252.)

6

Response to Comment 18-6

Neither the U.S. Fish and Wildlife or the DC Department of the Environment (DDOE) identified threatened, endangered or District SGCN (Species of Greatest Conservation Need) species within the limits of disturbance. Section 5.10 of the DEIS acknowledged the loss of habitat for species adaptable to urban environments from construction. Based on the analysis available to us, there is no indication that this project will cause mortality in any of the species listed by the commenters, and in light of that fact, construction may be disruptive but without any serious consequence, and therefore does not warrant further analysis. Prior consultation with DDOE is not required for this analysis. Nevertheless, DDOE received a copy of the DEIS for review.

habitats that may occur within or adjacent to the Project area. DDOE responded by letter dated July 13, 2012, identifying species of greatest conservation need neighboring the Project area (American Toad, Green Frog, Southern Leopard Frog, Redbelly Turtle, Eastern small-footed bat, and Little brown bat). DEIS Appendix, section 7, Correspondence. There are two issues with the letters between DDOT and DDOE:

(1) DDOE was never asked about the effects from noise, vibration, air quality changes, and habitat loss (described in DEIS 4.5 4.6, 4.7, 4.10) during construction. These changes may affect species within the project area and also affect species neighboring the project area, particularly the species of greatest conservation need. DDOE must be recontacted and consulted on these critical issues and the FEIS must account for these effects and how those effects can be mitigated.

(2) DDOE's letter did not mention birds or other species "within the project area." DDOE's reference to birds "in the area" which are not species of greatest conservation need (Northern Mockingbird, American Robin, Song Sparrow, House Sparrow and European Starling), may suggest that DDOE identified no species of greatest conservation need within the Project area, but this is not clear. The DEIS does not clarify whether the Chimney Swift, a migratory species associated with urban landscapes, may be "within the project area" at some times during the year. The DEIS notes that DC is an important pathway for migratory birds. DEIS 4.10.2. The list of species found within DC (from websites of the Smithsonian National Museum of Natural History and the Audubon Society of the District of Columbia), must be compared with DDOE's list, and any discrepancies must be addressed. DEIS 4.10.2; Appendix, section 7, Correspondence. It must also address all the species on DDOE's list of species of concern known to live in urban landscapes, what effects the Project would have on these species, and how those effects can be mitigated. 18-6

Bat populations are in decline in the United States, and therefore, conserving them is especially important. We urge that additional field visits be made to check for bats at the optimum dates and times in the Project area, including the tunnel and the adjacent area to check for bats. If any bats are found that a mitigation plan must be developed in consultation with DDOE.

Furthermore, the Project's limits of disturbance (LOD) will suffer the loss of 404 trees, and all impacts on vegetation, as well as increases in noise and air pollution, are threats to wildlife identified by DDOE. The DEIS not only fails to consider the effects of these factors on wildlife, and how they could be mitigated, it makes the unsupported conclusion that "…the existing wildlife in the general vicinity of the LOD is adaptable to urbanized and disturbed habitats, and would unlikely be affected by construction activities other than localized losses of habitat resulting from tree and vegetation removal described above." DEIS 5.10.1.2. DDOE was asked only to identify threatened or endangered species, or species of greatest conservation need. DEIS Appendix, section 7, Correspondence.

Traffic

At least 10 signalized intersections are noted in Table 5-22 as having worse level-of-service (LOS) during at least one construction phase than under existing conditions (No-Build Alternative), with several losing several tiers in the LOS Definitions. This includes going from "A-free flow" to "C-approaching free flow" and "B-relatively free flow" to "D-approaching unstable flow" conditions, as well as from "A-free flow" to "E-unstable flow" conditions" at I/Virginia/7th SE and to "D- approaching unstable flow" conditions at I/Virginia/6th SE during AM rush hours. Other adverse impacts to traffic are noted in the DEIS, including closure of Virginia Avenue south of the freeway during construction for substantial lengths of time. The affected area already suffers from challenging traffic conditions, especially during rush hours, and construction will have considerable adverse impacts on residents and businesses alike. Businesses, especially along Barracks Row both above and below the freeway, stand to suffer adverse economic impacts, and property owners in the Lower 8th Street Overlay area will continue to suffer uncertainty about what they will and won't be able to do with their properties, leading to a dearth of needed revitalization in that area.

At the September 9, 2013 meeting of the 11th Street Bridge Community Communications Committee, attendees were told that the 11th Street off-ramp from I-695 could not be completed during the duration of the 11th Street Bridge Project because the VAT Project would be occupying affected land. Instead, the Project Manager said that CSX would build that ramp after completion of the VAT reconstruction Project. There is no mention in the DEIS of this huge problem related to the VAT Project, which will be yet another huge and unforeseen adverse impact on the community and others who use the freeway. The FEIS must contain ironclad environmental commitments that bind CSX to fully funding and undertaking the completion of this ramp. 18-7

Response to Comment 18-7

The 11th Street ramp is part of the on-going 11th Street Bridge project. Depending upon progress of the VAT project and the status and timing of the ramp construction, the project team will perform extensive coordination with not only the 11th Street Bridge project but with all on-going construction projects within the project area to avoid and/or minimize impacts on the built infrastructure. The proposed ramp is in close proximity to the proposed VAT construction, however CSX will continue to coordinate extensively with DDOT on this separate project to address unnecessary construction/reconstruction situations. Please see section 5.18 of the DEIS for more information on the elements of the 11th street project.

Parks

The Project would affect in varying degrees Virginia Avenue Park, Garfield Park, Reservations 122, 122A, 123, 124, 124A and 127 (DEIS 4.12, 4.13, 5.1.1), the Marine Corps Recreation Facility, and the ad-hoc skateboarding area under I-695. Pedestrian access to Garfield Park from 2nd Street, SE would be affected during one phase of construction. DEIS 5.12.1. The DEIS proposes to use Virginia Avenue Park to stage construction equipment, and for construction or equipment staging, to cut down eight trees, and would occupy a "large swath of open grassy area and the fenced dog area." Although the community garden and park benches would be available during construction, "[n]oise and dust from construction activities within the park would degrade the park experience of garden users and park visitors." DEIS 5.10.1, 5.12.1; Appendix H.

The DEIS fails to specify what types of equipment would be located in Virginia Avenue Park, whether any of the equipment is hazardous to people or pets, or how it would be secured. While open trench construction in the Virginia Avenue Park appears unavoidable if the Project moves forward, we are not convinced that there is no prudent or feasible alternative to handling construction staging elsewhere. Other parcels of land are near the project area, and the 4(f) report makes no mention of whether CSX or DDOT have explored other potential areas for staging that 18-8

Response to Comment 18-8

Virginia Avenue Park will not be used for construction staging, a term that means the storing of equipment and materials to support the entire project. Materials and equipment needed specifically for construction within the park property may remain within the boundaries of the park during off-hours. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

would not require use of a historic and 4(f) property that is a contributing property in both the Capitol Hill Historic District and the L'Enfant Plan. For instance, owners of one or more vacant parcel might be amenable to renting their property for staging purposes, and some areas might be freed up when portions of the 11th Street Bridge are completed. Other areas were found for project staging for the 11th Street Bridge Project, which originally insisted that it just *had* to use Virginia Avenue Park for this purpose, and we recommend that DDOT work with CSX to accomplish the same outcome here. Publicly owned parks, recreation areas, and open green spaces are few and far between on Capitol Hill, and our residents shouldn't have to give up enjoyable use of this one for corporate purposes 18-8

Parking

Table S-1 shows that 108 on-street parking spaces would be displaced. It is already nearly impossible for residents of Capitol Hill to find legal parking, especially at night and for those who live near Barracks Row and the Nationals Ballpark. CSX paying fees to DDOT for the lost spaces will do impacted residents no good whatsoever, and the only mitigation offered is that construction workers would not be allowed to use on-street parking. As residents can attest who live near Stuart Hobson Middle School, which is undergoing extensive renovations, this prohibition is meaningless, with construction workers continually parking on the residential streets. Meaningful mitigation that addresses the loss of these spaces must be provided for in the FEIS to address the real-life, daily needs of both residents and the businesses along Barracks Row and in Lower 8th Street. 18-9

Response to Comment 18-9

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations. The contractor will enforce parking restrictions among its employees. On city streets, the District government enforces parking infractions.

Alternative 2 is the Build Alternative with the least adverse impact

Alternatives 2 and 3 have the same estimated construction time: 30-42 months, and are relatively similar in cost ($175 million vs. $168 million). Alternative 3 would place train operations during and after construction further south of the current tunnel's centerline (seven feet vs. 25 feet), in an open trench, and closer to residents and buildings on Virginia Avenue. Alternative 4 would place train operations and construction 17 feet south of current tunnel's centerline, take longer (54-66 months) and cost more ($208 million) than Alternatives 2 or 3. Alternative 4 would also require sheet piling and result in extremely high noise levels, some exceeding 90 dB. DEIS 5.6.2, Table 5-6. All three Build Alternatives would have the same post-construction train pass-by vibration distances in terms of human annoyance and building damage. DEIS Table 5-15. For this reason, Alternative 2 is the least undesirable of the Build Alternatives during construction and post-construction because it places construction and operation farther away from residents and people than Alternative 3 or 4. 18-10

Response to Comment 18-10

Thank you for providing your comment. Your comment has been noted. Please note that Alternatives 2 and 3 have the same construction limits of disturbance, and Alternative 2 would conduct train operations in an open trench during construction, and except for a 230-foot section immediately east of the 2nd Street portal (completely within the 200 block of Virginia Avenue SE), construction-period train operations under Alternative 3 will be within a tunnel at all times.

Mitigation

Summary

If any of the Build Alternatives are selected, people and businesses in the Project area will endure 30-66 months of increased noise, vibration, dust, decreased air quality, plus inconvenience, loss of access to most of Virginia Avenue Park, and a devastated streetscape

9

during construction and for years afterward. The mitigation measures proposed in the DEIS are completely insufficient to compensate for these losses.

Potential damage to buildings in the CHHD

At the public meeting on July 31, 2013, FHWA promised pre-construction reports on foundations of buildings within part of (or the entire) Project area. These reports are critical for building owners, some of whom may not be able to afford to pay for a report on their own, nor should they have to. FHWA however, was silent on key features regarding these reports, including: what buildings would be inspected and reported on, when inspections will be done, identification and qualifications of persons making reports, content of reports (descriptions, photographs, analysis, potential damage from construction or post-construction vibration), immediate availability of the entire report to the building owner, and the public (including online access) at no cost to the building owner or to the public. 18-11

Streetscape; Tree Loss

Options 2, 3 and 4 would require almost trees to be cut down. This will degrade the Virginia Avenue, SE streetscape for decades to come. The L'Enfant street grid, which is listed in the National Register of Historic Places, must be restored following VAT construction.

"The Build Alternatives would improve the streetscape of Virginia Avenue, SE." DEIS 5.3.2.1. This statement is completely inaccurate. Virginia Avenue would lose 164-168 street trees, including mature trees. These trees enhance the visual and aesthetic conditions on Virginia Avenue. Virginia Avenue Park would lose eight trees. DEIS 4.13, 5.10.1, Appendix H. Virginia Avenue would be hot and barren during the months of construction and for years afterward, until the replacement trees are planted and mature.[5] The loss of mature trees will degrade air quality, and increase water-run-off. It also may not be possible to replace some mature trees, since realignment and widening of the tunnel may preclude planting trees where 18-12

[5] The lost benefits from Virginia Avenue street trees and Virginia Avenue Park trees include:

- A tree can absorb as much as 48 pounds of carbon dioxide per year, and can sequester one ton of carbon dioxide by the time it reaches 40 years old.
- One large tree can provide a supply of oxygen for two people.
- In one day, one large tree can lift up to 100 gallons of water out of the ground and discharge it into the air.
- For every five percent of tree cover added to a community, storm water runoff is reduced by approximately two percent. Vegetation reduces runoff and improves water quality by absorbing and filtering rainwater.
- According to the USDA Forest Service, "Trees properly placed around buildings can reduce air conditioning needs by 30 percent and save 20-50 percent in energy used for heating."
- The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day.
- Healthy trees provide wildlife habitat and contribute to the social and economic wellbeing of landowners and community residents.
- Tree shade can slow deterioration of street pavement, decreasing the amount of maintenance needed.

www.treesforcapitolhill.org, Fall 2013 newsletter.

10

Response to Comment 18-11

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 18-12

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project team may also partner with other organizations to assist in tree plantings and maintenance of planted trees. As a point of clarification, the project will implement a tree replacement plan for those trees displaced within the public right-of-way, Virginia Avenue Park and the Marine Corps property. Trees displaced within CSX properties will not be replaced. However, CSX will comply with the Urban Forestry Preservation Act for the displacement of special trees within its property. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

the tunnel ceiling would interfere with their root systems. See www.caseytrees.org/resources/reasons and www.treesforcapitolhill.org, Fall 2013 newsletter.

DDOT's Urban Forestry Administration (UFA) must replace the soil removed from the Project area, the 164-168 lost street trees on Virginia Avenue, the eight lost trees in Virginia Avenue Park, and regularly water all the new trees for at least the first two seasons after planting. All trees listed in Appendix H must be replaced, regardless of their condition when surveyed. UFA, in consultation with the community, must make all decisions concerning tree replacement and must supervise all aspects of tree replacement, including selection, planting, and care. We appreciate the statement that "the Project sponsor would work with UFA" on replanting, but UFA should be in charge of the entire process. DEIS 4.10, 5.10.2.1, 5.10.3, Figure 4.14. CSX must bear all of these costs. 18-12

In addition, CSX should bear the costs of replacing and watering each of the other ~240 trees lost in the LOD (404 trees described in DEIS 4.10.1 minus 164 or 168) on a one-for-one basis, with selection, planting, planting location, and care for trees in public space to be determined by UFA in consultation with the community.

DEIS 3.3.2.2 states that certain elements "are assumed to be constructed or provided by the Project and would be part of post-construction condition of Virginia Avenue, SE between 2nd and 9th Streets, SE", including "improved access to Garfield Park for wheelchair dependent individuals, … provide additional landscaping, such as the area between 4th and 5th/6th Streets SE due to the proposed changes noted above …provision of additional on-street parking where appropriate ... improved street lighting, traffic signals and crosswalks." It is unclear whether these mitigation measures are mandatory and whether they are in addition to or in place of the elements described in DEIS 5.3.2.1 (discussed below).

According to the DEIS 5.3.2.1, improvements in the streetscape "would include improved sidewalks, new bicycle facilities, and more landscaping, … ." This statement is vague. Specifics are needed to define:

(1) "Improved sidewalks": how would the improved sidewalks differ from the existing sidewalks, and would the new sidewalks comply with DDOT's requirements for public space improvements in historic districts? Would sidewalks be constructed using permeable materials?

(2) "New bicycle facilities": Is this a Capital Bike share station, bicycle lanes, or something more? For example, does "new bicycle facilities" mean the three proposed bicycle facilities listed in DEIS 4.15.5 or the two facilities listed in 5.15.5.2? 18-13
DEIS 5.1.2.3 mentions enhancing "connectivity between parks for pedestrians and cyclists." It is unclear what connectivity means, or which parks (only the parks listed in DEIS 5.1.1?) or other connections between parks, such as listed in CapitalSpace Partners final report (2010)).

(3) "More landscaping": What does this mean, and where? Any landscaping must be low-impact, minimizing water run-off. Please see additional comments below.

The FEIS should address and incorporate the following mitigation measures:

11

Response to Comment 18-13

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

- Appropriate Soil. For optimum tree and plant growth in the LOD, UFA must specify the type and depth of soil to be installed throughout the LOD, and closely supervise the installation. This is a critical element in successfully restoring the streetscape and parks. For example, the soil installed on the Eastern Market Metro Plaza (on the south side by the escalators) was poor quality, failed to meet National Park Service specifications, and has resulted in ongoing tree and plant growth problems.

- A continuous tree lawn on Virginia Avenue (as opposed to tree boxes surrounded by paving). DEIS 5.9.2.1 appears to suggest a continuous tree lawn; this should be confirmed.

- Plant and wildlife restoration. Because all trees and vegetation within the LOD will be removed, DDOT must work with the community to devise a plan to restore vegetation, taking into account low-impact development, enhancing wildlife habitat, and minimizing water run-off. DEIS 5.10.1.1, 5.9.2.1.

18-13

- DDOT's "Anacostia River Trash Reduction Plan" (ARTRP) (2009) should be followed in restoring the LOD and streetscape.[6] In particular:

- Installing rain gardens (sites near I-695 and Reservations 122, 122A, 123, 124, 124A and 127 may be possible, in addition to Virginia Avenue Park and Garfield Park). ARTRP p. 6-10. DEIS 5.9.2.1 appears to recommend rain gardens.

- Installing vortex separator systems (or equivalent best management practices) in all catch basins/ storm drains. ARTRP p. 6-14.

- The FEIS should address other streetscape issues to include street lighting, curbs, street furniture, and for parks, benches and playground equipment. DDOT should follow its "Context Sensitive Design Guidelines."

- New sidewalks should be installed on the north side of Virginia Avenue, abutting I-695 (where there are no sidewalks currently).

- The skateboard area shown on Figure 4-16 should be replaced, and in consultation with the community, additional skateboard and other recreational areas should be added.

It is essential that the community be included in all planning decisions.

Parks

The commitments in the DEIS to restoring Virginia Avenue Park vary: DEIS 3.3.2.2 states that Virginia Avenue Park "would be restored to at least the conditions prior to construction. CSX

[6] www.ddoe.dc.gov/cwp/view,a,1209,q.499180.asp

12

has committed to provide some enhancements and upgraded amenities in coordination with NPS and DPR." [emphasis added] On the other hand, DEIS 5.12.1, 5.12.3.3, and Section 4(f) evaluation 9.4.3state that "Virginia Avenue Park [would be restored] to its pre-construction condition." [emphasis added] If no feasible alternative is found to using any of the parks for construction staging, the following remediation actions must be implemented: in addition to replanting all trees and restoring vegetation, any remaining non-native invasive plant species should be eradicated. DDOT, DC Department of Recreation and Parks, and the community need to plan the restoration and replanting. CSX must bear all costs. 18-14

3. DC government must receive the fair market value of any new right of way on public property granted to CSX in connection with any Build Alternative.

The Build Alternatives contemplate locating the rebuilt tunnel within CSX or publicly-owned property. DEIS 3.2.1. We understand that in connection with the Project, CSX would receive new right-of-way (ROW) under Virginia Avenue from DC government. DEIS 5.1.2.1. CSX is a publicly traded company. DC government and DC taxpayers are entitled to receive fair market value for CSX's use of public land. The area of any new ROW must be measured and appraised by a qualified appraiser, and all documentation concerning this issue must be transparent and immediately available to the public. 18-15

In summary, CHRS urges DDoT to address and/or confirm:

1. Air Quality: Factor increased train traffic into construction and post-construction impacts;
2. Noise: Confirm mitigation measures for construction noise and address post-construction noise levels due to increased train traffic;
3. Vibration: Factor in the impacts of increased train height, weight, length and traffic, as well as soil replacement, and secure from FHWA clarification on the promised pre-construction reports on area building foundations, identifying buildings, timelines, qualifications of the inspectors, elements of the reports, and confirmation that they will be immediately available, online and at no cost;
4. National Security and Hazardous Cargo: Acknowledge the health, safety and national security risks of toxic chemicals and terrorism in the Capitol Core;
5. Wildlife: Request DDOE address the effects of noise, vibration, air quality changes, tree loss and other habitat loss on birds and all wildlife, not just endangered species, within the Project area;
6. Parks: Specify what types of equipment would be staged in Virginia Avenue Park, and how it would be secured. Replace the skateboard park and add recreational areas in consultation with the community;
7. Trees: Confirm that the DDoT Urban Forestry Administration will replace, water and care for the 196 trees along Virginia Avenue and the park that will be lost, will consult with the community on replanting and supervise the replacement, and will replace removed soil appropriately. Confirm a continuous tree lawn on Virginia Avenue.
8. Costs: Confirm that CSX will bear the cost of replacing, watering and maintaining all 404 trees described in the DEIS; 18-16

13

Response to Comment 18-14

As described in Section 5.10, the street tree replanting plan will be coordinated with the DDOT Urban Forestry Administration. Tree replanting within Virginia Avenue Park and the Marine Corps Recreation Facility will be coordinated with the National Park Service, the DC Department of Parks and Recreation, and the Marines.

Response to Comment 18-15

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 18-16

As a point of clarification, the project will implement a tree replacement plan for those trees displaced within the public right-of-way, Virginia Avenue Park and the Marine Corps property. Trees displaced within CSX properties will not be replaced. However, CSX will comply with the Urban Forestry Preservation Act for the displacement of special trees within its property.

9. Plantings: Confirm DDoT will work with the community on a low-impact restoration plan to minimize water run-off and enhance wildlife habitat
10. Sidewalks: Clarify how the new improved sidewalks will be different from those existing, and that they will comply with DDoT public space requirements in historic districts; install new sidewalks on the north side of Virginia Avenue;
11. Bicycle Facilities: Clarify the meaning of "new facilities" and connectivity between parks; and
12. Equitable Reimbursement to District of Columbia: Ensure the City is fairly reimbursed for the use of any new right of way.

All consultation regarding mitigation and post-construction repairs, reconstruction, and enhancements must involve the community, ANCs, and community-based organizations and representatives. We support a strong and continuous outreach program that includes email blasts, flyers, and a project website which provides for information updates and interactive Q&A. There also needs to be a commitment to a complaint and problem resolution process. These all need to be included in the FEIS as CSX commitments.

CHRS also recommends that DDOT and CSX adopt the very successful community consultation model that DDOT formed for the 11th Street Bridge Project, the 11th Street Bridge Community Communications Committee. This group comprising project managers and engineers as well as representatives of ANCs and community organizations has met on a quarterly basis before and during construction and will continue to meet for a while post-completion to address concerns related to construction issues and the newly configured bridge. This is an excellent and tested model for addressing ongoing dialog with the community following the EIS public meetings, and is very useful to all parties involved.

18-17

Response to Comment 18-17

As the DEIS addresses, the project team will maintain a public outreach program. Your suggestions for this program will be considered.

Thank you for considering our comments. CHRS looks forward to continuing to participate in the environmental and Section 106 reviews for this project.

CHRS is forwarding its comments concerning review of the Project under Section 106 of the National Historic Preservation Act (16 USC 470) in a separate document.

Sincerely,

Janet Quigley
President

cc:

DEIS comments email	contact@virginiaavenuetunnel.com
Tommy Wells, Ward 6 Councilmember	email: twells@dccouncil.us
Brian Flahaven, Chair, ANC 6B	email: BrianF6b09@anc6b.org

14

Kirsten Oldenburg, Chair, ANC 6B Transportation Committee
email: Kirsten6b04@anc6b.org
Andy Litsky, Chair, ANC 6D email:6D04@anc.dc.gov
David Garber, ANC 6D07 dggarger@gmail.com
Michael Hicks, Environmental/Urban Engineer, FHWA-DC
email: Michael.hicks@dot.gov
David Maloney, State Historic Preservation Officer, DC Historic Preservation Office
email: david.maloney@dc.gov
C. Andrew Lewis, Senior Preservation Specialist, DC Historic Preservation Office email: Andrew.lewis@dc.gov
Reid Nelson, Director, Office of Federal Agency Programs, Advisory Council on Historic Preservation email: rnelson@achp.gov
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation
email: clegard@achp.gov
Steve Whitesell, Regional Director, National Capital Region, National Park Service email: steve_whitsell@nps.gov
Faisal Hameed, Chief, Project Development, Environment and Sustainability Planning, DDOT email: faisal.hameed@dc.gov
Christine Saum, AIA, Director, Urban Design and Plan Review, National Capital Planning Commission email: Christine.saum@ncpc.gov
Shane Dettman, AICP, Senior Urban Planner, National Capital Planning Commission
email: shane.dettman@ncpc.gov
Jennifer Hirsch, AICP, Federal Preservation Officer, National Capital Planning Commission
email: Jennifer.hirsch@ncpc.gov
Thomas Luebke, Secretary, Commission of Fine Arts
email: tluebke@cfa.gov
Keith A. Anderson, Director, DC Department of the Environment
email; keith.anderson@dc.gov
Bryan King, Associate Director, Fisheries and Wildlife Division, DC Department of the Environment email:bryan.king@dc.gov
Sylvia Whitworth, Chief, Wildlife Management Branch
Fisheries and Wildlife Division, DC Department of the Environment
email: Sylvia.whitworth@dc.gov
Jesus Aguirre, Director, DC Department of Parks and Recreation
email: jesus.aguirre@dc.gov
Steve Plano, Parsons Brinckerhoff email: contact@virginiaavenuetunnel.com
Chip Dobson, Director of Strategic Infrastructure Initiatives, CSX
email: Chip_dobson@csx.com
Stephen Flippin, Director of Federal Affairs, CSX
email: Stephen_flippen@csx.com

No response required for this section of comment

15

ID 19: Capitol Hill Restoration Society (2)

CAPITOL HILL RESTORATION SOCIETY
P.O. Box 15264 Washington, DC 202.543.0425

September 25, 2013

Mr. Joseph C. Lawson
Division Administrator
Federal Highway Administration
DC Division
1990 K Street, NW, Suite 510
Washington, DC 20006-1103

Subject: Section 106 Comments on the Draft Environmental Impact Statement for the CSX Virginia Avenue Tunnel Project in Southeast Washington, DC

Dear Mr. Lawson:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the CSX Virginia Avenue Tunnel Project (Project) in Southeast Washington, DC, under the provisions of Section 106 of the National Historic Preservation Act. The Capitol Hill Restoration Society appreciates the opportunity to provide its comments to the Federal Highway Administration, District of Columbia Division (FHWA-DC), cooperating federal agencies, DC Department of Transportation (DDOT), and CSX about effects of the proposed project on historic properties. CHRS, which is a consulting party in the Section 106 review of the Project, is the oldest and largest civic organization on Capitol Hill and one of the largest in the city. We are committed to preserving the historic fabric and character of Capitol Hill and protecting its historic resources, neighborhoods, environment, and residential nature, and to that end, we submitted scoping comments two years ago which expressed our initial concerns about potential adverse effects this project could have in our community. This comment letter will echo and expand upon those concerns regarding historic properties, while a separate comment letter submitted by CHRS in response to the DEIS addresses a much wider range of Project impacts.

No response required for this section of comment

CHRS agrees that the official overall finding of adverse effect for the Project, which is anticipated in the Draft Section 106 Assessment of Effects for Historic Properties (Assessment) (DEIS Appendix I), is appropriate for this Project, which will have wide-ranging and prolonged adverse effects on a number of historic properties, including some that are not acknowledged in the DEIS and Section 106 Assessment of Effects. While the Assessment draws a fine distinction on page 15, asserting that an adverse effect finding is only appropriate when a character-defining feature or aspect of a historic property is adversely affected, CHRS maintains that any effect from the Project that results in any damage to the structural integrity of a historic property also constitutes an adverse effect. This view is supported in examples of adverse effects in 36 CFR § 800.5, where the first example given is “Physical destruction of or damage to all or part of the property.” Our comments regarding the findings follow.

The complete loss of important Capitol Hill historic properties such as the Virginia Avenue Tunnel and the Virginia Avenue Paving, the adverse effects on numerous

1

others such as the Capitol Hill Historic District (CHHD) and the L'Enfant Plan for the City of Washington, and potential adverse effects not acknowledged in the DEIS such as vibration impacts on fragile historic buildings in the CHHD are among the reasons CHRS supports the No Build Alternative. This is the only alternative that avoids adverse effects to all of the historic properties in the Project area; the other three alternatives involve loss of the historic tunnel and paving, cause adverse effects on many historic properties, and present undue risk to many other historic properties. 19-1

St. Paul AUMP Church

We agree that the Project would have an adverse effect on the setting of this property, which is directly adjacent to the Limits of Disturbance (LOD), for all the reasons set out in the Assessment. However, we are concerned that the church's immediate proximity to the LOD could make it vulnerable to potential damage from vibrations, which could compromise its structural integrity and thus compromise the integrity of its *materials*. The project team is to be commended for its site visit to gather information on existing conditions, and for designating 3rd Street SE rather than 4th Street as a haul route for heavy equipment. We recommend that the FEIS and Memorandum of Agreement (MOA) or Programmatic Agreement (PA) include a commitment and/or stipulation to provide ongoing vibration monitoring during construction. In addition, it should be stipulated that the Pastor or her designee will be notified well in advance of vibration-related work to ensure appropriate mitigation measures are taken and monitoring is in place. 19-2

Virginia Avenue Tunnel

We agree with the finding of adverse effect due to the Project's destruction of the tunnel, which will adversely affect all seven aspects of its historic integrity. This would be a major loss of an important Capitol Hill historic property, and is one of the reasons CHRS supports the No Build Alternative. Full and comprehensive documentation of the tunnel and its historic significance should be completed prior to beginning construction, and we recommend that it be done in accordance with the Secretary of the Interior's Standards for Architectural and Engineering Documentation. The Project should also include a commitment to make this documentation available to the community, the DC State Historic Preservation Office (SHPO), the Historic American Engineering Record (HAER), railroad organizations, the Federal Railroad Administration (which can include it among other educational materials on its website), and local schools. We also recommend that CSX use the information to create a public interpretive exhibit at Garfield Park, near the 2nd Street entrance to the tunnel, at CSX's expense, in cooperation and consultation with DC SHPO, Friends of Garfield Park, CHRS, and ANC 6B. 19-3 19-4

Virginia Avenue Paving

This historic resource, which is not only rare but intact, would be completely lost because of the Project, so CHRS agrees with the finding of adverse effect. Our community treasures these remnants of the city's 1880s paving and transportation network, and we don't want to lose them *in situ*. Determining the appropriate treatment of these rare resources must be the subject of consultation among all of the consulting parties, including CHRS, ANC 6B, and other organizations and agencies.

2

Response to Comment 19-1

Construction-related vibration or vibration from post-construction train operations are not predicted to cause damage to any building, including older buildings. Section 5.7 of the DEIS provides further information.

Response to Comment 19-2

The Section 106 Memorandum of Agreement (MOA) for this project included a stipulation for preparing a construction protection plan. The plan would be used to assist the contractor in its efforts to avoid and minimize adverse effects upon known historic properties and vulnerable structures. The plan will include monitoring the condition of potentially affected properties, such as St. Paul AUMP Church.

Response to Comment 19-3

The MOA included a stipulation for the documentation and photography of the existing Virginia Avenue Tunnel pursuant to the guidelines set forth in "HABS/HAER Photographs: Specifications and Guidelines". The documentation/photography will reside with either with the National Park Service or the DC Office of Historic Preservation.

Response to Comment 19-4

The MOA included a stipulation for CSX to install an historic sign or plaque at a location to be been determined, but will be at a publicly accessible area.

While some have suggested potential reuse of the paving blocks if these archeological sites are dug up during construction, that kind of mitigation should be a last resort rather than presumed to be inevitable at this time. Much of this resource's significance lies in its setting and other attributes of historic integrity, so salvaging only the paving blocks is an outcome CHRS is not willing to accept at this stage of consultation. 19-5

Christ Church, Washington Parish

We are concerned that the justification for a finding of no effect does not appear to have sufficiently taken into account the fragility of this 207-year-old building. Many historic buildings throughout Capitol Hill were damaged during the 2011 earthquake, including Christ Church, which suffered damage in its sanctuary that is still visible and possibly other damage as well. Knowing of the church's vulnerability to vibration damage, CHRS is dubious about assumptions that distance from the construction site would ensure no effects to this church due to the VAT Project, since any damage to any part of the building would constitute an adverse effect. We recommend a commitment that the project team pay a pre-construction visit to Christ Church, as it did for St. Paul AUMP Church, to conduct a pre-construction assessment and discuss with the church's Vestry, Rector, and Property Committee any concerns they may have related to Project effects and monitoring during construction. 19-6

Randall Junior High School and the Capitol Police Horse Barn

CHRS is not in a position to gauge the potential vulnerability of these buildings to potential structural damage from vibrations due to construction itself, though we note that the buildings are adjacent to or on South Capitol Street, a major designated haul route for the Project, which would subject them to more heavy equipment activity than under the No Build Alternative's current conditions. We support monitoring the Capitol Police Horse Barn during construction to confirm the finding of no effect from vibrations, which is noted in the Assessment, and suggest that such monitoring to confirm a no effect finding for the Randall School would also be appropriate. 19-7

Historic Properties under the Jurisdiction of the Navy and U.S. Marine Corps

Because the Navy and Marine Corps are far better equipped than we are to evaluate the Draft Section 106 Assessment findings about their buildings, we defer to their judgment regarding these historic properties, as expressed in their comments on the DEIS and Section 106 assessment of effects.

Capitol Hill Historic District

CHRS strongly supports the finding that the Project will have an adverse effect on the CHHD, for all of the reasons enumerated in the Assessment. With the open-trench Project running right through the CHHD and tearing up such contributing properties as Virginia Avenue and its streetscape, parts of intersecting streets, and Virginia Avenue Park, the adverse effects on the CHHD's setting are obvious. However, the Assessment does not sufficiently acknowledge the full scope of potential adverse effects to other contributing properties in the CHHD, including those below the freeway and others north of it that could also experience adverse effects.

3

Response to Comment 19-5

The MOA included a stipulation requiring CSX to explore salvaging and reusing the Virginia Avenue Paving as part of the interpretive sign or plaque.

Response to Comment 19-6

Christ Church is located approximately 780 feet from the construction limits of disturbance, which is too far to be affected by construction-related vibration.

Response to Comment 19-7

Both Randall Junior High School and the Capitol Police Horse Barn are located nearest to the portion of the construction area that will be used for material stockpiling, not the activities that cause the higher vibration, such as sections where the tunnel is being rebuilt. Therefore, neither historic property will be affected by construction-related vibration.

Lower 8th Street. This portion of the CHHD, much of which is also included in the Lower 8th Street SE Overlay and is part of Barracks Row Main Street, was added in 2003 specifically to protect the remaining historic properties threatened by development, demolition by neglect, and other projects. Quite a few historic buildings in this area had already been lost, and CHRS contributed substantially to the nomination, which added Squares 906, 907, 929, 930, and 952, as well as Reservation 126 (Virginia Avenue Park) and Reservation 251. In 2003, there were 42 contributing buildings and 2 contributing sites in the annexed area, and nearly all of the contributing buildings remain.

This portion of the CHHD will be directly and adversely affected by the Project, disrupting its setting and cutting it off even more from the rest of the CHHD and upper Barracks Row. The LOD for all three build alternatives borders and penetrates into this area of the CHHD. Businesses are likely to suffer reduced patronage due to the noise, dust, and mess of construction, to say nothing of the haul routes going directly along 8th, L, and 7th Streets. These potential adverse economic effects could threaten the businesses themselves and make them unsustainable, and empty buildings are more vulnerable to demolition by neglect, as we have seen earlier in this area. 19-8

Response to Comment 19-8

Access to the businesses in lower 8th Street will not be affected by any of the Build Alternatives. Construction will not occur in front of these businesses.

The DEIS correctly points out that older buildings are more susceptible to ground-borne vibration damage because of their methods of construction, but the Assessment fails to acknowledge that very fragile historic buildings in the CHHD near the LOD could be damaged by vibrations. This needs to be corrected in the FEIS. Many contributing buildings in the CHHD were damaged by the earthquake two years ago, and some were damaged by Metro construction. They are uniquely vulnerable to vibration in relation to newer nearby buildings, and some in the CHHD even suffered vibration damage when a Metrobus route was changed, sending the buses onto narrow residential streets. Worse, the DEIS and its vibration report do not take into account the fragility of the contributing buildings in the lower CHHD, with no vibration readings done there at all. The closest vibration readings were done at the Marine Quarters and Recreation Center, a new building on recently disturbed ground, and at the eastern tunnel terminus, where the composition of the ground is likely to be much different from that in the CHHD. 19-9

Response to Comment 19-9

Construction-related vibration or vibration from post-construction train operations are not predicted to cause damage to any building, including older buildings. The vibration monitoring conducted for the project provided the necessary information to evaluate the vibration impacts along the entire limits of disturbance. Refer to Section 5.7 in the DEIS for more information on mitigation measures related to construction vibration producing activities.

Some of the buildings here are among the oldest in the CHHD, dating to pre-1824, pre-Civil War, and the mid-19th century, and claiming as the Assessment does that "none of these construction components, such as…vibration…individually may cause an adverse effect" on the historic district will not make it true. For one thing, damage from vibrations can be cumulative and not necessarily result from a single incident. One owner of buildings very close to the LOD has told me that he fully expects his buildings to suffer damage from the Project's vibrations. Drawing the boundary of the LOD right along the property lines of historic buildings, or within a few yards of them, does not mean that vibration damage does not need to be taken into account in the Lower 8th Street area. Putting haul routes directly through the CHHD along 7th, 8th, 9th, and L Streets, as shown in Figure 3-14, is similarly ill-advised, since these trucks and heavy equipment will be passing within a few feet of very old and very fragile buildings; to identify a few: 700 L Street SE (1854-55); an intact group of 1888 rowhouses along the east side of 7th Street in Square 906; 1112-1114 8th Street (1833); 19-10

Response to Comment 19-10

Please see response to Comment 19-9. Section 5.7 of the DEIS addresses construction-period vibration impacts, and no building damages are predicted.

4

the landmark Washington & Georgetown Railroad Car House (1891); and 1102 8th Street (pre-1824). Alternative haul routes need to be identified and used that would not traverse the CHHD. A long stretch of late 1880s rowhouses at 911-927 Potomac Avenue directly faces Virginia Avenue Park, which will be trenched through and be used for construction staging, exposing them to similar potential damage. 19-11

We consider the DEIS vibration methodology in evaluating vibration from trains to be flawed, given that both construction and post-construction vibration from trains has been done based only on single-stacked, single tracked trains in the current tunnel, which is as much as 25 feet farther away from the buildings than the double-stacked trains will run on parallel tracks. No real analysis of the vibration impacts from double-stacked trains, either in an open trench like the runaround track or in the finished enclosed tunnel, has been done. Neither has analysis of the impacts of two long, heavier, double-stacked trains running at higher speeds and/or passing each other been presented. Rather, assertions are made, with no supporting data provided, that there will be no effects. In addition, the analysis did not include vibration projections for occasions when more than one type of vibration-producing equipment is in use or combined with vibrations from trucks on haul routes. Better, more comprehensive, and more relevant data needs to be gathered for the FEIS, including on combined and cumulative effects, and analyzed in relation to the fragile historic buildings in the historic district. 19-12

At the public meeting in July 2013, FHWA promised pre-construction reports on buildings in the Project area. FHWA was silent, however, on key features regarding these reports, including: what buildings would be assessed and reported on, when assessments will be done, identification and qualifications of persons making the assessments and reports, content of reports (descriptions, photographs, analysis, potential for damage from construction or post-construction vibration), and availability of the entire report to the building owner and the public. 19-13

CSX and the lead agencies need to acknowledge that Project-related vibration has great potential to damage fragile historic buildings and step up to the plate with a thorough pre-construction assessment of each contributing building in this part of the CHHD, at no cost to the owners, followed by comprehensive vibration monitoring during construction, as well as for a while post-construction, in order to confirm findings in the DEIS and Assessment, quickly identify any threatening vibration, and take necessary action to prevent damage. Any damage to or loss of historic building fabric in the CHHD would be unacceptable. 19-14

CHRS takes issue with the assertion on page 14 of the Assessment that "…it is currently anticipated that the…Project will have no actual…vibration impacts that would result in adverse effects." The Project's MOA or PA must contain measures to confirm and monitor this and also provide stipulations for carrying out the measures recommended above. 19-15

Barracks Row Main Street (BRMS). This recently revitalized and thriving commercial corridor in the CHHD will be cut through by the Project, which will hinder efforts to revitalize the lower portion of BRMS and possibly compromise patronage of businesses near the Project. Business owners on BRMS, particularly nearest the Project, stand to lose customers during construction, whether due to difficult access, loss of sidewalk 19-16

5

Response to Comment 19-11

The residences along Potomac Avenue are located too far from the construction area to be affected by construction-related vibration or operational vibration.

Response to Comment 19-12

The vibration analysis for the operation of the new tunnel was prepared using Federal Transit Admin¬istration procedures. Double-stack intermodal container freight trains do not produce higher vibration levels than other types of freight trains. In addition, train lengths would affect the duration of the vibration, not intensity, and therefore would not increase the potential of structural damage. Refer to the vibration technical report for the vibration levels of the various pieces of equipment and distances. Construction activities that cause annoyance will occur at various times for short durations during daylight hours. Among the mitigation measures provided in Section 5.7 of the DEIS, is a phasing plan that will be used so that high vibration generating activities do not occur at the same place and time near buildings. See section 5.7.4 of the DEIS for more information on mitigation measures related to construction vibration producing activities.

Response to Comment 19-13

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 19-14

The results of the vibration studies for the project do not support the statement in this comment.

Response to Comment 19-15

Double-stack intermodal container freight trains do not produce higher vibration levels than other types of freight trains. In addition, train lengths would affect the duration of the vibration, not intensity, and therefore would not increase the potential of structural damage. Construction activities that cause annoyance will occur at various times for short durations during daylight hours. Among the mitigation measures provided in Section 5.7 of the DEIS, is a phasing plan that will be used so that high vibration generating activities do not occur at the same place and time near buildings. See section 5.7.4 of the DEIS for more information on mitigation measures related to construction vibration producing activities.

Response to Comment 19-16

Access to the businesses in lower 8th Street will not be affected by any of the Build Alternatives. Construction will not occur in front of these businesses. Access will also not be affected to the businesses on 8th Street north of Virginia Avenue SE. Section 5.4 of the DEIS acknowledged that the temporary displacement of parking on the 700 block of I Street SE would make finding parking for patrons of Barracks Row more difficult, but the overall economic effects would not be noticeable.

café seating due to construction noise, traffic, and dust, or great difficulty finding parking. Since 108 on-street parking spaces will be lost during construction, the latter is no small matter. With some businesses operating on a slender margin as it is, any impacts on businesses housed in contributing buildings need to be taken into account. Success of this historic commercial corridor is vital to the CHHD, and empty and/or poorly maintained contributing buildings would compromise the setting, feeling, and possibly the building fabric. Economic effects to businesses in contributing buildings can have reasonably foreseeable effects on maintenance and possible vacating of these properties. 19-16

Virginia Avenue Streetscape. Streetscapes are integral components of the CHHD, including their vegetation and tree canopies. The Assessment is silent regarding the effects on the historic district of tearing up this streetscape and dozens of street trees along the Avenue, a striking omission. Loss of this streetscape would take years to mend, and we're concerned that realigning the VAT could lead to difficulty replacing all of the lost trees, since there might not be room for root systems in some places. Even restoration will be a pale imitation of the lost mature trees along Virginia Avenue and in Virginia Avenue Park, since it will take at least a couple of decades for new trees to approach maturity. 19-17

Response to Comment 19-17

Section 5.13 of the DEIS acknowledged that the replacement trees would not immediately maintain the aesthetic benefits of the mature trees along Virginia Avenue SE. The depth of the new tunnel will have no effect on the growth potential of whatever trees are planted on Virginia Avenue SE and other affected areas.

Contributing buildings north of the freeway. While we would like to be confident that none of these could be harmed by construction, it is possible for some of these contributing buildings to be damaged by vibrations, especially those near cross streets that cut through the protective mass of the freeway embankments. We strongly recommend that pre-construction assessments and monitoring during construction be offered to all owners of contributing buildings in this part of the Area of Potential Effects, which like those south of the freeway are also very old, very fragile, and very susceptible to vibration damage. There will also need to be a robust reporting system in place through which owners can immediately notify CSX of any damage, have the cause halted until remedies are in place, request ongoing vibration monitoring, and have the cost of repairs covered by CSX. 19-18

Response to Comment 19-18

Buildings on the north side of I-695 will not be affected by construction-related vibration or operational vibration because they are located too far from the construction. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified.

Garfield Park. This contributing property in the CHHD appears unlikely to be directly affected by the Project, although a commitment to that effect should be included in the FEIS, along with the commitment to provide wayfinding signs while access to the Park from 2nd Street south of the freeway is cut off. 19-19

Response to Comment 19-19

Section 5.12 of the DEIS included the provision of temporary wayfinding signs to Garfield Park.

Washington & Georgetown Railroad Car House. This 1891 building, known locally as the Blue Castle, is landmarked in its own right and is also a contributing building in the CHHD, anchoring the southwest corner of the CHHD. CHRS does not agree that the Project would have no effect on this building, since the materials and structural integrity of the building could be damaged by Project-related vibrations. We pointed out at the July 31, 2013, consulting parties meeting that the claim in the Assessment that the Blue Castle is separated from the project work by "dense urban development that spans the intervening spaces" is incorrect. Its northeast corner is only a few yards from the LOD at the intersection of 8th and L Streets and a mere half-block from the tunnel construction corridor. The single trapezoidal "square" between the Blue Castle and the tunnel trenching isn't even a full block deep at all points, and any observer can see that it is mostly composed of vacant lots and 2-story historic buildings, with only a small handful of 3- and 4-story buildings. This is not "dense 19-20

Response to Comment 19-20

The Section 106 Assessment of Effects report was revised to remove the "dense urban" description. Nevertheless, the Washington & Georgetown Railroad Car House is located outside the LOD and will not be affected by construction-related vibration.

6

urban development" in any respect, and it would provide very little, if any, buffering for the Blue Castle from project-related vibrations. Indeed, any buffering would be done by other historic buildings, not a desirable circumstance. 19-20

Making matters worse, the proposed haul route would pass immediately outside the Blue Castle on both 8th Street and L Street, bringing additional vibrations right up to the project's boundary. I worked over 20 years on the top floor of the Old Post Office Building, another even larger stone Romanesque building of similar vintage, and we could feel the vibrations whenever a truck hit a bump on 12th Street directly outside the building. The owners of the Blue Castle should receive a free pre-construction building assessment from the Project team, along with vibration monitoring during Project construction; stipulations to this effect must be included in the MOA or PA. 19-21

L'Enfant Plan of the City of Washington

CHRS agrees that the Project will have an adverse effect on the L'Enfant Plan, particularly by tearing up Virginia Avenue and Virginia Avenue Park, destroying the trees and other vegetation along the Avenue and within the Park, and otherwise disrupting the Plan's setting in this area. We take issue with the assertion in the Assessment that "Project activity would not alter the plan's feeling…"; while this may be true of the overall Plan, the feeling of the Plan and its components in the Project area will quite clearly be adversely affected. While straightening Virginia Avenue subsequent to VAT reconstruction would better follow its original alignment, care must be taken regarding the small L'Enfant reservations, triangles, and other small pieces to ensure that their siting respects the original Plan.

Virginia Avenue Park. This contributing property in both the Plan and the CHHD will take a real beating from the Project, so the adverse effect finding is appropriate for this historic and 4(f) resource. While trenching through the Park may be unavoidable if a build alternative is selected, CHRS objects to CSX using the Park for Project staging, which would considerably expand damage to the *material* of the Park. We objected to such use for the 11th Street Bridge Project, and project managers managed to find alternative staging areas. There was no indication in the 4(f) report that alternative staging areas were considered, seriously investigated, and deemed not feasible or prudent, and we strongly recommend that CSX look elsewhere for its Project staging. Consultation with DDOT and owners of vacant property in the area might prove fruitful. 19-22

Page 4 of the Assessment states that "CSX has committed to provide community benefits as part of the Project", including restoring Virginia Avenue and "affected areas of Virginia Avenue Park". We commend CSX for offering such restoration, but it should not be limited only to those portions of the Park that CSX deems to have been "affected." Rather, restoration of the Park must be planned and undertaken comprehensively and include the entire Park and its various parts, features, materials, vegetation, and uses. Consultation regarding restoration of the Park and Avenue must include members of the community, including the ANCs and community-based organizations, and stipulations regarding restoration must be included in the Project MOA or PA. 19-23

7

Response to Comment 19-21

Construction-related vibration or vibration from post-construction train operations are not predicted to cause damage to any building, including older buildings. Section 5.7 of the DEIS addresses construction-period vibration impacts, and no building damages are predicted.

Response to Comment 19-22

Virginia Avenue Park will not be used for construction staging, a term that means the storing of equipment and materials to support the entire project. Materials and equipment needed specifically for construction within the park property may remain within the boundaries of the park during off-hours. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

Response to Comment 19-23

Thank you for providing your comment. Your comment has been noted.

Thank you for taking our comments and concerns into account in the environmental and historic preservation reviews of this Project. CHRS looks forward to participating in continued Section 106 consultation as review and monitoring of the Project move forward.

Sincerely,

Shauna Holmes

Chair, Historic Preservation Committee

cc:

contact@virginiaavenuetunnel.com
Tommy Wells, Ward 6 Councilmember
Brian Flahaven, Chair, ANC 6B
Kirsten Oldenburg, Chair, ANC 6B Transportation Committee
Andy Litsky, Chair, ANC 6D
David Garber, ANC 6D07
Michael Hicks, Environmental/Urban Engineer, FHWA-DC
David Maloney, DC State Historic Preservation Officer
C. Andrew Lewis, Senior Preservation Specialist, DC Historic Preservation Office
Reid Nelson, Director, Office of Federal Agency Programs, Advisory Council on Historic Preservation
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation
Steve Whitesell, Regional Director, National Capital Region, National Park Service
Faisal Hameed, Chief, Project Development, Environment and Sustainability, DDOT
Christine Saum, Director, Urban Design and Plan Review, National Capital Planning Commission
Shane Dettman, Senior Urban Planner, National Capital Planning Commission
Jennifer Hirsch, Federal Preservation Officer, National Capital Planning Commission
Thomas Luebke, Secretary, Commission of Fine Arts
Jesus Aguirre, Director, DC Department of Parks and Recreation
Steve Plano, Parsons Brinckerhoff
Chip Dobson, Director of Strategic Infrastructure Initiatives, CSX
Stephen Flippin, Director of Federal Affairs, CSX

No response required for this section of comment

ID 20: Committee of 100 on the Federal City

The Committee of 100 on the Federal City

www.committeeof100.net

September 25, 2013

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006
Michael.Hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environment Division
District Department of Transportation
55 M Street, SE, Suite 400
Washington DC 20003
Faisal.Hameed@dc.gov

Founded 1923

Chair
Nancy J. MacWood

Vice-Chair
Monte Edwards

Secretary
Meg Maguire

Treasurer
Carol F. Aten

Trustees
Bill Crews
Dorothy Douglas
Alma Gates
Erik Hein
Cornish Hitchcock
George Idelson
Loretta Neumann
Laura M. Richards, Esq.
Lance Salonia
Marilyn J. Simon
Dr. Beverley Wheeler
Frank Vespe
Bill Wright
Evelyn Wrin
George Clark, Esq., Emeritus

945 G Street, N.W.
Washington, D.C. 20001
202.681.0225
info@committeeof100.net

Re: Comments of the Committee of 100 on the Federal City on the Draft Environmental Impact Statement & Draft Section 4(f) Evaluation for the Virginia Avenue Tunnel Reconstruction

Dear Sirs:

Attached is The Committee of 100 on the Federal City comment on the Virginia Avenue Tunnel Reconstruction, Draft Environmental Impact Statement & Section 4(f) Evaluation. We appreciate the opportunity to submit this comment and look forward to continuing engagement on the Virginia Avenue Tunnel Reconstruction proposal.

If you would like to contact The Committee of 100, please email Monte Edwards, monte.edwards@verizon,net, or phone (202) 543-3504 .

Sincerely,

Nancy Macwood

Nancy Macwood, Chair

Cc: Harriet Tregoning, OP harriet.tregoning@dc.gov
Dan Emerine, OP dan.emerine@dc.gov
Julia Koster, NCPC julia.koster@ncpc.gov

No response required for this section of comment

Committee of 100 on the Federal City Comments on the
Virginia Avenue Tunnel DEIS
September 25, 2013
Page 2

Diane Sullivan, NCPC diane@ncpc.gov
Chris Zimmerman, Arlington County/ TPB - czimmerman@arlingtonva.us
Jim Dougherty, Sierra Club jimdougherty@aol.com
Mark Roeber, VRE mroeber@vre.org
Doug Allen, VRE dallen@vre.org
Beth Purcell, Capitol Hill Restoration Society eap1@mindspring.com
Maureen Cohen Harrington, Capitol Quarter Homeowners Association
cohenharrington@gmail.com

No response required for this section of comment

COMMENTS PERTAINING TO THE

VIRGINIA AVENUE TUNNEL RECONSTRUCTION
DRAFT ENVIRONMENTAL IMPACT STATEMENT & DRAFT SECTION 4(f) EVALUATION

July, 2013

Submitted to

FEDERAL HIGHWAY ADMINISTRATION
District of Columbia Division

DISTRICT DEPARTMENT OF TRANSPORTATION
Project Development & Environment Division

No response required for this section of comment

THE COMMITTEE OF 100 ON THE FEDERAL CITY

September 25, 2013

Table of Contents

I.	Overview and Executive Summary	1
II.	Analysis of Purpose and Need Statement	7
III.	Separation of Freight and Passenger Operations	10
IV.	Safety and Security Issues	15
V.	Air Quality	19
VI.	Identifying Alternative Routes	26
VII.	Section 4(f) Commentary	31
VIII.	Conclusion	34

No response required for this section of comment

Overview

The Virginia Avenue Tunnel is functionally obsolete. Its single track creates a chokepoint for traffic along the East Coast and its inability to accommodate double-stacked containers imposes limits on freight trains traveling through DC to or from points south. CSX is proposing to rebuild the Virginia Avenue Tunnel as part of its National Gateway Project.

While the NEPA process, by law, requires consideration of a "no build" alternative, its function isn't simply to decide whether a project is necessary or unnecessary. It is to determine, after analyzing a variety of realistic alternatives, the best way to solve specific problems and/or to meet specific needs.

In this DEIS, only one approach is being considered – rebuilding the tunnel in approximately the same location, but with two tracks and sufficient clearance for double-stacking.[1] All three "alternatives" are just variations on this approach. In fact, even the "no build" option is cast in this form – the choice presented is between reconstructing the tunnel in its current location on an emergency basis (the "no build" option) rather than as a planned infrastructural improvement. The rebuilding of the Virginia Avenue Tunnel is treated as inevitable – the only real questions are when and how.

In part, the failure to consider a range of alternatives stems from an overly narrow Statement of Purpose and Needs that focuses only on CSX's needs, ignoring impacts on other users of rail infrastructure as well as the priorities established by federal and local planning efforts. The DEIS's tendency to treat the Virginia Avenue Tunnel in isolation, rather than to establish logical termini for analyzing the project compounds this problem.[2] Finally, the analysis is hampered by the absence of data that is necessary for a meaningful evaluation of the comparative costs and benefits of alternative approaches. 20-1 20-2

The DEIS, written solely from CSX's perspective, begs two crucial public policy questions: (1) is it necessary and desirable to increase the volume of "through" freight traffic in the Virginia Avenue Tunnel rather than to reroute freight traffic to avoid this chokepoint? and (2) what long- 20-3

[1] As the Capitol Quarter Community Association's comments point out, the range of alternatives is narrowed even further by the fact that all three build scenarios involve running CSX traffic along Virginia Avenue throughout the construction phase. Even the possibility of temporary re-routing or a partial diversion of current traffic has been taken off the table.

[2] See 23 CFR 771.111(f):

In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:

(1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;

(2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if o additional transportation improvements in the area are made; and

(3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

1

Response to Comment 20-1

Chapter 2 of the FEIS was revised to include discussion regarding the independent utility and logical termini of the project.

Response to Comment 20-2

Order of magnitude cost estimates were obtained or developed for the concepts considered for this project. Section 3.3.1.7 of the DEIS addresses this comment.

Response to Comment 20-3

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel. Section 5.15 of the DEIS describes how passenger rail and freight coexist in the region. This project does not preclude future discussions on other passenger and freight rail projects.

term impact will this proposed change in infrastructural capacity have on other users – specifically on passenger and commuter rail services? 20-4

Our contention is that any meaningful analysis of the environmental impact of expanding the Virginia Avenue Tunnel must consider the comparative costs and benefits of expanding the tunnel vs. rerouting freight traffic. We also believe that if such an analysis were to be done, the likely conclusion would be that now is the time to separate passenger and commuter rail from freight rail, so that we can meet our expanding needs for both services and to do so in a way that routes freight around -- rather than through -- DC's Monumental Core and population centers. Expanding rail capacity doesn't have to be a zero-sum game that pits freight against passenger and commuter rail. It is in the long-term public interest that we avoid investments that further one of those interests at the expense of the other.

We find the Virginia Avenue Tunnel Draft Environmental Impact Statement to be excessively narrow and self-serving in defining purpose and need, thus failing to consider a number of important factors:

- The importance of passenger and commuter service and the need to expand those transportation services is not considered.
- The negative effect of expanded CSX service on passenger and commuter operations is ignored.
- The safety and security considerations of expanded CSX service are not addressed.
- The effect of increased diesel emissions due to expanded CSX operations is not addressed.
- The inability of passenger and commuter rail to use electric instead of diesel locomotives to mitigate those environmental impacts because of CSX restrictions is ignored.
- Practical options for rerouting CSX that would eliminate the problems of freight, passenger and commuter rail being forced to share the same rail tracks are not evaluated.

20-5

Executive Summary

A series of drafting choices have produced a DEIS that is excessively narrow and that fails to develop a legitimate range of alternatives and to comprehensively analyze the implications of rebuilding an enlarged freight tunnel at the current Virginia Avenue location.

Response to Comment 20-4

Sections 5.17 and 5.18 were revised in the FEIS to include discussion of the indirect and cumulative effects to passenger rail service, respectively.

Response to Comment 20-5

This is a private project that requires permits from FHWA, DDOT and other federal and District agencies as appropriate. Therefore, expansion of passenger and commuter rail service is outside the scope of this project. However, the EIS should and does address relevant freight rail transportation and public impacts of this project. In response to specific remarks in this comment: (1) Although the project is not meant to improve passenger rail service, the improved efficiency of freight rail transportation should benefit passenger service (see Sections 5.15.1 of the FEIS for further information); (2) Section 5.3 was revised for the FEIS to include the long-term safety and security impacts of rebuilding Virginia Avenue Tunnel; (3) The long-term air quality impacts of the project were addressed in Section 5.5 of the DEIS; (4) Rebuilding Virginia Avenue Tunnel does not affect the types of locomotives used by passenger rail service; and (5) Although the project is not meant to improve passenger rail service, it does not preclude other solutions to better to manage rail traffic in and around the District among freight and passenger users.

Most strikingly, CSX has failed to demonstrate how a downstream freight, passenger and commuter rail would be impacted by a rebuilt Virginia Avenue Tunnel. 20-6

An alternative solution to CSX's own capacity problems (and well as to other unacknowledged needs) would be to separate passenger and freight rail to enable both to expand in the future. But in this draft of the EIS, that alternative is not being considered.

We think it needs to be. What is at stake here is whether the continued shared use of the SW tracks and Long Bridge by freight, passenger, and commuter rail threatens to undermine the national and local planning goals articulated in the Federal Workplace Element of the Comprehensive Plan, the Union Station Master Plan, and the SW Ecodistrict Plan. An overarching goal (and premise) of these initiatives is that alternatives to automobility should be promoted in both transportation and land use planning and they all envision substantial increases in both passenger and commuter rail (including through-running MARC trains to Virginia).

We believe that the DEIS, as currently written, fails to provide a useful decision-making tool and that the "no build" option should be adopted until a revised DEIS that develops genuine alternatives and analyzes each in a comprehensive, detailed, and even-handed way has been issued and commented upon.

The Purpose and Need Statement is Unduly Narrow

The proposed rebuilding of the Virginia Avenue tunnel serves only the interests of freight rail. To provide efficient freight rail transportation service the DEIS defines the "needs" to be met as those that are exclusively related to CSX's self-interest. The detrimental impacts of the expansion on passenger and commuter rail are neither acknowledged nor evaluated in the DEIS. Nor are a series of other local and national needs related to the replacement of obsolete rail infrastructure. 20-7

The Importance of Passenger and Commuter Rail is Neither Acknowledged Nor Examined

The proposed solution of rebuilding the Virginia Avenue tunnel will remove a significant freight rail bottleneck, but in so doing *will very likely create a major passenger and commuter rail bottleneck on the SW rail tracks and the Long Bridge*. Expanding the capacity of the Virginia Avenue Tunnel will force passenger and commuter rail to compete with an even greater number of freight trains for use of the SW tracks and the Long Bridge, both of which are owned and controlled by CSX, and both of which are aging pieces of infrastructure. This is a scenario in which freight benefits at the expense of passenger and commuter rail. That outcome is neither desirable nor inevitable if we think ahead and consider a wider range of impacts and options. 20-8

3

Response to Comment 20-6

Section 5.15 of the DEIS describes how passenger rail and freight coexist in the region. Sections 5.17 and 5.18 were revised in the FEIS to include discussion of the indirect and cumulative effects to passenger rail service, respectively.

Response to Comment 20-7

This is a private project that requires permits from FHWA, DDOT and other federal and District agencies as appropriate. Therefore, expansion of passenger and commuter rail service is outside the scope of this project. However, the EIS should and does address relevant freight rail transportation and public impacts of this project. Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, the Build Alternatives will allow CSX to accommodate this growth in freight transportation demand more efficiently, which may benefit passenger service using CSX rail lines in Virginia and the District. Making the tunnel double stack capable allows twice the amount of intermodal container freight to be carried per train. Additionally, eliminating the single track bottleneck at the Virginia Avenue Tunnel increases the fluidity of both freight and passenger rail service on this portion of the network. In 2013, more than 368,000 carloads of rail freight originated in or was delivered to the District by CSX. As of 2013, CSX provides serves three customers in the District and two just over the District border in Maryland. There are also other properties in the District that connect to CSX's line, and CSX is currently engaged in discussions with two new potential rail customers in the District. There are also efforts by the City Council to preserve existing industrial zoning for properties with rail connections and outreach to promote further economic development in the District. The products received and shipped by these District customers include lumber, scrap metal, recycling materials, transformers, and aggregate.

Response to Comment 20-8

The project eliminates a bottleneck (existing single-track Virginia Avenue Tunnel). It does not create one. Please see Chapter 2 of the FEIS for discussion on why the existing conditions represent a bottleneck, and revised Section 3.7 for more information on the need for eliminating a bottleneck. Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, the Build Alternatives will allow CSX to accommodate this growth in freight transportation demand more efficiently, which may benefit passenger service using CSX rail lines in Virginia and the District.

Safety and Security Issues Are Not Addressed

Given that the Virginia Avenue tunnel will soon be obsolete for freight traffic, before investing in expanding it, we should consider whether we actually want to route significantly more freight through the Monumental Core, especially when Washington, DC is neither the point of origin for that freight nor its destination. Serious safety and security risks of freight moving through the nation's capital in close proximity to the Capitol, the Mall and numerous federal offices are not considered in the DEIS. The potential for terrorism and sabotage is not examined in the DEIS, nor is there any reference to the Transportation Security Administration's *National Strategy for Rail Transportation Security*. The tracks in Southwest Washington contain several changes from double to triple to single track operation involving switches and curves that increase the danger of derailment, particularly as the tracks become more congested with the proposed doubling of commuter and passenger rail operations and freight operations. With certain types of cargo, such a derailment would result in tragic loss of life, and unimaginable damage to our government, its institutions and memorials. 20-9

The Impact on Air Quality is Not Considered

The shared use of freight rail infrastructure means that, because of CSX restrictions, commuter and passenger trains will not be able to use currently available and unused electric locomotives that would provide significant air quality benefits.

By limiting the environmental impacts to the relatively small reconstruction area and the time frame of the reconstruction activity, the DEIS does not consider the impact on other rail operations or the emissions that CSX will produce after reconstruction of the tunnel. Airborne emissions affecting air quality will increase as the rebuilt tunnel accommodates the increase in the number of freight trains, and probably an even greater increase in the number of locomotives because the heavier double-stacked container trains will likely require double-locomotives. Nowhere does the DEIS quantify this increase in emissions or its impact on air quality. 20-10

Impacts on air quality should be included in the DEIS and CSX should be required to compute the projected level of those emissions. Such analysis is necessary to evaluate the need to reroute CSX diesel trains to reduce the level of contaminants in the downtown and in the Monumental Core areas as well as to project the level of environmental mitigation if the SW tracks were electrified.

Alternative Routing is Not Adequately Considered

The DEIS confines its consideration of the alternatives to routing freight through the Virginia Avenue Tunnel, the heavily used SW tracks and Long Bridge to the routes NCPC examined in its 2007 *Freight Railroad Realignment Feasibility Study* and simply rejects those routes. The DEIS does not explore any other pragmatic alternatives such as a Potomac River crossing from 20-11

4

Response to Comment 20-9

The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Safety and Security Issues Are Not Addressed

Given that the Virginia Avenue tunnel will soon be obsolete for freight traffic, before investing in expanding it, we should consider whether we actually want to route significantly more freight through the Monumental Core, especially when Washington, DC is neither the point of origin for that freight nor its destination. Serious safety and security risks of freight moving through the nation's capital in close proximity to the Capitol, the Mall and numerous federal offices are not considered in the DEIS. The potential for terrorism and sabotage is not examined in the DEIS, nor is there any reference to the Transportation Security Administration's *National Strategy for Rail Transportation Security*. The tracks in Southwest Washington contain several changes from double to triple to single track operation involving switches and curves that increase the danger of derailment, particularly as the tracks become more congested with the proposed doubling of commuter and passenger rail operations and freight operations. With certain types of cargo, such a derailment would result in tragic loss of life, and unimaginable damage to our government, its institutions and memorials. 20-9

The Impact on Air Quality is Not Considered

The shared use of freight rail infrastructure means that, because of CSX restrictions, commuter and passenger trains will not be able to use currently available and unused electric locomotives that would provide significant air quality benefits.

By limiting the environmental impacts to the relatively small reconstruction area and the time frame of the reconstruction activity, the DEIS does not consider the impact on other rail operations or the emissions that CSX will produce after reconstruction of the tunnel. Airborne emissions affecting air quality will increase as the rebuilt tunnel accommodates the increase in the number of freight trains, and probably an even greater increase in the number of locomotives because the heavier double-stacked container trains will likely require double-locomotives. Nowhere does the DEIS quantify this increase in emissions or its impact on air quality. 20-10

Impacts on air quality should be included in the DEIS and CSX should be required to compute the projected level of those emissions. Such analysis is necessary to evaluate the need to reroute CSX diesel trains to reduce the level of contaminants in the downtown and in the Monumental Core areas as well as to project the level of environmental mitigation if the SW tracks were electrified.

Alternative Routing is Not Adequately Considered

The DEIS confines its consideration of the alternatives to routing freight through the Virginia Avenue Tunnel, the heavily used SW tracks and Long Bridge to the routes NCPC examined in its 2007 *Freight Railroad Realignment Feasibility Study* and simply rejects those routes. The DEIS does not explore any other pragmatic alternatives such as a Potomac River crossing from 20-11

4

Response to Comment 20-10

Electrification of CSX's mainline is not a part of this project. General [transportation] conformity was followed as defined by USEPA. The air quality modeling presented in the DEIS uses the appropriate USEPA modeling methodology, as described in the tech report included as an appendix to this document. It properly reflects the projected air quality impacts of this construction project.

Response to Comment 20-11

This proposal is not a reasonable alternative because it presents a number of infirmities including the rerouting of a major railroad from an existing longstanding right-of-way through a new structure over the Potomac River and then using another right-of-way that is of critical importance to the DC government for other purposes. Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Refer to Chapter 3 for details on the alternatives screening process.

Virginia to Anacostia (using a bridge or a tunnel), using the ROW that formerly supplied chemicals to Blue Plains, discussed more fully in Section 5. This is but one example of alternative routing that the DEIS needs to evaluate in order to separate freight from passenger and commuter rail operation. 20-11

Logical Termini Were Not Chosen

By biasing the Purpose and Needs statement to favor rebuilding the existing tunnel, and then limiting the evaluation of environmental effects to the area and time-frame of the construction activity, the DEIS fails to consider the adverse effects of the continued use of the tunnel on other parts of that alignment, including the Anacostia River Bridge and its adverse effects on boating access to the river, allowing the Anacostia channel to be dredged further upstream to facilitate greater boating use, improving neighborhood access to the river, and the fact that Anacostia Park will continue to be is divided by the approach tracks to that bridge. The failure to select logical termini has also contributed to the arbitrary limitation of alternatives under consideration and a failure to recognize the systemic effects that rebuilding the Virginia Avenue Tunnel would have on parties other than CSX. 20-12

Response to Comment 20-12

Chapter 2 of the FEIS was revised to include discussion regarding the independent utility and logical termini of the project.

The Section 4(f) Evaluation is Flawed

The Evaluation concedes that the temporary "use" of Virginia Avenue, a contributing element to the L'Enfant Plan, which is listed in the National Register and thus a historic site of national significance, during reconstruction and enlargement of the tunnel will not be *de minimis*, would not be minor and the use would be adverse in terms of the National Historic Preservation Act Section 106. The Evaluation fails to address the permanent use of a significant part of Virginia Avenue, because of the proposed enlargement of the tunnel beyond its present dimensions. The Evaluation did not consider the full range of feasible and prudent alternatives that would avoid "use" of Virginia Avenue. The evaluation of the alternatives that were considered in the Evaluation used the wrong standard: the biased Purpose and Needs statement that permeates the entire DEIS. 20-13

Response to Comment 20-13

As described in Section 5.11 of the DEIS, the adverse effect to the L'Enfant Plan of the City of Washington, DC would only occur during construction. The Section 4(f) evaluation considered all the concepts identified in Section 3.2, which included reroute concepts. Also, please see response to Comment 20-5.

Conclusion

There is a whole segment of our rail infrastructure that is obsolete and problematic for a variety of reasons. CSX wants to fix the one piece that affects only their business, and to do so in a way that (a) is likely to commit us to decades of continued reliance on a route that should be retired and (b) not only fails to solve but actually exacerbates a number of existing problems (safety/security, disruption to urban fabric and parklands, air quality, constraints of passenger/commuter rail, navigability of the Anacostia). Everybody agrees that the Virginia Avenue Tunnel is obsolete, so why are the only two alternatives this DEIS is considering (1) wait until the tunnel starts falling apart and then rebuild it on a much larger scale in approximately the same place and (2) rebuild it now on a much larger scale in approximately the

5

same place? For a host of reasons, re-routing freight traffic has to be considered and considered objectively in terms of the potential costs and benefits associated with replacing our obsolete rail infrastructure.

No response required for this section of comment

6

Analysis of Purpose and Need Statement

CSX's Proposed Purpose and Need Statement Biases the DEIS

The proposed rebuilding of the Virginia Avenue Tunnel serves only the interests of freight rail. The detrimental impacts of the expansion on passenger and commuter rail are neither acknowledged nor evaluated in the DEIS.

The Purpose and Need Statement (DEIS S.3) states: "The purpose of the proposed action is to preserve, over the long-term, the continued ability to provide efficient freight transportation services in the District of Columbia, the Washington Metropolitan Area and the eastern seaboard."

To accomplish that purpose, the DEIS states that it will be necessary to meet three needs. However, some of these "needs" could be met in alternative ways and some of these "needs" fail to consider facts beyond the narrow self-interest of CSX: 20-14

Need #1. *Address the structural and operational deficiencies of the century-old Virginia Avenue Tunnel.* This is a misleading framing of the issue The current desire to rebuild the tunnel is based exclusively on capacity constraints (in light of anticipated increases in demand) rather than any concern about the tunnel's structural integrity. The DEIS implicitly acknowledges this fact when it claims that "a major structural deficiency could materialize over the next few decades, possibly due to the continued aging of the tunnel's masonry structure." (DEIS 2.1.3) This is conjecture. The DEIS notes the now-obsolete construction methods used to build the tunnel, but states that the "overall structure [of the tunnel] is in relatively good shape" (*id.*). Yes, the tunnel is old and it has drainage problems, but the DEIS specifically disclaims any near-term danger of collapse stating "the tunnel is in no danger of collapsing in part due to tunnel reinforcements and reconstruction made in late 1985 and early 1986." (*id.*). 20-15

Operational deficiencies are due to the inability of the tunnel to accommodate two-way traffic of double stacked intermodal containers in the existing one-way tunnel. The DEIS pre-empts the question of whether the deficiency should be addressed by finding an alternative to sending freight traffic through the tunnel rather than by reconstructing the tunnel. 20-16

Need #2. *Accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015*. This statement unreasonably limits the DEIS to the expected increases in freight transportation instead of encompassing expected increases in rail traffic generally, including passenger and commuter operations; the impact of CSX increases on their operations; the impacts of all of these increases on air quality, safety and security; and the potential to address these issues through different rerouting alignments. In addition, the estimates for construction, ranging between 30 and 66 months, put the completion 20-17 20-18

7

Response to Comment 20-14

This is a private project that requires permits from FHWA, DDOT and other federal and District agencies as appropriate. Section 5.15 of the DEIS describes how passenger rail and freight coexist in the region. Sections 5.17 and 5.18 were revised in the FEIS to include discussion of the indirect and cumulative effects to passenger rail service, respectively.

Response to Comment 20-15

The physical conditions of the tunnel described in Section 2.1.3 of the DEIS were based on information obtained through engineering inspections. The fact that the tunnel is showing evidence of "distress" and yet the "overall structure [of the tunnel] is in relatively good shape" are not inconsistent. The evidence of distress is early indicators that the tunnel needs to be replaced. The evidence does not suggest there is an immediate danger that any section of tunnel would collapse. Adopting Alternative 1 will result in an increased risk of structural failure over time. A new modern tunnel will have a lower risk of structural failure. Moreover, the transportation industry in the US is engaged in comprehensive infrastructure improvement to meet 21st century demands and to promote the nation's economy; this project is just one of many.

Response to Comment 20-16

Section 2.1.3 of the DEIS reports two facts about the existing tunnel: (1) it contains just one set of tracks, with two sets of tracks immediately outside the portals; and (2) it does not have adequate vertical clearance to allow double-stack container operations, which is the industry standard.

Response to Comment 20-17

Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, the Build Alternatives will allow CSX to accommodate this growth in freight transportation demand more efficiently, which may benefit passenger service using CSX rail lines in Virginia and the District. The purpose and need section of an EIS does not consider the impacts. Please refer to revised Sections 5.17 and 5.18 in the FEIS for discussion of the indirect and cumulative effects to passenger rail service, respectively.

Response to Comment 20-18

The transportation demand need described in the DEIS is a long-term need, based on the freight growth expected from the opening of the Panama Canal.

date of the Virginia Avenue Tunnel between 2016 and 2019 (DEIS, pp. 3-53). These dates do not include local and federal review and permitting time, of which the EIS process is one part. Adding the projected review and approval time to the various construction schedules, it will be some years before the Virginia Avenue Tunnel "catches up" to the potential increases in freight rail generated by the Panama Canal expansion. 20-18

Need #3. *Ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.*
This is basically a restatement of the second need and goes to CSX's anticipated expansion. Existing freight transportation services would remain uninterrupted if nothing were to be done and the level of freight transportation did not increase. Even if freight transportation were to increase, CSX has alternate routings, some of which it claims to be using now for hazardous cargo that could accommodate increases in freight transportation. 20-19

The DEIS's Statement of Purpose and Need Should be Revised

The Statement of Purpose and Need needs to be revisited and to incorporate needs and purposes beyond the narrow interests of CSX. Additional purposes and needs worth considering include: 20-20

- Accommodate the expansion of passenger and commuter rail capacity.
- Contribute to a coordinated solution of the problems created by outmoded infrastructure – including but not limited to the Virginia Avenue Tunnel, the Long Bridge, shared tracks in SW DC, the Anacostia River Rail Bridge – rather than simply relocate chokepoints.
- Mitigate safety and security concerns related to the proximity of the current freight rail system to the Monumental Core of Washington, DC and the U.S. Capitol.
- Minimize the impact of increasing rail traffic on air quality – e.g. facilitate electrification and enable mode shifts from driving to passenger/commuter rail as well as from trucking to freight rail.
- Be consistent with other local and national planning initiatives to redevelop and repair the urban fabric in this area.
- Respect and, where possible, repair parks and natural resources by eliminating, for example, existing impediments to navigability and public access to the Anacostia River.

8

Response to Comment 20-19

This is not a restatement of the second need. The second need is long term or post-construction, while the third is a construction-period need.

Response to Comment 20-20

This is a private project that requires permits from FHWA, DDOT and other federal and District agencies as appropriate. Therefore, expansion of passenger and commuter rail service is outside the scope of this project. However, the EIS should and does address relevant freight rail transportation and public impacts of this project. In response to specific remarks in this comment: (1) Although the project is not meant to improve passenger rail service, the improved efficiency of freight rail transportation should benefit passenger service (see Sections 5.15.1 of the FEIS for further information); (2) Section 5.5 was revised for the FEIS to include the long-term safety and security impacts of rebuilding Virginia Avenue Tunnel; (3) The long-term air quality impacts of the project were addressed in Section 5.5 of the DEIS; (4) Rebuilding Virginia Avenue Tunnel does not affect the types of locomotives used by passenger rail service; and (5) Although the project is not meant to improve passenger rail service, it does not preclude other solutions to better to manage rail traffic in and around the District among freight and passenger users.

The rehabilitation of Virginia Avenue Park will be conducted immediately after construction of the new tunnel. This work is part of the overall project.The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. This will also include the post-construction condition of the area under I-695 at 2nd Street SE. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Logical Termini Should be Chosen

Because the Virginia Avenue Tunnel is a small piece of a larger section of aging rail structure that imposes capacity constraints, it is important to establish logical termini to ensure that proposed alternatives actually eliminate rather than relocate chokepoints. At a minimum, we would suggest that the analysis encompass shared rail infrastructure including Long Bridge, the Southwest tracks, as well as the Union Station and the Virginia Avenue Tunnel. Another possibility would be to define the termini to encompass both the Potomac and the Anacostia River rail crossings. 20-21

Response to Comment 20-21

Chapter 2 of the FEIS was revised to include discussion regarding the independent utility and logical termini of the project.

9

Separation of Freight and Passenger Operations

Expanded commuter and passenger rail service is necessary to provide commuters and travelers with viable alternative to automobile travel. Currently, such expansion is limited by constraints imposed on commuter and passenger rail operations that share CSX-owned tracks with freight rail operations. 20-22

Why Increasing Commuter Rail is Essential

The Problem: Two-thirds of the cars on DC's streets during rush hour are from out of state and those cars impose increasing demands on parking and pressures on congestion. Of US cities with more than 100,000 residents, DC has the highest daytime percentage increase in population due to commuters, and in terms of absolute numbers of people coming into the city each workday, we're second only to Manhattan.

Our car problem is largely a commuter problem.

Our major challenge is getting large numbers of people in and out of the city efficiently. And this is a problem that will only get bigger in the future. As the Metrorail system reaches capacity and starts to lose riders due to crowded conditions and unreliability, commuter rail has been gaining ridership.[3]

In terms of the percentage of those commuters using cars, trucks or vans, DC again has the highest percentage at 54%, compared to Manhattan at 13% and Boston at 50%. DC is the lowest in the use of commuter rail: DC 2.8%, Manhattan 11% and Boston 8%. Manhattan has just under three times the number of commuters coming in each day as DC does, but more than 12 times as many traveling by commuter rail.[4] Our regional transportation priorities must include a serious focus on how to expand passenger rail service into the District through MARC and VRE, as well as Amtrak.[5]

The Approach: *One obvious solution is to separate freight and passenger rail operations in Southwest by building an additional Potomac River rail crossing so the volume and imperatives of freight traffic don't constrain the growth of commuter rail.*

[3] Kytja Weir, "Commuter trains attract riders even as numbers flag on Metro," May 29, 2013 http://washingtonexaminer.com/commuter-trains-attract-riders-even-as-numbers-flag-on-metro/article/2530789

[4] US Census Bureau, 2007-2011 American Community Survey 5-Year Estimates:

	Total Commuters	Work in Place of Residence	Commute by Car/Truck/Van	Commute by Railroad
District of Columbia	773,735	220,409	420,454	21,523
Manhattan	2,334,100	769,884	321,070	270,690
Boston	555,227	209,100	278,990	44,295

10

Response to Comment 20-22

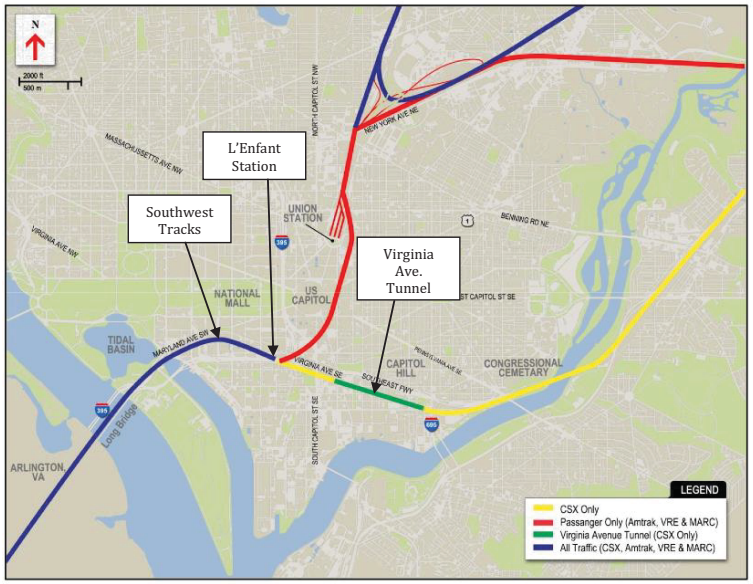
The purpose and need of the Project does not involve or include improving passenger rail service for the District.

Continued Investment in the Virginia Avenue Tunnel Will Compromise Commuter and Passenger Rail Service

CSX uses the SW tracks to access the Virginia Avenue Tunnel. Passenger and commuter trains use those same SW tracks to access Union Station. The rail tracks from Virginia are double-tracked across the Long Bridge, until they reach 12th Street SW where they become triple-tracked, with double-tracks for passenger and commuter trains branching off to the north to Union Station through the First Street Tunnel. At Twelfth Street, double tracks for freight trains continue east until they become a single track entering the Virginia Avenue Tunnel.

These SW tracks provide the **only** means for passenger and commuter trains to access Union Station from the south and for trains originating at Union Station to travel south.

Active Rail Lines within the District of Columbia



To the extent that rebuilding the Virginia Avenue Tunnel will result in additional CSX trains using the SW tracks, it will limit the expansion of passenger and commuter rail options running south of Union Station. If the number CSX trains increases substantially, reconstruction of the tunnel may even force a decrease in commuter and passenger rail service. 20-23

11

Response to Comment 20-23

Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, the Build Alternatives will allow CSX to accommodate this growth in freight transportation demand more efficiently, which may benefit passenger service using CSX rail lines in Virginia and the District. Making the tunnel double stack capable allows twice the amount of intermodal container freight to be carried per train. Additionally, eliminating the single track bottleneck at the Virginia Avenue Tunnel increases the fluidity of both freight and passenger rail service on this portion of the network.

VRE's expansion is already being limited by its agreement with CSX – at this point its rush hour trains are filled to capacity and typically have standees, trains are as long as existing platforms allow, and bi-level cars are in use. Thirty-six of forty slots allocated to VRE are currently in use, which means that only one more round-trip train can be added to each of the two routes that operate along this route.[6] MARC, too, has seen the expansion of its Brunswick line constrained by CSX.[7] Both locally and nationally, CSX's leadership has been quite vehement that it will resist any passenger rail proposals that threaten its own bottom line:

> CSX Corp. CEO, President and Chairman Michael Ward told Bloomberg News yesterday that he "can't be part of" President Barack Obama's push for high speed rail.
>
> Ward said high-speed passenger rail service won't make enough money and freight rail systems can't withstand trains moving as fast as 110 mph. Class I railroads have expressed concern over high-speed rail's impact on their freight rail systems, but Ward's recent criticism takes a more aggressive stance.
>
> "I'm a corporation. I exist to make money, OK?" Ward said. "You can't make money hauling passengers, so why would I want to do that? That wouldn't be fair to my shareholders."[8]

If we want to expand both freight and commuter/passenger rail capacity, then dedicated tracks, with the level of service optimized for each use, should be provided. Faced with a similar situation in Baltimore, and armed with sufficient funding to study the issue comprehensively, the Federal Railroad Administration concluded that "In the environment of Baltimore's topography and development patterns, the needs of freight and passenger service differ so greatly as to mandate separate freight and passenger facilities."[9]

No response required for this section of comment

How Shared Infrastructure Constrains Passenger and Commuter Rail Service

The constraints that restrict increasing commuter and passenger rail because of the shared tracks in SW are considerable:

• A Single River Crossing for All Rail Users. Currently, freight, passenger and commuter trains share the double-tracked Long Bridge, the only Potomac River rail crossing within 70 miles, as well as rail tracks in Southwest (SW). According to the National Capital Region Transportation Planning Board, two-thirds of the traffic on the Long Bridge is passenger or commuter rather

[6] Parsons Brinckerhoff, *VRE System Plan Operations Board Workshop Summary Report*, August 2013, pp.2, http://www.prtctransit.org/docs/commission/Sep2013/Item_10C_VRE_Info--VRE_System_Plan_Operations_Board_Workshop_Summary_Report_(08-13).pdf

[7] Michele Whelley, "MARC: Rolling in the Right Direction," *The Baltimore Sun*, May 26, 2013; http://articles.baltimoresun.com/2013-05-26/news/bs-ed-marc-expansion-20130526_1_marc-penn-line-camden-line-marc-service

[8] Mark Szakonyi, "CSX CEO Ward rejects high-speed rail," *Jacksonville Business Journal*, April 7, 2011 http://www.bizjournals.com/jacksonville/blog/trade_trucks_trains/2011/04/csx-ceo-ward-rejects-high-speed-rail.html

[9] Federal Railroad Administration, *Report to Congress: Baltimore's Railroad Network (2005), Part II: Alternatives,* p. 9-3. http://www.fra.dot.gov/eLib/Details/L04159

than freight rail.[10] And the SW tracks reflect this balance – after the Bridge, the route is triple-tracked, with two tracks providing passenger and commuter train with access to Union Station and the third track providing freight trains access to the single-tracked Virginia Avenue Tunnel.

• CSX-Imposed Schedules. The current operating agreement for the Potomac River rail crossing at the Long Bridge precludes any increase in the frequency of VRE commuter trains. In the future, with the increase in freight traffic, the competition for rail crossings will only increase. Unfortunately, CSX has consistently declined to disclose their expected increase in freight traffic and the amount of additional river crossing capacity that is available on the Long Bridge as currently configured.[11] In the absence of that data it is reasonable to conclude that the increased traffic on the Long Bridge will be to CSX's benefit and the detriment of passenger and commuter rail.

• CSX-Dictated Motive Power. MARC's Penn Line is electric, the Brunswick and Camden Lines (which operate on CSX tracks) are diesel and VRE is diesel (as required by CSX). Because of the lack of electric catenaries along the CSX-owned SW tracks, Amtrak must change locomotives at Union Station to use diesel to the south and electric to the north, losing time, delaying passengers and prolonging service times. Electrification of the tracks south of Union Station is environmentally desirable for passenger and commuter trains, but opposed by CSX because of possible interference with their planned double-stacked container trains.

No response required for this section of comment

• CSX-Controlled Track and Operations. CSX designs their rail lines for freight loads, not for passenger loads. Freight operations are typically slower and less time-critical than passenger rail. As a result, signaling, scheduling, platforms, speed and logistics generally are optimized for CSX's freight operations.

Can Shared Infrastructure Handle Significant Simultaneous Increases in Both Passenger and Freight Rail Operations?

In 2005, the Federal Railroad Administration estimated that the number of CSX trains traveling between Washington and Baltimore would increase from 33 trains a day in 2012 to a high of 56 trains a day in 2050.[12] In the same time frame, the Union Station Master Plan proposes to triple

[10] Karin Foster, Memorandum re 2013 TPB Freight Transportation Highlighted Projects, dated 18 September 2013, p. 12. http://www.mwcog.org/uploads/committee-documents/a11aXFZf20130912133457.pdf

[11] According to the FHWA, this is precisely the sort of data that NEPA analysis requires: "[r]ather than simply stating that additional capacity is needed between two points, information on the adequacy of current facilities to handle the present and projected traffic (e.g. What capacity is needed and the level of service for the existing and proposed facilities) should be discussed." *NEPA and Transportation Decisionmaking: The Importance of Purpose and Need in Environmental Documents*, http://environment.fhwa.dot.gov/projdev/tdmneed.asp

[12] This projection did not take into account the increased freight traffic that would result from expansion of the Panama Canal. So 56 CSX trains a day is a conservative estimate of future freight demand. *Report to Congress: Baltimore's Railroad Network*, p. 4-13.

the number of passengers and double the number of passenger and commuter trains[13] and the SW Ecodistrict Plan proposes through-running MARC trains to Virginia and increasing the number of commuter trains using L'Enfant Station.[14] The combined pressure of increased freight and passenger/commuter rail demand seems likely to overwhelm the carrying capacity of the Long Bridge and the SW rail tracks. Since those facilities are owned by CSX, it is likely that CSX will resolve that competition in its own favor and thereby frustrate the proposed increases in Amtrak, VRE, and MARC service. 20-24

Why the EIS Should Consider the Implications for Passenger and Freight Rail, as well as Freight Rail in its Analysis of Whether the Virginia Avenue Tunnel Should be Reconstructed

The current balance between freight and passenger/commuter rail operations on the CSX-owned shared-use infrastructure south of Union Station is an artifact, in part, of the limitations on freight rail capacity imposed by the current configuration of the Virginia Avenue Tunnel. Even with that constraint on freight volume in place, VRE's access to this infrastructure is already being rationed. Quadrupling the capacity of the Virginia Avenue Tunnel, without coordinated increases in the capacity of the Long Bridge and the SW tracks creates the very real possibility that CSX will satisfy its own needs for increased rail capacity at the expense of other rail users. 20-25

This is why it is important to revise the DEIS to include a more comprehensive statement of needs, a broader range of alternatives, a larger segment of rail infrastructure, and more detailed and relevant data. Looking solely at the Virginia Avenue Tunnel, exclusively from the perspective of freight rail, turns the NEPA process into a pointless exercise rather than a useful decisionmaking tool.

Response to Comment 20-24

CSX will continue to work with AMTRAK, VRE and MARC to accommodate passenger operations on the CSX network. The purpose and need of the Project does not involve or include improving passenger rail service for the District. Although delays do not currently occur due to available time for scheduling windows for passenger service, Virginia Avenue Tunnel is a bottleneck and inhibits the flow of train traffic. Future growth is likely to cause these windows to shrink and create potential conflicts. The reconstruction of this tunnel, particularly with two tracks, will provide additional capacity for freight movements.

Response to Comment 20-25

Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, the Build Alternatives will allow CSX to accommodate this growth in freight transportation demand more efficiently, which may benefit passenger service using CSX rail lines in Virginia and the District. Making the tunnel double stack capable allows twice the amount of intermodal container freight to be carried per train. Additionally, eliminating the single track bottleneck at the Virginia Avenue Tunnel increases the fluidity of both freight and passenger rail service on this portion of the network.

[13] *Union Station Master Plan*, Washington, DC (July 25, 2012), Executive Summary, page 2.

[14] The recently adopted *Southwest Ecodistrict Plan* proposes transportation strategies to revitalize and reconnect the community that will "build on existing road, rail and bus infrastructure to enhance transportation capacity … and better connect all modes of travel." (Page 13) The SWE Plan builds on the District's Maryland Avenue SW Small Area Plan through an expanded L'Enfant commuter rail station that will serve VRE, MARC, and Amtrak commuters.

Safety and Security Issues

The DEIS fails to address two serious safety and security considerations from increased rail freight in close proximity to the US Capitol, the Mall and numerous federal offices.

A Train Derailment, or an Accidental Spill Could Lead to a Catastrophic Event | 20-26

CSX is required to select the "safest and most secure routes" for its most dangerous cargos, generally defined as substances posing a poison or toxic inhalation hazard, explosives, and radioactive materials (49 CFR Parts 171-180) and providing alternate routes for hazardous materials. However, CSX unilaterally makes the decision about what material should be rerouted and applies its own weighting to the federal designated "routing factors" that include security, safety and economics. The decision is made without public disclosure.[15] Nor does the Federal Railroad Administration (FRA) have authority to approve the railroad routing decisions or to override them. FRA's oversight of the freight routing decisions is merely to evaluate the railroad's routing choices after they have been implemented.

CSX's unilateral decision-making presents the possibility of human error in identifying, classifying or handling materials that are dangerous or hazardous. As we will see below, all of these errors can result in great harm. CSX has provided assurances that the most dangerous substances are not routed on the SW tracks and through the Virginia Avenue Tunnel; however, there are several types of less dangerous or potentially dangerous cargo that CSX has determined do not require rerouting, including denatured alcohol, terephthalic acid, fluorolytic acid and sodium chlorate. These, and other materials may be transported through Washington. The possible occurrence of human error together with outmoded running stock, including the DOT-111 tank car creates a volatile mix that has resulted in disastrous damage in recent derailments in other locations as close as the city of Baltimore.

Let us consider several recent derailments and their consequences:

> *The Lac-Maginet Derailment*: On July 6, 2013 a petroleum train derailed in Lac-Maginet, Quebec, resulting in catastrophic explosions and fire that claimed the lives of 47 people and destroyed roughly half of the downtown area.[16] The tank cars carrying the oil were DOT-111

Response to Comment 20-26

Please see response to Comment 20-9.

[15] The procedures of Circular No.OT-55-L, December 13, 2010 limit the disclosure of information. Upon written request, AAR members will provide bona fide emergency response agencies or planning groups with specific commodity flow information covering at a minimum the top 25 hazardous commodities transported through the community in rank order. The request must be made using the form included as Appendix F by an official emergency response or planning group with a cover letter on appropriate letterhead bearing an authorized signature. **The form reflects the fact that the railroad industry considers this information to be restricted information of a security sensitive nature and that the recipient of the information must agree to release the information only to bona fide emergency response planning and response organizations and not distribute the information publicly in whole or in part without the individual railroad's express written permission.** [Emphasis added]

[16] Petroleum spills from tank cars are not uncommon. An analysis of U.S. Transportation Department data found less than one incident of oil spills involving pipelines per billion ton-miles, compared with 19.95 incidents per billion ton-miles for trains.

cars, known for their tendency to split open during derailments.[17] It should be noted that approximately 70% of the US tank car fleet is composed of DOT-111 tank cars. Such a split occurred in Lac-Maginet causing five of the tank cars to explode, setting off massive explosions and fires fueled by the contents of other rail cars.

The Cherry Valley Derailment: On June 19, 2009 a Canadian National Railway train carrying denatured alcohol derailed at a grade crossing in Cherry Valley, Illinois. Of the 19 DOT-111 tank cars that derailed, 13 of them ruptured and caught fire. The resulting fire engulfed several motor vehicles stopped at the crossing, resulting in personal injuries, including one fatality, a mandatory evacuation within a half-mile radius and property damages estimated at $7.9 million dollars. The NTSB noted the history of rupture problem with the DOT-111 tank cars, and described the demonstrated need for extra protection such as heat shields, tank jackets, more robust fittings and other modifications. At the time of the Cherry Valley derailment, the American Association of Railroads (AAR) opposed modification or retrofitting of existing tank cars but has increased the crashworthiness of newly constructed DOT-111 tank cars. The DOT-111 tanks cars, identical to those in the Lac-Maginet derailment,[18] remained in service.

The Cherry Valley Derailment: Pipeline Damage: An additional hazard at the site of the Cherry Valley derailment was a 12-inch diameter underground natural gas transmission pipeline, installed deeper underground that required by industry standards and exceeding federal standards. Although it was 11 feet underground (deeper than required by standards), and protected inside a 16-inch diameter casing, during the derailment a railcar wheel and axle deformed the casing and caused damage to the pipe. The NTSB concluded that if the pipeline had been installed with minimum cover, it would have been ruptured as a result of being struck by the derailed equipment, and contributed high-pressure natural gas to the fire. The NTSB explained that while data is not collected about the number of incidents in which pipelines are damaged by train derailments, this and other derailments illustrate that pipelines can and have been damaged when present near railroad accident scenes.[19] The inherent dangers posed by the rupture of several gas lines in the vicinity of the proposed Virginia Avenue Tunnel reconstruction (DEIS, pp. 5-56) in the dense urban environment of Washington DC is unacknowledged and unaccounted for in the DEIS. Nowhere in the EIS is there any description of the gas, electric and other utility lines that presently exist under the SW tracks or the Virginia Avenue Tunnel. The DEIS needs to list all such lines, the nature

No response required for this section of comment

While pipelines spill more oil in absolute numbers because of the nation's vast pipeline network -- an average of 6.6 million gallons of petroleum products were released accidentally from pipelines each year from 2005 to 2009-- during the same period road transportation spilled an average 477,600 gallons a year and trains spilled 83,800 gallons. http://fuelfix.com/blog/2013/07/15/canada-train-disaster-could-inspire-new-us-regulations/

[17] http://www.pressherald.com/news/Obama-administration-delays-oil-train-safety-rules.html?pagenum=full

[18] National Transportation Safety Board, Safety Recommendation, March 2, 2012. Pages 1-9 (copy attached).

[19] *Id.,* pp. 9-10.

and extent of the productive conduit in which they are encased and the depth they are located below the tracks.

The Cherry Valley Derailment: Identifying Hazardous Cargo: The Cherry Hill derailment also underscores the high cost of human errors in correctly identifying hazardous materials. Train operators are required to have a "train consist" that accurately identifies the hazardous or dangerous cargo and the position of the rail cars containing hazardous cargo. The train consist for the Cherry Valley train had only 3 of the 76 cars in their proper position.[20] The NTSB report did not address the error rates for CSX or other train operators, but it clearly demonstrates that human error can and does occur in administering the Hazardous Materials Regulation.

The Rosedale Derailment: On May 26, 2013 a CSX train (traveling from Selkirk, NY to Waycross, GA, along CSX's Eastern Seaboard Freight Rail Corridor that includes the Virginia Avenue Tunnel) carrying sodium chlorate, terephthalic acid and a partially empty tank car containing fluorolytic acid derailed in Rosedale, Maryland, a Baltimore suburb. This derailment resulted in a fire and explosions that were felt and heard across Baltimore. Billowing smoke could be seen for hours and resulted in road closures.[21] Fortunately, damage was limited because the derailment occurred in a rail yard. However, the event underscores the dangers of certain materials that, evaluated individually, CSX apparently considered to be safe enough to transport though densely populated areas. Yet when these materials interacted, they created an explosion of the sodium chlorate that in turn ignited the terephtalic acid that fueled the long burning fire.[22]

Terrorism Remains a Threat | 20-27

The Transportation Security Administration has recognized that a terrorist attack on freight rail could have a devastating impact on the nation's economy. Such an attack could cause a tragic loss of life and have a catastrophic impact on the operation of the American government as well.[23] Unfortunately, the DEIS does not assess the consequences of a terrorist attack.

Response to Comment 20-27

Please see response to Comment 20-9.

[20] *Id.*, p. 10

[21] http://www.usatoday.com/story/news/nation/2013/05/28/train-derails-in-maryland-explosion-reported/2366957/.

[22] http://www.cnsnews.com/news/article/csx-md-train-explosion-caused-chemical-cargo

[23] TSA has developed a national strategy for rail transportation security outlined below:
Goal 1: Prevent and deter acts of terrorism using, or against, the transportation system.
Terrorists may use attacks to directly disrupt the freight rail transportation system or use the cargo transported by a railroad to carry out larger attacks against the American people. The Sector aims to prevent and deter terrorist attacks before they happen without disrupting the free flow of commerce or compromising civil liberties.
Goal 2: Enhance the all-hazard preparedness and resilience of the global transportation system to safeguard U.S. national interests.
The resilience of the freight rail sector can be improved by increasing its ability to accommodate and absorb damage from natural disasters or terrorist attacks without catastrophic failure. Resilience-improving strategies include a wide variety of mitigation activities, including support of response and recovery activities.

The DEIS must address how rebuilding the Virginia Avenue Tunnel and the associated increase in the volume of freight traffic contribute to increased national security threats, both from sabotage of trains and from explosives in container cars or concealed cargo like the Cuban anti-aircraft missiles hidden in intermodal containers in a North Korean vessel going through the Panama Canal. Worst-case scenarios should be an important, if not decisive, component of the DEIS analysis.

Conclusion

Future congestion on the SW rail tracks, and the greater speed that will be allowed in an enlarged tunnel,[24] increase the risk of derailment. In addition, double-stacked container trains increase both the odds that a critical mass of harmful material will occur more frequently and the potential magnitude of damage. Lessons from other derailments underscore the real-world risks of fatalities, massive fires, explosions or other catastrophic events. There are the separate and real possibilities of acts of terrorism and sabotage that could result in a tragic loss of life and have a catastrophic impact on the operation of the American government as well. 20-28

All of these considerations lead to the conclusion that these most important topics for the health, life and safety of residents, visitors and workers in metropolitan DC have been inadequately considered in the DEIS.

Goal 3: Improve the effective use of resources for transportation security.

[24] Currently the speed in the tunnel is limited to 15 mph, but outside the tunnel (and presumably after reconstruction) the speed is 40 mph (DEIS p. 2.5).

18

Response to Comment 20-28

The operation of double-stack intermodal container freight trains would not decrease the level of safety and security within the new tunnel. Please see response to Comment 20-9.

Air Quality

Diesel train operations have a negative and measurable effect on air quality. And an increase in the volume of rail freight being transported through the District of Columbia will lead to an increase in emissions and degradation of air quality. 20-29

The DEIS fails to include any calculations regarding such long-term impacts.

There is no reason to assume that the volume of freight entering Washington, DC would be the same regardless of whether the Virginia Avenue Tunnel is rebuilt. While CSX has failed to provide any data regarding anticipated increases in freight volume,[25] it is proposing to quadruple the volume of freight that can travel through the District by rail. CSX has not provided any data indicating what percentage of this traffic either originates from or has a final destination in the Metropolitan Washington area. This omission subverts the NEPA process which is designed to gather the information necessary to make an objective assessment of the relative costs and benefits of a variety of approaches to solving a problem. 20-30

In point of fact, the impetus behind the National Gateway Project (under which the proposed tunnel rebuilding falls) is to create improved connections between East Coast ports and Midwestern markets on CSX-controlled routes – i.e. to improve and upgrade the freight carrying capacity on CSX lines. The vast majority of this freight will be "through traffic" – which should raise the question of whether it is desirable to route significantly more freight through Washington DC's Monumental Core and densely-populated neighborhoods along capacity-constrained infrastructure that is shared with highly successful passenger and commuter rail services.

And it is disingenuous to suggest (or assume) that trucking is the only alternative. Norfolk Southern operates freight rail services that connect the same markets without sending cargo through Washington, DC or along the congested Northeast Corridor. [See the route map on the page following.] And CSX itself ships hazardous materials using an alternative route. 20-31

Moreover, continued reliance on an expanded Virginia Avenue Tunnel degrades local air quality both by constraining the expansion of popular commuter rail services in a growing economy and by preventing electrification of intercity passenger and commuter rail to and from points south of

[25] As FHWA states in *NEPA and Transportation Decisionmaking: The Importance of Purpose and Need in Environmental Document,* "[R]ather than simply stating that additional capacity is needed between two points, information on the adequacy of current facilities to handle the present and projected traffic (e.g. what capacity is needed and the level of service for the existing and proposed facilities) should be discussed" and then explicitly concludes that "It is not sufficient to state that the project is needed to provide increased capacity and improve safety. Supporting data must be provided."

19

Response to Comment 20-29

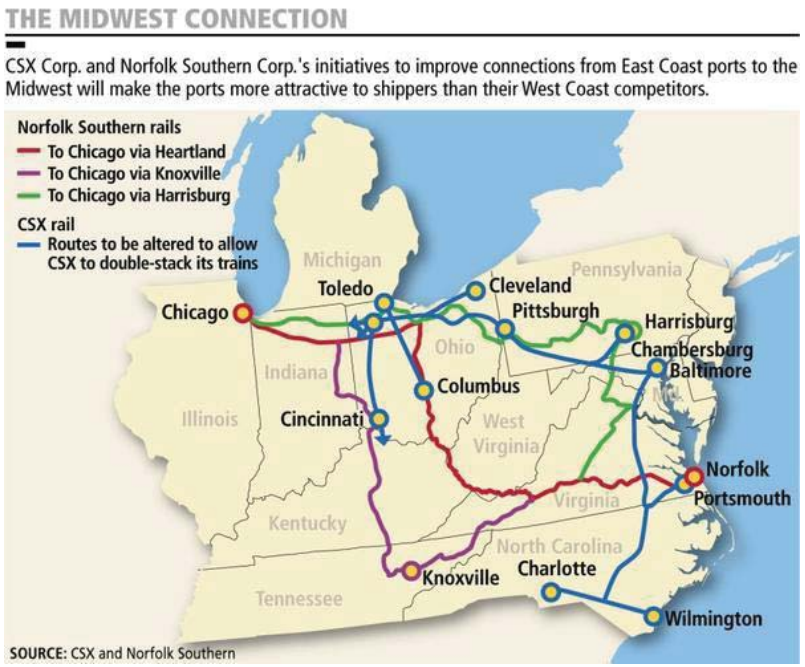
As described in Section 5.5 of the DEIS, operational emission levels were predicted to be below U.S. Environmental Protection Agency General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. The commenter fails to distinguish between the volume of rail freight being transported and the number of trains that it takes to transport that freight. This project is intended to allow the railroad to more efficiently handle the growing volume of freight that is expected whether or not the tunnel is improved.

Response to Comment 20-30

As described in Section 5.15.1 of the DEIS, the FHWA estimated that total U.S. freight shipments would grow by 50 percent over the next 30 years. A large percentage of this growth will be accommodated by freight rail. Within the corridor, freight transportation demand will increase regardless of the project. Passenger service does not currently operate through the Virginia As As described in Section 5.15.1 of the DEIS, the FHWA estimated that total U.S. freight shipments would grow by 50 percent over the next 30 years. A large percentage of this growth will be accommodated by freight rail. Within the corridor, freight transportation demand will increase regardless of the project. Passenger service does not currently operate through the Virginia Avenue Tunnel, but any of the Build Alternatives will allow CSX to accommodate this growth more efficiently, which will benefit passenger service through enhance network fluidity using CSX rail lines in Virginia and the District, and eliminate emissions associated with stopping and starting to pass through the single tracked tunnel and reducing potential emissions with double stack technology. In 2013, more than 368,000 carloads of rail freight originated in or was delivered to the District by CSX. As of 2013, CSX provides serves three customers in the District and two just over the District border in Maryland. There are also other properties in the District that connect to CSX's line, and CSX is currently engaged in discussions with two new potential rail customers in the District. There are also efforts by the City Council to preserve existing industrial zoning for properties with rail connections and outreach to promote further economic development in the District. The products received and shipped by these District customers include lumber, scrap metal, recycling materials, transformers, and aggregate.

Response to Comment 20-31

Section 3.2 of the DEIS addressed the possibility of rerouting freight rail traffic outside of Washington, DC.



http://www.bizjournals.com/jacksonville/stories/2009/10/19/story8.html?s=image_gallery

Washington, DC. From an environmental perspective, getting freight out of trucks and onto trains in a way that keeps commuters in cars and off of trains could be a Pyrrhic victory, even if it enhances CSX's bottom line. Similarly, while the DEIS recognizes diesel rail's environmental superiority to trucking, it also needs to acknowledge that electric rail would be preferable to diesel and that the expansion of diesel traffic on CSX-owned and controlled shared rail infrastructure prevents electrification of these tracks for other users. 20-32

Quantifying Airborne Emissions

The DEIS takes an arbitrarily narrow view of the impacts of rebuilding the Virginia Avenue Tunnel by limiting the analysis only to impacts that may occur during construction of the tunnel. The appropriate time frame should encompass the expansion of the Panama Canal, the planned Union Station expansion and implementation of the SW Ecodistrict Plan. Neither the Union Station Master Plan for expansion, nor the SW Ecodistrict Plan, is even acknowledged in the DEIS. 20-33

20

Response to Comment 20-32

Electrification of CSX's mainline is not a part of this project. General [transportation] conformity was followed as defined by USEPA. The air quality modeling presented in the DEIS uses the appropriate USEPA modeling methodology, as described in the tech report included as an appendix to this document. It properly reflects the projected air quality impacts of this construction project. Rebuilding Virginia Avenue Tunnel will not constrain passenger rail service.

Response to Comment 20-33

The scope of the EIS is appropriate since the proposed action involves replacing infrastructure and any significant adverse impacts are likely to occur during construction, as evident throughout the DEIS. Nevertheless, the project will not affect implementation of the Union Station Master Plan and Southwest Ecodistrict Plan.

CSX Rail Operations are Likely to More Than Double

CXS is currently running 20-30 trains over the SW tracks and through the Virginia Avenue Tunnel (DEIS, p.2-7). CSX has not provided long term projections of the number of trains that CSX will likely operate after the tunnel is rebuilt and after CSX begins to carry the increased freight that will result from the Panama Canal expansion, other than the general statement (DEIS p. 2-5):

> According to the FHWA's 2011 Freight Analysis Framework (FAF) forecasts, overall freight tonnage would increase by 50 percent in 2040 from 2010 levels.

This is not a projection of the increased freight that CSX will carry. With the Panama Canal expansion, and the fact that initially only the New York/Newark, Baltimore, and Newport News ports will be able to accommodate those larger container ships, a substantial part of the increased freight will travel over the CSX tracks. (DEIS p.2-6):

> As the largest freight railroad company on the east coast, CSX is anticipating the impact of the expanded Panama Canal on freight transportation demand from east coast ports, and is anticipating the need to carry a greater amount of freight between east-coast ports and Midwest markets.

But CSX does not quantify that increase on "freight transportation demand" and has elected not to provide information about the number of CSX trains that are projected over the SW tracks and through the Virginia Avenue Tunnel after the Panama Canal expansion is completed[26] when the number of CSX trains is likely to exceed 56 a day.[27] The estimate of 56 trains is based on CSX's 2005 growth prediction, without considering the Panama Canal expansion. It is an understatement of what will probably happen after CSX begins carrying increased freight when the larger container ships begin arriving at Newport News, Baltimore and Newark/New York beginning in 2015. But, that freight increase, being supplied by ships delivering intermodal

20-34

Response to Comment 20-34

As described in Section 5.15.1 of the DEIS, the FHWA estimated that total U.S. freight shipments would grow by 50 percent over the next 30 years. A large percentage of this growth will be accommodated by freight rail. Within the corridor, freight transportation demand will increase regardless of the project. Any of the Build Alternatives will allow CSX to accommodate this growth more efficiently, which will benefit passenger service using CSX rail lines in Virginia and the District. Passenger service does not currently operate through the Virginia Avenue Tunnel. The Union Station Master Plan and the SW Ecodistrict Plan are not relevant to the project.

[26] Submitted May 21, 2012 On Behalf of the Committee of 100 and available on the Virginia Avenue Tunnel website (http://www.virginiaavenuetunnel.com/public-involvement/):

Requests For Information

1. What is the projected number of trains that will traverse the tunnel each day (north/south) after the tunnel is completed? Five years after completion?
2. What is the amount of fuel consumed to cross from the Potomac to the Anacostia for an average freight train?
3. What is the average emissions of the CSX locomotive fleet to pull an average freight train in terms of units of NOx and particulates and other emissions expressed per unit of fuel and per mile at the speeds the trains will traverse the tunnel after it is rebuilt?

Response:

CSX : CSX is not allowed to respond to such requests until they have been approved by DDOT.

DDOT: The requests are outside the scope of the proceeding.

[27] In 2005, the Federal Railroad Administration issued its Report to Congress: Baltimore's Railroad Network: Challenges and Alternatives, and projected that the number of CSX trains traveling between Washington and Baltimore will increase from 33 trains a day in 2012 to a high of 56 trains a day in 2050. Page 4-13. This projection, performed in 2005, did not take into account the increased freight that will result from expansion of the Panama Canal.

containers, would likely be carried by CSX on double stacked container trains, resulting in heavier loads, requiring double locomotives. Even today, a large number of the CSX trains coming through our City use double locomotives. For the purpose of estimating diesel emissions, the relevant unit is the number of locomotives rather than of trains. 20-34

The Number of Commuter Rail and Amtrak Trips Is Projected to Double

The goal of the Union Station expansion is to triple the number of riders and double the number of passenger and commuter trains using the station.[28] The southbound tracks at Union station will be designed for expanded commuter rail as well and Amtrak's Superliner and the tracks will be equipped with an overhead catenary system to accommodate electric locomotives (*USMP,* page 11). Between 2018 and 2022, all new tracks will run through the First Street tunnel to points south of DC (*id*. page 22). Additional future tracks could be extended to the south, enabling extension of high-performance, high-speed rail service to Virginia, North Carolina and the southeastern United States (*id.* page 13).

A cornerstone of the recently adopted Southwest Ecodistrict Plan is to through-run MARC service from Maryland to Virginia and to increase the number of commuter and Amtrak trains using L'Enfant Station. The Plan relies upon these transportation strategies to revitalize and reconnect the community[29] The SWE Plan builds on the District's Maryland Avenue SW Small Area Plan through an expanded L'Enfant commuter rail station that will serve VRE, MARC, and Amtrak commuters with convenient access to the L'Enfant Plaza Metro Station's Blue/Orange and Yellow/Green Line service (*SWEP*, page 31).

The DEIS Needs to be Revised to Estimate Airborne Emissions Associated with an Expanded Range of Alternatives, Including the Separation of Freight and Passenger/Commuter Rail with Freight Rail Re-Routed Outside the Monumental Core 20-35

The estimates should be based on the following information:

- Projected Increases in Freight, Passenger and Commuter Rail Services
- Number, Types, and Ages of Locomotives and Associated Airborne Emissions
    - Where Possible, Make Short-Term Calculations Based on Existing Fleet
    - Emissions from Passenger and Commuter Rail Services Should be Computed for Both Diesel and Electric Locomotives

[28] *Union Station Master Plan*, Washington, *DC*, July 25, 2012, Executive Summary, page 2.

[29] The plan is to increase the number of jobs and residents and to "build on existing road, rail and bus infrastructure to enhance transportation capacity … and better connect all modes of travel." (Page 13)

22

Response to Comment 20-35

The DEIS considered the concept of rerouting freight outside the Monumental Core and eliminated it as an alternative for this proposed action. The alternatives included in the DEIS, and their evaluation, are sufficient given the purpose and need of the Project.

- Where Electrification is Assumed, Include Emissions Associated with the Generation of Electricity

- Estimated Travel Times for Each Type of Service
- Increases in Automotive VMT and Associated Emissions if Commuter Rail Growth is Constrained
- For Alternatives Involving Re-Routing:
  - Baseline Air Quality
  - Population Subject to Exposure
  - Environmental Equity Analysis[30]

Air Quality Benefits of Rerouting CSX

Studies that have been done about concentrations of vehicle emissions near major highways also apply to the diesel emission levels from trains traversing the SE tracks and the Virginia Avenue Tunnel. There is substantial documentation that people living or otherwise spending significant time within 200 meters +/- of major highways and freeways are exposed to freshly-emitted air pollutants of particulate matter, oxides of nitrogen and carbon monoxide more so than persons living at a greater distance, even compared to living on busy urban streets. Relative concentrations of these airborne emissions decrease exponentially between 17 and 150 meters downwind from the highways, while at 300 meters measurable emissions concentrations were the same as at upwind sites.[31] An Australian study observed that the distance from highways at which concentrations of airborne pollutants created by vehicles using the highway decreased by 50% varied from 100 to 375 meters depending on the wind speed and direction.[32]

Rerouting CSX trains away from the SW tracks and the Virgina Avenue Tunnel would result in dilution of the airborne emissions proportionate to the distance of the relocation. Relocating he CSX tracks more than 1,000 feet to the east would mean lower levels of diesel emission and less harmful effects to the residents, workers and visitors as well as harm to the limestone and marble of the Capitol, the Mall and government buildings that are adjacent to the SW tracks and the Virginia Avenue Tunnel. 20-36

The Implications of These Airborne Pollutants

Response to Comment 20-36

The focus of this EIS is on the reconstruction of the Virginia Avenue Tunnel. Among the concepts considered were a tunnel under the entirety of DC as well as rerouting around the DC metropolitan area and they were not included as alternatives for this proposed action. It is not clear how the commenter proposes to relocate the tracks 1000 feet to the east.

[30] See, e.g,. NCPC and DDOT, *Freight Railroad Realignment Feasibility Study: Securing Freight Rail Transportation in the National Capital Region*, April 2007, pp. ES-8 and 9 and pp. 67-71.

[31] http://www.ehjournal.net/content/6/1/23

[32] Hitchins J, Morawska L, Wolff R, Gilbert D. Concentrations of submicrometre particles from vehicle emissions near a major road. Atmospheric Environment. 2000;34:51–59. doi: 10.1016/S1352-2310(99)00304-0.

Nitrogen Oxides (NOx) are a key precursor to ozone and secondary Particulate Matter (PM) formation. As the EPA explained in evaluating the comments about adopting the now current Locomotive emissions standards[33]:

> Ozone and PM2.5 are associated with serious public health problems including premature mortality, aggravation of respiratory and cardiovascular disease, aggravation of existing asthma, acute respiratory symptoms, chronic bronchitis, and decreased lung function. These engines also emit hazardous air pollutants or air toxics, which are also associated with serious adverse health effects. These engines emissions are of particular concern, as exposure to diesel exhaust has been judged likely to pose a lung cancer hazard for humans as well as a hazard from non-cancer respiratory effects.

The area in the vicinity of the Virginia Avenue Tunnel and the SW rail tracks is currently a maintenance area for CO, a marginal nonattainment area for O3 and a nonattainment area for PM2.5 (DEIS page 4-35).

Nitrogen Oxide emissions also pose threats to natural resources and to the built environment. The EPA provided the following summary[34]:

> The Northwest Environmental Defense Center, et al. noted that recent Forest Service studies have shown that NOx and other emissions from sources in and around the Columbia River Gorge contribute to acid rain formation, resulting in damage to crops, ecosystems, and cultural artifacts, including ancient Native American rock images.

No response required for this section of comment

The limestone and marble buildings on the Mall, as well as other federal buildings, are adjacent to the SW tracks and the Virginia Avenue Tunnel, and the U.S. Capitol is only four blocks away.

As EPA has noted:

> The deposition of airborne particles can reduce the aesthetic appeal of culturally important articles through soiling, and can contribute directly (or in conjunction with other pollutants) to structural damage by means of corrosion or erosion.[35]

Reducing the emission of NOx will benefit the air quality in terms of the health of workers and residents in the area as well as visitors to the Mall and preservation of the limestone and marble memorials and museums of the Mall and the U.S. Capitol.

Conclusion

[33] EPA420-R-08-006 March 2008, page 2-1 to 202

[34] Id. at 2-15

[35] Id at 2-18.

Dedication of the SW tracks and the Long Bridge for use only by passenger and commuter rail will allow electrification of those tracks. The emissions associated with the amount of electric generation to power those locomotives should be far less than the emissions associated with using diesel locomotives to move commuter and passenger trains. By rerouting CSX trains away from the Monumental Core, freight emissions will be diluted to the point that their harmful effects would be greatly reduced by the time they reach the Mall, the Capitol and the downtown area. 20-37

Response to Comment 20-37

Electrification of CSX's mainline is not a part of this project. General [transportation] conformity was followed as defined by USEPA. The air quality modeling presented in the DEIS uses the appropriate USEPA modeling methodology, as described in the tech report included as an appendix to this document. It properly reflects the projected air quality impacts of this construction project. Rebuilding Virginia Avenue Tunnel will not constrain passenger rail service. The DEIS considered the concept of rerouting freight outside the Monumental Core and eliminated it as an alternative for this proposed action. As described in Section 3.2, rerouting concepts were considered, but eliminated from further consideration. Alternative 3 was selected as the Preferred Alternative.

Identifying Alternative Routes

The Virginia Avenue Tunnel is a product of late-19th century decisionmaking about appropriate locations for rail facilities. It is one of the last remnants of a time when trains ran up and down the national Mall. Now that even its owner acknowledges that this tunnel is obsolete and no longer meets CSX's needs, the Committee of 100 believes that it is imperative that we re-examine the question of location as we update our rail infrastructure to prepare for 21st century technology and traffic volumes.

The fact that the DEIS, as currently written, has not fully evaluated any re-routing alternative renders it a pointless bureaucratic exercise rather than a useful comparison of the environmental costs and benefits associated with a range of possible solutions to the problem of capacity constraints imposed on rail service by antiquated infrastructure. In both DC and Baltimore, when independent agencies looked comprehensively at this issue their conclusion was that separating freight rail from passenger and commuter rail was an essential step toward creating a rail system that can meet future needs.[36]

Yet this draft EIS summarily dismisses that possibility and starts from the premise that the only alternatives worth considering are those that involve substantial reinvestment in perpetuating a system that is already proving unworkable. Rather than assume that the only approach to solving the problems posed by the Virginia Avenue Tunnel is to make the Tunnel bigger, the DEIS should fully evaluate a different possibility – that abandoning the Virginia Avenue Tunnel, separating freight and rail traffic, and re-routing most freight traffic around rather than through the center of the city may be the most environmentally responsible approach. 20-38

The DEIS's failure to develop and analyze genuine alternatives (rather than minor variations on a theme) stems from four fundamental flaws in this NEPA process thus far:

- An unduly narrow Statement of Purpose and Need, which ignored the interests of stakeholders other than the applicant (CSX) 20-39
- An exclusive focus on the Virginia Avenue Tunnel, and a corresponding failure to define logical termini – which FHWA warns is likely to result in a project that will "cause unexpected side effects" and/or "only peripherally meet project needs"[37] 20-40

[36] See National Capital Planning Commission and District Department of Transportation, *Freight Railroad Realignment Feasibility Study: Securing Freight Rail Transportation in the National Capital Region*, April 2007, pp. 101-02; and Federal Railroad Administration, *Report to Congress: Baltimore's Railroad Network (2005), Part II: Alternatives*, p. 9-3. http://www.fra.dot.gov/eLib/Details/L04159

[37] *NEPA and Transportation Decisionmaking: Development and Evaluation of Alternatives*, http://environment.fhwa.dot.gov/projdev/tdmalts.asp

Response to Comment 20-38

As the EIS demonstrates, the goal of this project is to improve aging infrastructure in time to meet the anticipated demand of additional freight traffic from the expanded Panama Canal. The extended period to implement a rerouting concept does not satisfy this goal. However, moving forward with this project does not preclude the implementation of a rerouting concept at some point in the future.

Response to Comment 20-39

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel. Section 5.15 of the DEIS describes how passenger rail and freight coexist in the region.

Response to Comment 20-40

This is a private project that requires permits from FHWA, DDOT and other federal and District agencies as appropriate. Therefore, expansion of passenger and commuter rail service is outside the scope of this project. However, the EIS should and does address relevant freight rail transportation and public impacts of this project. Chapter 2 of the FEIS was revised to include discussion regarding the independent utility and logical termini of the project.

- The absence of the specific data necessary to evaluate project costs, benefits, and needs. (e.g. current and projected traffic volumes, infrastructural capacity, origins/destinations of freight traveling through Washington DC) 20-41

- A largely a-contextual approach to project evaluation, rather than an assessment of compatibility with other relevant local and national transportation and land use planning initiatives. 20-42

Rerouting Concepts Have Been Summarily Dismissed

CSX is only interested in looking at scenarios that involve expanding the existing tunnel because that approach is the fastest, cheapest, and easiest way for them to solve their immediate problem. But one of the reasons we have a NEPA process is that corporate decisionmaking on this model frequently yields results that have major externalities and impose long-term costs on other parties and on the public sphere that far exceed the savings incurred by the decisionmaker. As we have been arguing throughout these comments, the expansion of the Virginia Avenue Tunnel seems quite likely to be just this sort of decision.

It is therefore imperative that the NEPA process produce a factual, detailed, and comprehensive analysis of the comparative costs and benefits of alternative approaches to solving the problems that compel the replacement of our antiquated rail infrastructure. The Draft EIS released in July falls far short of this mark.

The DEIS Needs to Be Redone to Evaluate Additional Concepts

The DEIS has simply lifted from the 2007 NCPC Railroad Realignment Study the concepts that would provide for rerouting of CSX away from the Virginia Avenue Tunnel, without examining any other rerouting concepts considered in the past, or any variation of those alternative concepts. We suggest that NCPC be asked to update its 2007 analysis and to propose the route(s) that they believe offer the most promising alternatives to expansion of the Virginia Avenue Tunnel. We believe that opportunities for new alignments may have presented themselves since that report. For example, The Potomac River Generating Plant, owned by GenOn, just north of Alexandria has been decommissioned and is currently undergoing demolition and environmental clean up. This location provides a clean slate for constructing the Virginia side of a new Potomac River crossing. 20-43

The current track configuration is depicted on the CSX website. [See the map on the following page.] Just north of Alexandria a spur line heads to the Potomac River, to serve Robinson Terminal.

The two short stubs off of that spur line were used to serve the Potomac Generating Plant. On the Anacostia side the rail tracks that served Blue Plains and other customers, the same tracks to which the 1997 NCPC realignment would have connected, have been enhanced for visibility.

27

Response to Comment 20-41

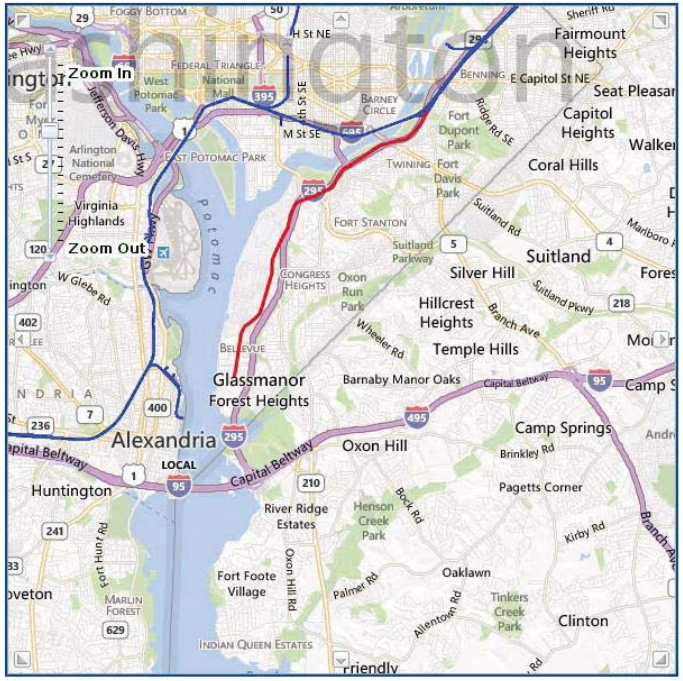
Sections 2.2 and 2.3 have been revised in the FEIS to address these concerns.

Response to Comment 20-42

Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, the Build Alternatives will allow CSX to accommodate this growth in freight transportation demand more efficiently, which may benefit passenger service using CSX rail lines in Virginia and the District. Making the tunnel double stack capable allows twice the amount of intermodal container freight to be carried per train. Additionally, eliminating the single track bottleneck at the Virginia Avenue Tunnel increases the fluidity of both freight and passenger rail service on this portion of the network. This project does not preclude future discussions on other passenger and freight rail projects.

Response to Comment 20-43

This proposal is not a reasonable alternative because it presents a number of infirmities including the rerouting of a major railroad from an existing longstanding right-of-way through a new structure over the Potomac River and then using another right-of-way that is of critical importance to the DC government for other purposes.



To identify alternative routings, CSX's basic requirements should be supplemented with additional criteria, encompassing a broader range of needs, interests, and stakeholders. An alternative route should:

1: Provide a continuous double–tracked railway to accommodate double stacked container trains;

2: Accommodate expansion of passenger and commuter rail services

3: Separate passenger and commuter rail infrastructure from freight infrastructure, allowing each system to be optimized for its specific use

20-44

Response to Comment 20-44

The additional criteria suggested are not consistent with the purpose and need of the project. Moreover, your criteria 6 and 7 would not favor a reroute concept.

4: Address the safety and security concerns associated with high-volume freight operations near population centers and national landmarks;

5: Locate freight tracks at least 1000 feet away from the Capitol and Monumental Core to provide dilution of the emissions that CSX diesel locomotives would continue to produce; 20-44

6: Minimize the amount of new and rebuilt tracks and

7: Utilize existing tracks and rights of way to the extent possible

Consider A New Potomac River Rail Crossing

The separation of freight and passenger/commuter rail infrastructure may require a new Potomac River crossing. This cross could be either a bridge or a tunnel. In the *MidAtlantic Rail Operations Phase I Report* of 2002, CSX proposed an additional Potomac River double track bridge at a cost of $300 million (*Mid-Atlantic Rail Operations Phase II Report,* December 2009 page 2-11) that amounts to a current estimate of $327 million for a new Potomac River rail bridge.[38] A tunnel would also be a viable option. Locating the tunnel below the bed of the Potomac River, which at this point is about 30 feet deep, would require greatly reduced approach slopes, a shorter total length and much less expense than the 80 foot deep, nine mile long tunnel that the DEIS considered as Concept 8.[39]

We now have the equipment to bore a tunnel under the Potomac River, and if necessary, under the Blue Plains right-of-way. In April of this year, WASA unveiled *Lady Bird*, a massive tunnel boring machine that is now being used to drill a huge 4-mile long tunnel from Blue Plains, under the Potomac, and up the Anacostia, to the Main Sewage Pumping Station near Nationals Stadium. Boring machines have been successfully used in railway applications.[40] 20-45

For some alignments, such as Blue Plains, tunnel boring under existing rights-of-way may be more practical than attempting to reconstruct surface tracks, given subsequent redevelopment. Another possibility would be to lower the tracks and deck over them, like the SW tracks along a part of Maryland Avenue or perhaps a Virginia Avenue type of shallow tunnel in order to coexist with the development that has occurred in this area. The possibility of using a tunnel boring machine for all or part of this work needs to be evaluated.

Response to Comment 20-45

This proposal is not a reasonable alternative because it presents a number of infirmities including the rerouting of a major railroad from an existing longstanding right-of-way through a new structure over the Potomac River and then using another right-of-way that is of critical importance to the DC government for other purposes.

[38] The conversion from 2009 dollars to 2013 dollars used the CPI inflation calculator. http://data.bls.gov/cgi-bin/cpicalc.pl?cost1=300&year1=2009&year2=2013

[39] NCPC proposed a rail tunnel under the Potomac River between Virginia and Anacostia in their 1997 plan *Extending the Legacy: Planning America's Capital for the 21st Century*.

[40] In 1993, The Canadian National Ry. Co. (CN) constructed a new bored railroad tunnel between Port Huron, MI, and Sarnia, Ontario, to replace a 100-year old tunnel in order to accommodate trains of double-stack container cars. The cost of the one-mile tunnel was estimated at $155 million or about $250 million in today's dollars.

Conclusion

The above discussion is meant to illustrate, on a conceptual level, that there are alternative alignments, alternative configurations and alternative construction methods that could re-route CSX trains away from the SW tracks and the Long Bridge, and by doing so, save the cost and physical disruption of having to reconstruct the Virginia Avenue tunnel. The Committee of 100 strongly recommends that these and other possible alternate alignments be further developed and included in the DEIS. 20-46

30

Response to Comment 20-46

Three of the reroute concepts included a new Potomac River crossing, two by bridge and one by tunnel. They were all eliminated from further consideration, as described in the DEIS. Please see revised Section 3.7 in the FEIS on alternatives selection process. Alternative 3 was selected as the Preferred Alternative.

Section 4(f) Commentary

The Draft Section 4(f) Evaluation of the DEIS addresses Section 4(f) of the U.S. Transportation Act of 1966 (49 U.S.C. §303). This Act pertains to the use of publicly–owned parks, recreation areas and land of a historic site. That "use" includes temporary or permanent occupancy of any of those designated properties or resources and is permitted only if there is no feasible and prudent avoidance alternative. Reconstruction of the Virginia Avenue Tunnel, by means of any of the three tunnel rebuild alternatives, would require use of 4(f) resources or properties. That use requires the approval of Federal Highway Administration. Before that use can be approved by the FHWA an evaluation of the Section 4(f) properties or resources is required to determine if there are any feasible and prudent avoidance alternatives. The evaluation is required to take into account all possible planning to minimize harm to the section 4(f) properties or resources (23 CFR §774.17). The Evaluation is required to encompass resources or properties that will be directly affected by the reconstruction, what is referred to in the DEIS as the "limits of disturbance". According to the Evaluation, the affected properties are (page 5):

Virginia Avenue Tunnel
The L'Enfant Plan of Washington, DC
Capitol Hill Historic District
Virginia Avenue Park

<u>The Evaluation Fails to Address Permanent Use</u>

The Evaluation addresses the impact on Virginia Avenue only during construction and in terms of the need to temporarily occupy part of Virginia Avenue to accomplish trenching to provide space for construction and to provide different configurations of "run around" tracks for continued CSX operations while the existing tunnel is demolished and then rebuilt.

The Evaluation concedes that the "use" would not be a *de minimis* impact, the trenching would not be minor, and the use would be adverse in terms of Section 106 "due to the temporary occupancy of a contributing element (Virginia Avenue SE) to the L'Enfant Plan" (page 12). But the Evaluation fails to address the permanent use of a part of Virginia Avenue.[41] 20-47

While the Section 4(f) Evaluation does not discuss this permanent incursion into public space, page 3-5 of the DEIS concedes this fact, but without quantifying the amount of incursion:

[41] Alternative 2 would shift the center line of the tunnel seven feet south, Alternative 3 would shift the center line 25 feet to the south and Alterative 4 would shift the center line 17 feet to the south (DEIS 3.2.1.1-3.2.1.4). Because these measurements are framed in terms of the "center line" only, it is unclear how far the tunnel footprint is being expanded to accommodate the second track proposed by each alternative. The tunnel footprint appears to shift by up to 50 feet. These would be permanent increases in the footprint of the tunnel. The run-around tracks and construction access space required during construction that would extend even further beyond the 1901 right-of-way.

Response to Comment 20-47

Section 8.2 of the Draft Section 4(f) Evaluation stated that Virginia Avenue SE will be restored at the end of construction.

> Because all three Build Alternatives described in this Draft EIS contemplate that the reconstructed tunnel would only be located within CSX owned **or public property**, rather than intruding into or under any private property, no additional detail beyond those already presented here is warranted [emphasis added].

The right-of-way for the Virginia Avenue tunnel was granted pursuant to 1901 statute. All of the proposed alternatives for rebuilding the tunnel involve widening the tunnel beyond that 1901 right-of-way into the right-of-way of Virginia Avenue.[42]

In addition to the L'Enfant alignment of Virginia Avenue, there are also DC-owned (or administered) rights-of-way for Virginia Avenue for places where the present Virginia Avenue alignment deviates from the L'Enfant alignment. For example, between 4th and 5th/6th Streets SE "the alignment bows to the south, deviating from the original L'Enfant Plan alignment" (Evaluation, page 26). Thus, in addition to the L'Enfant property use, there is also the proposed permanent use of publicly–owned property that is not addressed in the DEIS: the rights-of-way of the changed alignment of Virginia Avenue. Neither the proposed permanent use of the L'Enfant property nor the proposed use of publicly-owned property (the DC administered rights-of-way due to the current Virginia Avenue alignment) is addressed in the Evaluation. 20-48

Response to Comment 20-48

As described in Section 8.2 of the Draft Section 4(f) Evaluation, the Section 4(f) use of the L'Enfant Plan of the City of Washington, DC would only occur during construction.

The Evaluation Did Not Consider Feasible and Prudent Alternatives

The project cannot use Section 4(f) properties or resources unless it is determined that there is no feasible and prudent avoidance alternatives and the evaluation takes into account all possible planning to minimize harm to the section 4 (f) properties (23 CFR §774.17).

These are feasible and prudent avoidance alternatives and both the DEIS and Evaluation need to be redone to evaluate these alternatives and to perform realistic and pragmatic planning to minimize harm to the Section 4 (f) properties, and also to evaluate impacts to commuter rail, Amtrak, air quality and safety and security. 20-49

Response to Comment 20-49

The Section 4(f) Evaluation in the FEIS concludes there is no feasible and prudent alternative that avoids the use of the identified Section 4(f) resources.

As explained in the Revisiting Alternative Routes section above, neither the DEIS nor the Evaluation addresses the tunnel crossing from Alexandria, south of National Airport, to Anacostia, that would connect to the existing CSX track at the Benning Yard as proposed by NCPC in their 1997 report. 20-50

Neither the DEIS nor the Evaluation considered the recent decommissioning of the Potomac River generating plant as a potential beginning point for such a a crossing to Anacostia that would connect with the Blue Plains tracks and right-of-way.

Response to Comment 20-50

Thank you for providing your comment. Your comment has been noted. At the commenter's request we have reexamined the 4(f) request and concluded it satisfies all requirements.

[42] See 31 Stat 767 (Feb. 12, 1901). The DEIS does not cite any authority that might interpret this 1901 statute as granting right-of-way to CSX beyond the boundaries of the current tunnel. Nor does the DEIS cite any subsequent statutory or other authority granting CSX additional right of way for the tunnel.

Nor did the DEIS or the Evaluation consider whether a tunnel or a bridge would be most appropriate for such a crossing or whether it would be feasible to recondition the surface tracks that formerly supplied Blue Plain or whether a tunnel or decked-over tracks under that right-of-way would be more appropriate. 20-51

The Evaluation Used the Wrong Standard

In evaluating impacts of the alternative routings on each of the four Section 4(f) resources and properties the Evaluation rejects all of the alternative routings that were considered, primarily because they do not meet the Purpose and Needs for the project. The problems associated with the biased Statement of Purpose and Needs have already been discussed. The impacts of alternative routings need to be re-evaluated after a revised Statement is issued. That revision should:

- Develop a Purpose and Need Statement to address the deficiencies explained in these comments;
- Allow for expansion of Amtrak as described in the *Union Station Master Plan*;
- Allow for expansion of commuter rail as described in the *SW Ecodistrict Plan;* 20-52
- Quantify the commuter benefits of expanded Amtrak and commuter rail service;
- Provide for continued (and expanded) operation of passenger and commuter rail on the tracks in SW DC that connect to the First Street Tunnel leading to Union Station;
- Eliminate any restrictions that would prevent electrification of those tracks;
- Compute the environmental effects of those changes; and
- Evaluate the safety and security benefits of rerouting CSX away from downtown, the Monumental Core and the U.S. Capitol.

The alternatives that would reroute CSX away from the Virginia Avenue Tunnel, the SW Tracks, the Long Bridge and the Anacostia Lift Bridge all assume that the Virginia Avenue tunnel would have to "remain to service Washington Metropolitan Area regional customers" (Evaluation, page 15). The apparent rationale for this statement is that CSX has freight delivery customers in SW that it will have to continue to serve. In fact, the only existing customer is the Capitol Heating Plant, now fueled by natural gas, with coal as a back-up fuel. But the plant is being converted to a co-generation plant, fueled by natural gas, and the back-up fuel will be oil. By the time that any of the tunnel rebuild Alternatives could be accomplished, there will no longer be CSX freight delivery customers along the SW tracks. 20-53

33

Response to Comment 20-51

This proposal is not a reasonable alternative because it presents a number of infirmities including the rerouting of a major railroad from an existing longstanding right-of-way through a new structure over the Potomac River and then using another right-of-way that is of critical importance to the DC government for other purposes.

Response to Comment 20-52

As described in Section 9 of the Draft Section 4(f) Evaluation, the avoidance alternatives were evaluated based on their feasibility and prudence in addressing the purpose and need of the project.

Response to Comment 20-53

In 2013, more than 368,000 carloads of rail freight originated in or was delivered to the District by CSX. As of 2013, CSX provides serves three customers in the District and two just over the District border in Maryland. There are also other properties in the District that connect to CSX's line, and CSX is currently engaged in discussions with two new potential rail customers in the District. There are also efforts by the City Council to preserve existing industrial zoning for properties with rail connections and outreach to promote further economic development in the District. The products received and shipped by these District customers include lumber, scrap metal, recycling materials, transformers, and aggregate. CSX is anticipating the continuation of service to Metropolitan Washington customers into the future.

Conclusion

The Committee of 100 recommends that the DEIS be revised to address the deficiencies described in these comments, and that the DC Department of Transportation and the Federal Highway Administration adopt the No-Build Option until such time as the DEIS can be substantially revised to adequately consider serious operational and physical concerns and consider the short and long term benefits of the separation of freight from commuter and passenger rail service. The revised DEIS should:

- Address the deficiencies identified in these comments;
- Facilitate the proposed expansion of Amtrak service at Union Station;
- Facilitate the proposed expansion of commuter rail service;
- Quantify the commuter benefits of these changes;
- Eliminate any restrictions that would prevent electrification of SW DC tracks;
- Compute the environmental effects of electrification; and
- Evaluate the safety and security benefits of rerouting CSX away from dense population areas including the downtown, the Monumental Core and the U. S. Capitol grounds.

No response required for this section of comment

Respectfully Submitted,

Monte Edwards, Vice-Chair, Committee of 100
Richard Houghton, AIA, LEED AP, Planning Subcommittee Chair
Sue Hemberger

Additional Contributors:

Meg Maguire, Committee of 100 Transportation Subcommittee Chair
George Clark, Committee of 100 Past Chair
Thomas J. Grahame, CHRS Board Member Emeritus
Maureen Cohen Harrington , Virginia Avenue Resident
Beth Purcell, CHRS Past President

ID 21: Garber et al

September 25, 2013

Michael Hicks
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006
Michael.Hicks@dot.gov

Faisal Hameed, Ph.D.
Project Development & Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington DC 20003
Faisal.Hameed@dc.gov

Steve Plano
Parsons Brinckerhoff
1401 K Street NW, Suite 701
Washington, DC 20006
contact@virginiaavenuetunnel.com

Re: ANC 6D Commissioners' Response on the Draft Environmental Impact Statement for the Virginia Avenue Tunnel Reconstruction

We, the undersigned Advisory Neighborhood Commissioners from Advisory Neighborhood Commission 6D, wish to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia D-epartment of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

1. **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** 21-1

   Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the

Response to Comment 21-1

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 21-1

2. **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**

   a. The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] 21-2 The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 21-3

   b. The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 21-4

   c. The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 21-5

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

2

Response to Comment 21-1:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. The D.C. Government will grant to CSX a right of way permit for the reconstruction and permanent location of the Virginia Avenue Tunnel consistent with the original Congressional legislation. The permit will be effective if the Federal Highway Administration issues a Record of Decision that approves the reconstruction and selects one of the three build alternatives discussed in this EIS. Once construction is completed the final right-of-way area will be modified to reflect the as-built location of the reconstructed tunnel. The agreement between the Government of the District of Columbia and CSX regarding the alignment of the new tunnel vis-à-vis the public right-of-way will be available for public viewing.

Response to Comment 21-2:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 21-3:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 21-4:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 21-5:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

3. **What alternatives to the current options were considered, and why were they accepted or rejected?**

The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved.

21-6

Response to Comment 21-6:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

4. **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?**

We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

21-7

Response to Comment 21-7:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

3

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 21-8

Response to Comment 21-8:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

1. Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
2. Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
3. Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
4. Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
5. Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
6. Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
7. Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
8. Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
9. Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

21-9

Response to Comment 21-9:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

4

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Sincerely,

David Garber
Advisory Neighborhood Commissioner 6D-07
1100 1st Street SE, Apt 720
Washington, DC 20003
dggarber@gmail.com

Donna Hopkins
Advisory Neighborhood Commissioner 6D-01
605 4th Place SW
Washington, DC 20024
donna.l.hopkins@gmail.com

Andy Litsky
Advisory Neighborhood Commissioner 6D-04
423 N Street SW
Washington, DC 20024
alistky@aol.com

Rhonda Hamilton
Advisory Neighborhood Commissioner 6D-06
44 O Street SW
Washington, DC 20024
misrhonda@yahoo.com

No response required for this section of comment

cc:

Delegate Eleanor Holmes Norton
Mayor Vincent Gray
Council of the District of Columbia

5

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 21-10

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 21-11

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 21-12

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 21-13

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 21-14

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 21-15

2) Traffic and Parking mitigation

6

Response to Comment 21-10:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 21-11:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 21-12:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 21-13:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 21-14:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 21-15:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 21-16

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 21-17

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 21-18

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 21-19

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 21-20

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 21-21

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 21-22

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 21-23

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 21-24

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 21-25

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 21-26

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The 21-27

7

Response to Comment 21-16:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 21-17:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 21-18:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 21-19:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 21-20:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 21-16

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 21-17

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 21-18

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 21-19

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 21-20

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 21-21

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 21-22

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 21-23

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 21-24

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 21-25

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 21-26

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The 21-27

7

Response to Comment 21-21:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 21-22:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 21-23:

Emergency access will be maintained.

Response to Comment 21-24:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 21-25:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 21-26:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 21-27

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 21-28

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 21-29

8

Response to Comment 21-27:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 21-28:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 21-29:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 21-30

2. Have District officials been informed about alternative routing that is being used for these cargoes? 21-31

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 21-32

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 21-33

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 21-34

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 21-35

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 21-36

9

Response to Comment 21-30:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 21-31:

Please see response to Comment 21-30.

Response to Comment 21-32:

Please see response to Comment 21-30.

Response to Comment 21-33:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 21-34:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 21-35:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently? 21-36

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 21-37

Response to Comment 21-36:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 21-37:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

10

ID 22: National Railway Historic Society - Washington DC Chapter

WASHINGTON DC CHAPTER
National Railway Historical Society

Scarlett Wirt, President
National Railway Historical Society, Washington, D.C. Chapter, Inc.
P. O. Box 230
Savage, MD 20763

Faisal Hameed, Ph.D., Manager
Project Development & Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

September 17, 2013

Dear Dr. Hameed:

On behalf of the National Railway Historical Society, Washington, D.C. Chapter, Inc. (DCNRHS), I am pleased to offer our comments on the Draft Environmental Impact Statement (DEIS) for the Virginia Avenue Tunnel Project.

First we continue to support the build alternatives. We see the Alternative 1 "No build" as simply postponing a problem that must be dealt with (an aging 100+ year old tunnel) and as an economically unsound decision in the long-run for the Washington, D.C. metropolitan region. The capacity of the existing tunnel is simply insufficient to handle necessary future growth in rail capacity. We further add that Alternatives 2 and 3 appear to be the most reasonable "build" alternatives in terms of cost, impact to efficient freight operations, and in impact to the community in terms of minimizing total length of time of construction, noise and inconvenience.

We are disappointed that little effort has been put into detailing what effort will go into documenting and protecting the tunnel as an artifact. We realize that the tunnel will be in effect destroyed and accept that reality, but there are mitigations. There is a scant reference to "recordation" of the tunnel on page 5-46 but no detail provided as to what will be done. Virginia Avenue Tunnel is a structure of significance and at over 100 years old a historical artifact that came to be as part of the grand plan for rebuilding the railroad infrastructure in Washington, D.C. 22-1

We believe moving forward that full historical documentation to include photographs of the tunnel structures and surroundings must be a part of this effort by a party independent of the railroad and government and the material would need to be made available digitally so the public has permanent access to it and to information about the tunnel's history and its operations (future). That is also a positive public relations opportunity for CSX and DDOT.

Response to Comment 22-1:

The FEIS disclosed as a mitigation measure that the tunnel will be subject to a Historic American Buildings Survey (HABS). Either the National Park Service of the DC Historic Preservation Office will be repository for this HABS documentation.

September 17, 2013
Virginia Avenue Tunnel Draft EIS Comments
Page 2 of 2

There should also be strong consideration to preserving historic items like but not limited to cornerstones, stones, and keystones as is mentioned on page 44. Bricks from the tunnel could also perhaps be incorporated permanently into a local park at the location of the plaque suggested on page 44. We, like the Friends of Garfield Park, would like to be considered for receipt of a small amount of select masonry from the tunnel for historic purposes. 22-2

Finally, we would inquire whether the old Virginia Avenue Tower is included in this project and to ask what the plans may or may not be for that historic structure. We do not see it listed in the project specifically or excluded. 22-3

In summary, there needs to be more definitive commitment in the DEIS and EIS on the documenting of tunnel information and its history, preservation of artifacts, and the relationship of the project to Virginia Avenue Tower before we can give the EIS our full support. 22-4

We look forward to your reply.

Thank you,

Scarlett R. Wirt

Scarlett R. Wirt, President
National Railway Historical Society,
Washington, D.C. Chapter, Inc.

Cc: C. Andrew Lewis, Senior Historic Preservation Specialist. DC State Historic Preservation Office

Response to Comment 22-2:

The FEIS disclosed as a mitigation measure that stones from the tunnel's western portal will be made available to Friends of Garfield Park, the National Park Service – National Capital Parks East and the DC Department of Parks and Recreation.

Response to Comment 22-3:

Section 5.11 of the FEIS was revised to include mitigation for the project's Section 106 adverse effect that includes CP Virginia.

Response to Comment 22-4:

The FEIS included disclosure of mitigation measures to resolve the project's adverse effect in accordance with Section 106 of the National Historic Preservation Act as provided in the project's Section 106 Memorandum Of Agreement.

ID 23: Sierra Club - Washington DC Chapter

SIERRA CLUB
FOUNDED 1892

WASHINGTON D.C. CHAPTER

Please Reply To:
James B. Dougherty
Legal Chair
709 3rd St. SW
Washington DC 20024
(202)488-1140
(202)484-1789 (fax)

September 25, 2013

BY EMAIL

Parsons Brinkerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW, Suite 701
Washington, DC 20005

Re: Virginia Avenue Tunnel Project Draft Environmental Impact Statement – Comments

The Sierra Club endorses, and adopts as it own, the comments submitted by the Committee of 100 on the Federal City in response to the Virginia Avenue Tunnel Project Draft Environmental Impact Statement. 23-1

Sincerely,

James B. Dougherty

copy: contact@virginiaavenuetunnel.com

Response to Comment 23-1:

Please see response to Comment letter 17.

ID 24: Skidmore et al

September 25, 2013

Parsons Brinkerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street, NW, Suite 701
Washington, DC 20005

Re: VAT DEIS – Local Resident Comments about the Virginia Avenue Courtyard

The Virginia Avenue courtyard is an elongated, semicircular property located along Virginia Avenue, between 3rd and 4th Streets, SE. The courtyard is, or includes, a 6,678 SF property (Square 0797, lot 0987) owned by the District of Columbia Housing Authority, a public agency, and maintained by the Capitol Quarter Community Association (CQ HOA).

The courtyard is used extensively by the community, as described in more detail in the courtyard stories below. The courtyard functions, and is maintained, as recreational space for the neighborhood. On a daily basis, local residents take their children and dogs there to play. The space is also used for outdoor parties and other gatherings. For some residents, the courtyard and sidewalks provide needed access for medical, transportation, and other services.

The courtyard is the front door to the Capitol Quarter neighborhood, at least for those who approach from the north – something that will be challenging if and when construction on any build alternative commences.

The recreational and other uses of the courtyard would be eliminated during the multi-year construction, and the character of the courtyard would be permanently altered by the removal of mature trees and in other ways not addressed by the DEIS.

Among its many failures, well-documented in other community comments, the DEIS fails in the following ways:

- The DEIS fails to provide specific diagrams and maps of both temporary and permanent changes that would take place in the courtyard because of the three build alternatives. Residents and the CQ HOA have been asking for such details throughout – and even before – the NEPA process. We have also requested walkthroughs in which DDOT, the FHWA, and CSX would show us exactly where, in real space, these lines would be drawn. 24-1
- The DEIS fails to explain the parameters of the existing CSX right of way (ROW). 24-2
- The DEIS fails to explain how much that ROW would expand and shift into the courtyard. Numbers describing only the shift of the center line are 24-3

Response to Comment 24-1:

Appendix M of the FEIS contains drawings showing the area of the “courtyard” that will be made part of the construction limits of disturbance. The use of the “courtyard” within the public right-of-way for construction is an unavoidable impact. No private property within the “courtyard” will be used for construction purposes. Appendix M of the FEIS also contains drawings of the post-construction Virginia Avenue SE, including the “courtyard” area, which will be restored. Section 5.11 was revised in the FEIS to acknowledge that this area is used for recreation.

Response to Comment 24-2:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad’s need to potentially expand its tracks in the future. In addition to CSX’s permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue.

Response to Comment 24-3:

Appendix M of the FEIS contains drawings showing the area of the “courtyard” that will be made part of the construction limits of disturbance. The use of the “courtyard” within the public right-of-way for construction is an unavoidable impact. No private property within the “courtyard” will be used for construction purposes. Appendix M of the FEIS also contains drawings of the post-construction Virginia Avenue SE, including the “courtyard” area, which will be restored. Section 5.11 was revised in the FEIS to acknowledge that this area is used for recreation.

meaningless without knowing the exact location of the current tunnel and the expected width of the new tunnel(s). See DEIS 3.2.1.1 – 3.2.1.4. The tunnel footprint appears to shift up to 50 feet. In addition to this permanent increase, the run-around tracks and construction access space would extend even further into the courtyard. 24-3

- The DEIS fails to explain who would be accountable for the grant of additional ROW to CSX, and what the city and its residents – including the most effected residents – would be getting in return. 24-4
- The DEIS fails to explain the complex web of ownership, jurisdiction, maintenance of the courtyard. 24-5
- The DEIS fails to explain how the movement of utilities under the courtyard would be conducted and who would pay all associated costs for the movement of utilities. It likewise fails to address both the direct and indirect costs of disruption of utility services, or provide sufficient detail about the frequency and duration of expected disruptions. 24-6
- The DEIS fails to evaluate the courtyard as a park or recreational space under Section 4(f) – a glaring omission, given the DCHA ownership of Square 0797, lot 0987, and the park and recreational uses described below. 24-7
- The DEIS fails to explain why, if CQ HOA obligations to maintain the courtyard remove it from consideration as a Section 4(f) park, the extensive and extended use of the courtyard, and any grant to CSX of courtyard land, is not a taking or other action entitling the CQ HOA and/or nearby residents to compensation. 24-8

While the DEIS speaks in a general and piecemeal way about some of the impacts that would be caused by the build alternatives, it nowhere addresses the cumulative impact of this multi-year, multi-front assault on a property so closely connected – physically and emotionally – to so many homes and lives. 24-9

Accordingly, we offer the courtyard stories below. We also note that even Google Earth's street level image of the courtyard shows residents talking in front of the courtyard, with dogs and a stroller in tow.

2

Response to Comment 24-4:

In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 24-5:

Appendix M of the FEIS contains drawings showing the area of the “courtyard” that will be made part of the construction limits of disturbance. The use of the “courtyard” within the public right-of-way for construction is an unavoidable impact. No private property within the “courtyard” will be used for construction purposes. Appendix M of the FEIS also contains drawings of the post-construction Virginia Avenue SE, including the “courtyard” area, which will be restored. Section 5.11 was revised in the FEIS to acknowledge that this area is used for recreation.

Response to Comment 24-6:

Details with respect to utility impacts were presented in Section 5.14 of the DEIS based on the information available at the time of preparation of the document. Revisions to this section were made in the FEIS based on new information. Detailed construction schedules will be prepared during final design, but in general, an individual utility relocation or protection is not expected to take up a substantial amount of time in relation to the overall construction duration.

Response to Comment 24-7:

The “courtyard” (both within the public right-of-way and on private property) is not a Section 4(f) resource. First, the property must be publicly owned, which would eliminate the portion of the “courtyard: within the property of Capitol Quarter. Second, the agency with jurisdiction over the property must designate the property as a park or recreational resource. DDOT has not designated the portion of the “courtyard” as a park or recreational resource.

Response to Comment 24-8:

Please see response to Comment 24-7.

Response to Comment 24-9:

A cumulative impact analysis that includes reference to past as well as present and near future projects may be appropriate where the proposed action involves a new project with operation consequences and impacts. The vast majority of impacts for this project are during the temporary period of construction and in isolated, targeted areas, and therefore the cumulative impacts are shortened to that time period and restricted to specific areas. The cumulative impact analyses provided in the DEIS focused on the construction period of the project because the project is essentially rebuilding existing transportation infrastructure. It disclosed how the reconstruction of Virginia Avenue Tunnel and other construction projects in the vicinity of the LOD could cumulatively affect the surrounding community.

Virginia Avenue Courtyard Stories

My husband, two children and I play in the courtyard park on a near daily basis along with many other couples, families, and pet owners. In the summer time we go there to cool down in the sprinklers and use the large old-growth trees to shade ourselves from the hot sun. In the wintertime it's our go-to spot to play in the snow. In the springtime we hide Easter eggs there with dozens of neighbors and friends from all over Capitol Hill so kids can hunt them and celebrate the holiday as a community. In autumn we lie in the grass and cloud-watch with our three year-old daughter while our 18 month-old son crunches fallen leaves beneath his feet. At Christmastime we crisscross the park admiring our neighbors holiday decorations and heading to each other's parties. On Halloween it's where all the costumed kids meet-up before starting to trick-o-treat. It's where we go to celebrate our friends' and neighbors' birthdays. It's where our daughter rides her tricycle and where our son blows bubbles.

More than anything, though, the courtyard park provides a space where we can meet and mingle with our neighbors, which has been absolutely vital in creating a sense of community in our mixed-income development. Because of the courtyard we have had the opportunity to truly get to know neighbors of means greater or lesser than ours, people with whom we initially didn't think we had very much in common. Because of this common space, we've created a sense of connectedness despite some differences, many of which are a lot less extreme than we ever would have otherwise thought. It will be heartbreaking to have that progress and connectedness disrupted for years as new people move into and out of our community. Who may we have gotten to know if we'd had a community park accessible to us? How could we have helped out a family if only we'd had the opportunity to learn about their struggles? Those are lessons I want my children to learn living here, and the courtyard park has set the perfect stage for those relationships to develop. I would be heartbroken to lose the park as we have no similar community space at our disposal.

Moreover, one factor in purchasing our homes was being able to use this outdoor play space with our children. Not to mention, the large growth trees, flower gardens, and grass also made living alongside a freeway tolerable, if not actually pleasant.

Losing those trees, losing this green space in the middle of a city, losing this play area for our kids and common area for our friends and neighbors for a number of our years would be truly devastating because there is no easy remedy for fixing what would be destroyed.

Natalie and Jesse Skidmore
323 Virginia Avenue SE

~~~

No response required for this section of comment
~~~

I recall having an informal Capitol Quarter community party there around the fall of 2010. (I don't recall if it was "official" or if someone just organized it and mostly CQ people came.) It was a potluck, the neighborhood gathered, there were fun games and crafts for the many toddlers/kids in attendance, and it was just a nice get-together for everyone and a way for neighbors to get acquainted.

Meredith Henne Baker
413 L Street SE

~~~

We use the courtyard often. Last summer we started to use it for a birthday party. Then we had an Easter egg hunt and brunch where several family members came. We also had a Fourth of July picnic where many friends and family came from the neighborhood. Not to mention that we walk our dog there every day and that our kids ride their bike/scooters daily.

Norma Verona
326 I Street SE

~~~

We bought this specific home because of the park space in front of it and the garage parking, both of which are potentially going to be compromised. We use the little park constantly and have pictures of several activities there. Activities have including playing with our son and dog, having neighborhood block parties, playing bocce and tee ball, having Easter egg hunts every year for the past three years. It is our main focus and will be a shame to be gone, even if temporarily. It will clearly effect our day to day life in a negative way and we would love to see it maintained in any way possible. I wish an underground only construction could be considered on residential blocks to avoid this disruption. 24-10

Marc and Heather and Ben DiSabella
335 Virginia Avenue SE

~~~

I'm writing to express my concern with any proposal that will adversely affect the Virginia Avenue courtyard in a way to make it unusable for general public. As a resident of Capitol Hill historic district, I welcomed new green space that was close by, quiet and safe for my children. In addition, we have a dog and there aren't very many places where children and dogs can walk and play together. We have used the Virginia Avenue courtyard for meeting with other families with dogs, for Easter egg hunts, or just enjoying the flowers and the trees and the quiet. Capitol Hill is one of 24-11

Response to Comment 24-10:

Appendix M of the FEIS contains drawings showing the area of the “courtyard” that will be made part of the construction limits of disturbance. The use of the “courtyard” within the public right-of-way for construction is an unavoidable impact. No private property within the “courtyard” will be used for construction purposes. Appendix M of the FEIS also contains drawings of the post-construction Virginia Avenue SE, including the “courtyard” area, which will be restored. Please refer to Section 3.7 in the FEIS for more details on the alternatives selection process. Alternative 3 has been selected as the Preferred Alternative, which does not utilize an open trench except for approximately 230 feet immediately east of the west portal.

Response to Comment 24-11:

Please see response to Comment 24-10.
~~~

the fastest growing family neighborhoods in the city and I hope this little park stays part of the neighborhood and doesn't turn into a parking lot.

Helena Smolich
523 2nd Street SE

~~~

We walk our little 8 pound Poodle, named Hudson, daily in the courtyard along Virginia Avenue. It's the perfect place for him to run around and play his favorite game of "fetch" with his ball, and the space has become one of our favorite places in the neighborhood to congregate.

The added benefit of the courtyard is that we always run into fellow neighbors - not only from those who live on Virginia Avenue, but also from those who live in other parts of the Navy Yard who are simply walking by with a stroller, with a dog, or on the way to the gym. Not only is the space a great place to socialize on an impromptu basis, but there are birthday parties, block parties, and other "play dates" that are always organized in the courtyard. Furthermore, the courtyard along Virginia Avenue is such an important congregating space for our block and the broader community, and particularly serves as a key integration point for the mixed-income families who live in our neighborhood.

When the VAT project begins and the courtyard is removed, we will no longer be able to use this space for our enjoyment. And it will be a shame because the courtyard has become one of the real focal points for the residents who live on and around Virginia Avenue. 24-12

James and Jennifer McPhillips
800 3rd Street SE

~~~

The Virginia Avenue SE courtyard is where our two children play, if you indulge us when we consider our five and a half year old Golden Retriever, Rani, as our first child. We've had her since she was eight weeks old, so we have truly raised her. We also have a two-year old daughter, Ariella, who has learned to walk, run, and occasionally fall in the courtyard as part of her growing pains. We celebrated Ariella's first birthday with a neighborhood party on the courtyard last September, and we have celebrated two Easters, including Easter egg hunts in the common area.

This is our block's playground, and this is where we expect our daughter to grow as she learns to ride the bike she just got for her second birthday, and run around with all the other children in the neighborhood under the watchful and playful eye of Rani. The loss of the courtyard and resulting chaos from the CSX project, particularly in the event of an above-ground exposed track, isn't just a safety and 24-13

5

Response to Comment 24-12:

Please see comment 24-10. Section 5.12 of the FEIS was revised to acknowledge that the “courtyard”, including portions on public right-of-way, is used for recreational purposes by Capitol Quarter residents, and that the impact of the project is that residents will be denied use of this are throughout the duration of construction.

Response to Comment 24-13:

Appendix M of the FEIS contains drawings showing the area of the “courtyard” that will be made part of the construction limits of disturbance. The use of the “courtyard” within the public right-of-way for construction is an unavoidable impact. No private property within the “courtyard” will be used for construction purposes. Appendix M of the FEIS also contains drawings of the post-construction Virginia Avenue SE, including the “courtyard” area, which will be restored. Section 5.11 was revised in the FEIS to acknowledge that this area is used for recreation. No individual or family will be exposed to health and safety risks outside of the construction limits of disturbance.

health concern for our family, but it would deprive Ariella of the sort of childhood 24-13
memories every parent wishes for their kids. For the next five or six years, there will be no parties, no games, no hopscotch designs to maneuver, no chalk or crayon drawings for a proud parent to oooh and ahhh over.

We are not opposed to progress or inconvenience. We support the former, and can work around the latter - but ultimately, neither means much when they come at the expense of the very quality of life CSX claims to support.

Raj and Jessica Bharwani
337 Virginia Avenue SE

~~~

We love the Virginia Avenue park space. My daughter and I often bike down to visit friends in southeast, and its wonderful to have a shady and quiet place to meet outside of the bustling new development that is happening closer to the Navy Yard. My daughter and I love to play ball there, or just picnic among the flowers. There is not any public space quite like it in the area, and we would certainly miss it.

Karen Spern
1610 Montello Avenue NE

~~~

We definitely use the courtyard as a park for our son, Nathan. We loved the idea of having a grassy yard right in front of our house that was big enough for Nathan to play in – we're out there every week practicing baseball, soccer, etc. He also learned to ride his tricycle and scooter around the courtyard because it's one of the few safe places where kids can do that without going too far (can't really do that in many of the parks as there are no flat areas without grass). We also had the neighbor/block Easter egg hunt there, some people had birthday parties, play dates where the kiddies from our block run around the courtyard with the sprinklers on, etc. We really saw the courtyard as a "safe" area where Nathan can play growing up and a place where we can congregate with neighbors. Think of how many times we've all ran into each other at the courtyard and chatted. I don't know if we all would have gotten to know each other as we'll as we had if it wasn't for the common space.

Hae Jung Moon and Jason Goldsmith
325 Virginia Avenue SE

~~~

I live in one of the workforce townhomes. This home has been my dream. As a federal government employee, I would not have been able to afford such a home without the DCHA subsidized loan. Having even a small townhome means so much
~~~

more to me than a far-away condo, which would otherwise have been the limits of my price range. When I bought this home, I knew that my elderly mother, who has an autoimmune disease, and/or my brother, who has Williams Syndrome and other health issues, would likely need to stay with me for extended periods (as they sometimes have), or possibly move in with me.

Though I didn't have the range of location options that market rate buyers did, I selected this then as-yet unbuilt home over another home, deeper within the Capitol Quarter community, in large part because of the courtyard. Though our yards are tiny, the courtyard makes them feel big. It's a welcoming approach to these homes and to entire the neighborhood. When my brother visits, he loves playing with the children and – especially – the dogs in the courtyard.

Seeing my neighbors and their pets every day on the courtyard makes this place feel even more like a community.

The number of people spending time here also makes our homes feel more secure. We look out for each other.

I treasure the crape myrtle in front of my house. I water and nurture it. I watch eagerly each year for its blooms. Though it has not been targeted for removal, I wonder if this tree will survive the many years of intense disturbance only a few feet away.

With the courtyard in such violent disarray for so many years, I would fear for the safety and health of my mother and brother, should they stay here. I even fear for my own. This tranquil oasis in the heart of the city will feel like a war zone.

Maureen Cohen Harrington
327 Virginia Avenue SE

~~~

In order to access our home, my children and I walk through the VA Ave Courtyard to/from the van that is parked in front of VA Ave Courtyard on Virginia Ave SE. Parking will not be available on Virginia Ave SE due to elimination of the entire street and VA Ave SE Courtyard with reconstruction and expansion of the VAT. 24-14 Virginia Ave SE is the closest location to my home to park my van and Trinity's nurse to parks nightly on the street. Presently, all of the residents of the Navy Yard neighborhood compete with the traffic from the Nationals game days for parking. Therefore, with the traffic of the Nationals game and the VAT project, I will not be able to locate a parking space that allows for accessibility and close proximity to our home due to Trinity's limited mobility. 24-15

Response to Comment 24-14:

The DEIS acknowledged that some of the on-street parking is utilized by residents. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 24-15:

Please see response to Comment 24-14.
~~~

As for recreation, my family utilizes the courtyard to take walks and ride bicycles. The courtyard provides accessibility with the brick pathways to assist Trinity being supported in her wheelchair.

Rhonda White
Virginia Avenue SE

[Rhonda White's Separate DEIS Comment is copied below for additional context.]

September 24, 2013

To Whom It May Concern:

My children and I are residents of the Navy Yard neighborhood of Southeast DC where the reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") is being targeted. I am writing to express my concerns about the VAT project that will directly affect access to our home, access throughout our community, and our health and well-being.

My youngest daughter, Trinity, in infancy received a diagnosis of a rare congenital syndrome, Cornelia de Lange Syndrome. Due to the many challenges of this syndrome, she has experienced a seizure that required medical assistance from the ambulance to retrieve her from our home and transport her to the hospital that resulted in four day admittance. Presently, because of the unpredictable nature of seizures, Trinity receives nightly in-home nursing services for observation of her oxygen levels through a pulse oxygen machine. The nurse also provides other medical services not limited to observation of seizures and administration of oxygen when necessary. Ultimately, the VAT project will hinder external access to our community to provide medical emergency services directly to my home for potential life-threatening needs of my daughter. 24-16

Secondly, the VAT project will hinder transportation services from the District of Columbia Public Schools (DCPS) System for Trinity to be transported to school. She is transported every weekday in a wheelchair to and from school on the school bus. DCPS transportation accesses her from our front door by entering the driveway off of Virginia Avenue SE. The wheelchair lift is released to be positioned to the door entrance of our home. With the VAT project, DCPS transportation would not be able to access at our front door so that they are able to load and unload the wheelchair each morning and afternoon for Trinity. 24-17

Thirdly, In addition to the VAT construction obstructing access to our home, parking will not be available on Virginia Ave SE due to elimination of the street with reconstruction and expansion of the VAT. Virginia Ave SE is the closest location to my home to park my van and Trinity's nurse to parks nightly on the 24-18

8

Response to Comment 24-16:

Emergency access will be maintained. All affected residents of Capitol Quarters will be provided with temporary driveway access during construction. These driveways will be accessible to emergency response vehicles.

Response to Comment 24-17:

Mobility and access to all properties can be maintained during construction. See also response to Comment 24-16.

Response to Comment 24-18:

Please see response to Comment 24-14. The traffic study accounted for baseball game traffic. The MOT reflects baseball game and Nationals Park event days and times.

street. Presently, all of the residents of the Navy Yard neighborhood compete with the traffic from the Nationals game days for parking. Therefore, with the traffic of the Nationals game and the VAT project, I will not be able to locate a parking space that allows for accessibility and close proximity to my home to load and unload the wheelchair due to Trinity's limited mobility. 24-19

Fourthly, the VAT project will hinder our access to our community on the north side of 295 in relation to Virginia Ave SE. Trinity receives speech therapy every weekday from National Speech/Language Therapy Center-Capital Hill Office located on 412 First St. SE. She has significant developmental and intellectual delays that require extensive therapies that include addressing speech and language needs. Also, my family visits the Garfield Park for recreation as well as we visit the South East Library and Eastern Market. Again, the VAT project will hinder our access to our whole community in Ward 6 specifically the north side of 295. 24-20

Lastly, The VAT project will hinder the environment of our community from the climate to safety. Along with my support of the ANC6D letter approved by commissioners on September 22, 2013, I would also like to express my concerns for the environment as it pertains directly to my family. The VAT project construction will generate excessive noise that will disrupt the quality of rest and enjoyment of our community. The community will be subject to the traffic and noise of entering and exiting of numerous vehicles and use of large machinery/equipment. As for the air quality, the VAT project construction could potentially create environmental hazards that will affect my children's health from the dust as a result of the disruption of the ground, from the fumes of large vehicles/machinery, and from the use of hazardous materials during the construction. These issues could affect allergies for my son and other daughter. Also, it could present respiratory concerns and insufficient sleep for Trinity who needs quality rest to reduce the occurrences of seizures. 24-21 24-22 24-23 24-24

These potential hazards could have life altering effects on our health as I found out from Trinity's experience with DCPS Transportation services. I testified before DC Committee on the Whole concerning the need for improvement in DCPS transportation services. Trinity, other bus riders, and DCPS transportation workers were potentially exposed to cancerous effects from diesel vapors when I noticed that Trinity's coat and clothes and the bus were saturated with the odor of diesel fuel when she arrived home from school.

Ultimately, my children and I are an example of families with children with special needs within the Navy Yard community who require necessary access to and from this community for their health and well-being to safely reside and freely participate in our community. I would greatly appreciate your active consideration of the potential safety and health hazards that the VAT project

9

Response to Comment 24-19:

Please see response to Comment 24-18.

Response to Comment 24-20:

As described throughout the DEIS, one key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 24-21:

The construction impact analyses for air quality and noise, factors that could affect human health, disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that the expected levels of emissions during construction would be well within the acceptable ranges in terms of cancer, chronic non-cancer, and acute health risks. For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria at nearby residences, such as Capper Senior Apartments and Capitol Quarters. Therefore, extensive mitigation measures would be implemented as described in the DEIS. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

Response to Comment 24-22:

As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. Alternative 3 was selected as the Preferred Alternative and does not utilize pile driving.

Response to Comment 24-23:

Haul routes were purposely made to be on major roadways where possible, thus the number of construction-related vehicles would be minor in comparison to overall traffic volumes and would not contribute to overall noise levels from these streets. Alternative 3 was selected as the Preferred Alternative and does not utilize sheet pile driving. Refer to the vibration technical report for the vibration levels of the various pieces of equipment and distances. Among the mitigation measures provided in Section 5.7 of the DEIS, is a phasing plan that will be used so that high vibration generating activities do not occur at the same place and time near buildings. Construction activities that cause annoyance will occur at various times for short durations during daylight hours. See section 5.7.4 of the DEIS for more information on mitigation measures related to construction vibration producing activities.

Response to Comment 24-24:

It is acknowledged that families with children live near the proposed construction area. The construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. Section 5.5 of the DEIS included measures to control dust emissions from the construction site. This project includes extensive construction related air quality mitigation measures, some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. See revised section 5.5.4 of the FEIS for inclusion of the air monitoring program.

could cause to the children in the community who manage life's daily safety and health challenges that they have absolutely no control. Ultimately, I, a parent of a child with special needs, would strongly urge the responsible parties in the VAT project to assess your voluntary participation in subjecting additional life challenges for all of the residents in Navy Yard neighborhood.

Sincerely,
Rhonda White
Resident of Ward 6-
Virginia Ave SE

No response required for this section of comment

10

ID 25: Weaver et al

October 9, 2013

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL AND USPS

Re: Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement & Section 4(f) Evaluation

Dear Mr. Hicks and Dr. Hameed,

As you know, comments on the above mentioned DEIS were due on September 25th. Many comments were submitted electronically to you and to contact@virginiaavenuetunnel.com. However, to date no public comments are available on Virginia Avenue Tunnel website. The comments available on that site date back to February 28, 2013. We request that all comments be made available to the public as soon as possible. 25-1

Response to Comment 25-1:

This request has been completed.

As you know, the National Environmental Policy Act (NEPA) requires agencies to "ensure adequate public participation."[1] Public participation is crucial for agencies to carry out the mission of NEPA. In fact, the White House in March of 2012 released its final guidance on improving the NEPA process.[2] One of the many focuses of that document was facilitating a process that is transparent and efficient.[3] This is vital for the government to make decisions in the public interest.

The agencies have the burden of maintaining the official record of this process.[4] Without an adequate record, the public is unable to be fully informed. The NEPA Handbook concludes that, "The ultimate goal for both NEPA environmental reviews and Section 106 is to ensure the

[1] 42 USC 4321
[2] Federal Register Vol. 77, No. 4, March 12, 2012, page 14473
[3] *Id.*
[4] NEPA and CEQA: Integrating State and Federal Environmental Reviews Draft for Public Review and Comment. March 2013, Council on Environmental Quality, page 47.

Federal Government considers the effects of its actions upon the environment, acts in the public interest, works efficiently, and makes decisions in an *open, efficient, and transparent manner*."[5]

To ensure adequate public participation, and to act in the public interest in a transparent manner, you must make the full record readily available to the public in timely and accessible way. Even the current public comment section is not searchable and is not listed by commenter.[6] The website crudely compiles the public comment into one large .pdf file that is cumbersome and difficult to view.[7] Also, the July 31, 2013, public hearing transcript is not posted. That should have been made available to the public prior to the close of the DEIS comment period.

We request that, as soon as possible, the full record of public comment be available on a public website, searchable and listed by commenter. This is required by basic principles of an open government that represents its citizens, if not by NEPA itself. Should you fail to do so, the legitimacy of this proceeding will be undermined. 25-2

Response to Comment 25-2:

This request has been completed.

The current official record does not provide the public adequate notice and thus fails to fulfill the basic tenets of open government. Please provide all comments to this proceeding on a publically available website, as soon as possible. We look forward to your timely response.

Sincerely,

Jared Weaver
Anna Weaver
James McPhillips
Jennifer McPhillips
Christopher French
Meredith Henne Baker
Mark Baker
Melissa Lee
Maureen Cohen Harrington

cc: Mayor Vincent Gray
Delegate Eleanor Holmes Norton, U.S. House of Representatives
Councilmember Tommy Wells
Councilmember Mary M. Cheh
Traci L. Hughes, Director, Office of Open Government

[5] NEPA and NHPA: A Handbook for Integrating NEPA and Section 106, March 2013, Council on Environmental Quality, page 36, *emphasis added*.
[6] *See* http://www.virginiaavenuetunnel.com/project-resources/
[7] *Id*.

ID 26: Aluisi (1)

From: Toni Aluisi [tlaluisi@verizon.net]
Sent: Wednesday, September 25, 2013 9:38 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: Citizen Concerns for Tunnel Construction

In spite of the need for transportation progress, I have several major concerns.

1. Garfield Park was a slum run down park till the neighbors took control and worked with schools, gyms etc to improve it. Making it less neglected han other DC Parks. Before it was a park filled with brown bags filled will empty liquor bottles and no one used it that valued their life. I think it took five years to get the City to even remove a collapsed storage area. So the neighbors took over. I hope this does not mean their work is "railroaded. 26-1

2. Now more than several hundred daily visitors - students, nannies, babies, gov workers, bocce ball teams, dog owners and walkers make the park safe even to walk late at night.
Because people use the park – it is safe. A park in disarray will bring back the lack of use only by young vandals and heavy drinkers.

3. If the crime rate goes up during the construction process, how are you going to deal with it to REMEDY it. Meaning crime to the neighbors not theft of building materials. 26-2

4. If the park is made unkempt by the construction, who is going to do the repair work. How quick will areas be restored. 26-3

5. RATS MICE Any construction project lets rodents go wild when the ground is dug up. What is CSX going to do about pest control that will affect both the high rise area and the town homes on both sides of the park and in the park. This is going to be a major problem and I don't hear anyone talking about installing rodent controls all the way up to C st. SE. What are you going to do about it and I DON'T MEAN PUTTING TRAPS AROUND THE SITE> I will gladly bring ones down to your offices as I catch them. 26-4

6. Small garden areas that surround the edge of the park, how and when will the restored once they are damaged or challenged by the construction. Will restoration require a city hall fiasco, permits beyond belief and multiple delays or will you just do it. That is what we want. 26-5

7. Since the change in the tunnel will allow hazardous waste, how are we in the community protected from collisions or explosions. 26-6

8. What are you going to donate to the park to continue for it to thrive. You will be making a profit once the tunnel is in operation. Now the neighbors donate much of the money to maintain it. Any additional help would be greatly appreciated. 26-7

9. And one more time RATS MICE etc. You have to do something ahead of time. Young children should not get rat bites on swings.

TLA

Toni Lee Aluisi

517 Second St SE
Phone: 202-543-8112

tlaluisi@verizon.net

Response to Comment 26-1:

CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. This will also include the post-construction condition of the area under I-695 at 2nd Street SE. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 26-2:

Security measures will be put in place within the construction area. Security outside the construction area is beyond the authority of the project sponsors.

Response to Comment 26-3:

CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. This will also include the post-construction condition of the area under I-695 at 2nd Street SE. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 26-4:

As described in Section 5.10, a rodent control program will be implemented prior to the start of construction. The program will include other pests, such as cockroaches.

Response to Comment 26-5:

The DEIS states that Virginia Avenue SE and other affected areas will be restored to at least their pre-construction conditions. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 26-6:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project.

Response to Comment 26-7:

The rehabilitation of Virginia Avenue Park will be conducted immediately after construction of the new tunnel. This work is part of the overall project.The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR.

ID 27: Aluisi (2)

From: Toni Aluisi [tlaluisi@verizon.net]
Sent: Thursday, September 26, 2013 11:25 AM
To: 'Hameed, Faisal (DDOT)'
Cc: Michael.hicks@dot.gov; Contact@virginiaavenuetunnel.com
Subject: RE: Citizen Concerns for Tunnel Construction

Thanks for getting back to me. I forgot to add two questions -- if there is a hazard catastrophe -- will Csx compensate us for damages and loss of property values. 27-1
And how will dangerous levels of emissions be measured throughout the years. When and how often will they be measured, results publicized and remedies made? Who will be responsible. The DC Gov. or CSX. 27-2

Right now we have coal emissions that are dropped down on the area as the furnaces that do not have brushers. But did EPA or DC gov respond. NO
A sixth grader at St. Peters School discovered the fallout by sending up sensors on balloons. He won the regional science fair competition for his work.
Unfortunately he may be going to college! Pretty sad when a young 12 yr old boy Antonio Daleo is doing this work.
There is a video about his project that you should see. I will send link if you are interested.

Toni

From: Hameed, Faisal (DDOT) [mailto:faisal.hameed@dc.gov]
Sent: Thursday, September 26, 2013 10:26 AM
To: 'Toni Aluisi'
Subject: RE: Citizen Concerns for Tunnel Construction

Thank you for providing us your comments.
Faisal

Faisal Hameed, Ph.D.
Manager | Project Development & Environment Division | Infrastructure Project Management Administration (IPMA)
d. District Department of Transportation | 55 M Street, SE, Suite 500 | Washington DC 20003
202-671-2326 (Desk) | www.ddot.dc.gov

New, expanded library hours start **Oct. 1.** More hours for story time. More hours for community meetings. More hours to use free computers. Check out the library's new hours at dclibrary.org/newhours.

From: Toni Aluisi [mailto:tlaluisi@verizon.net]
Sent: Wednesday, September 25, 2013 9:38 PM
To: Contact@virginiaavenuetunnel.com
Cc: Hameed, Faisal (DDOT); Michael.hicks@dot.gov
Subject: Citizen Concerns for Tunnel Construction

In spite of the need for transportation progress, I have several major concerns.

1. Garfield Park was a slum run down park till the neighbors took control and worked with schools, gyms etc to improve it. Making it less neglected han other DC Parks. Before it was a park filled with brown bags filled

1

Response to Comment 27-1:

Section 5.4 in the DEIS discusses property value. The question of compensation for construction-period losses in property value is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan. Also, Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 27-2:

The construction impact analyses for air quality was disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that expected levels of emissions during construction would be well within the accepted ranges in terms of chronic and acute health risks. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring.

will empty liquor bottles and no one used it that valued their life. I think it took five years to get the City to even remove a collapsed storage area. So the neighbors took over. I hope this does not mean their work is "railroaded.

2. Now more than several hundred daily visitors - students, nannies, babies, gov workers, bocce ball teams, dog owners and walkers make the park safe even to walk late at night.
   Because people use the park – it is safe. A park in disarray will bring back the lack of use only by young vandals and heavy drinkers.

3. If the crime rate goes up during the construction process, how are you going to deal with it to REMEDY it. Meaning crime to the neighbors not theft of building materials.

4. If the park is made unkempt by the construction, who is going to do the repair work. How quick will areas be restored.

5. RATS MICE Any construction project lets rodents go wild when the ground is dug up. What is CSX going to do about pest control that will affect both the high rise area and the town homes on both sides of the park and in the park. This is going to be a major problem and I don't hear anyone talking about installing rodent controls all the way up to C st. SE. What are you going to do about it and I DON'T MEAN PUTTING TRAPS AROUND THE SITE> I will gladly bring ones down to your offices as I catch them.

6. Small garden areas that surround the edge of the park, how and when will the restored once they are damaged or challenged by the construction. Will restoration require a city hall fiasco, permits beyond belief and multiple delays or will you just do it. That is what we want.

7. Since the change in the tunnel will allow hazardous waste, how are we in the community protected from collisions or explosions.

8. What are you going to donate to the park to continue for it to thrive. You will be making a profit once the tunnel is in operation. Now the neighbors donate much of the money to maintain it. Any additional help would be greatly appreciated.

9. And one more time RATS MICE etc. You have to do something ahead of time. Young children should not get rat bites on swings.

TLA

Toni Lee Aluisi

517 Second St SE
Phone: 202-543-8112

tlaluisi@verizon.net

2

No response required for this section of comment

ID 28: Amanda

From: Amanda [jmu05gmu07@gmail.com]
Sent: Thursday, July 18, 2013 8:27 AM
To: contact@virginiaavenuetunnel.com
Subject: Regarding the Virginia Avenue Tunnel Reconstruction Project

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I read in the Examiner that the Capitol Hill Bridge area (aka "Bridge Spot"), will be demolished to make way for the Virginia Avenue Tunnel, large enough for double-decker trains. This is a very sad thing, in my mind, for that area represented a place of love and hope. You see, my boyfriend is in prison, and the constantly changing art from Albus Cavus inspires him and reminds him of the days when he was free to skate. I am able to share my love to him in a way that cannot be shared in a letter by showing that I am interested in his interests of skateboarding and graffiti with pictorial evidence. Sometimes I walk there during the lunch hour just to see the the landscape of DC depicted on a wall, to see creativity and innovation, and to see athletes honing their skills. There are so few places where a graffiti artist and skateboarder can go where they can be given a healthy outlet and not be harassed by dream stealers who tell them they cannot practice their craft. There are so few places where graffiti is seen as true art and where that art connects the community in a healthy way. By demolishing such a unique place, it is sending a message that the more powerful want to destroy the hopes and dreams of a community, of the youth, and of those who have very little hope left to cling to. I understand that it is difficult to compete with $160 million, but at least I can remind you of the human element of love and hope inherent in "Bridge Spot" so that you realize what exactly it is that will be demolished should the project move forward. Thank you for taking my comments into consideration. 28-1

Sincerely,
Amanda

1

Response to Comment 28-1:

As point of clarification, public access to “Bridge Spot” would be temporarily diverted if the Tiber Creek sewer line requires relocation. Following construction, public access will be restored.

ID 29: Bahadaran

Dear District of Columbia Officials:

I write regarding the planned Virginia Avenue Tunnel ("Tunnel") project. I am a resident of 419 I (Eye) Street SE, Washington, D.C.—at the forefront of the Tunnel issue and at the scary edge of the planned Tunnel construction. My husband and I are deeply concerned for several reasons regarding the process and substance of the District of Columbia's study, the fundamental aim of which was to ensure the health and safety of District residents. The study failed for the following key reasons, among many others:

- Unworkable planning regarding proximity to existing housing. 29-1
  - o Personal perspective: The construction would be conducted at an unworkable distance from 419 I Street SE, raising very serious and inhumane access (including in the case of emergencies), noise, vibration, and other disturbance concerns. Indeed, the blockage of emergency vehicle access creates serious safety concerns and raises litigation liability issues as discussed next.
- Insufficient discussion of litigation reserve and processes designed to deal with inevitable suits filed against CSX and the District government for tortious interference with the health—physical and mental—of severely impacted residents. 29-2
  - o Personal perspective: I have had a very difficult year with my health. My husband and I are actively planning a family and the newborn will reside in our home—at the forefront of construction—for the vast majority of the day. Further, construction of the level proposed involves hazardous and dangerous materials. Without sufficient litigation reserves and processes, District residents are left unprotected.
- Insufficient consideration of soundproofing concessions for the most severely impacted residents. 29-3
- Insufficient commitment regarding project timing and duration. 29-4
  - o Personal perspective: Severely impacted residents—like my husband and myself and other families living at the critical edge of the planned construction—whose health will suffer from the planned Tunnel project—have no end in sight and no effective ability to sell their homes at a market price during the up-to-eight-year construction of the Tunnel.
- Insufficient commitment regarding reasonable construction days/hours to protect the health, safety, and enjoyment of property. 29-5
- Insufficient engineering study of most severely impacted homes for structural impact planning. 29-6

Despite having faith in my government, in view of the above, at the end of the study period, my husband and I have effectively been ignored as part of the severely impacted community of residents. Our interests have not been championed by our

1

Response to Comment 29-1:

Emergency access will be maintained. All affected residents of Capitol Quarters will be provided with temporary driveway access during construction. These driveways will be accessible to emergency response vehicles.

Response to Comment 29-2:

The project team is committed to supporting a fair and equitable process for resolving claims related to this project. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified.

Response to Comment 29-3:

Associated impacts of the Build Alternatives are disclosed in the DEIS and FEIS, as are mitigation measures for unavoidable adverse effects. As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders.

Response to Comment 29-4:

Refer to FEIS Appendix M that has been added to clarify construction phasing, right of way and maintenance of traffic. The construction impact analyses for air quality and noise disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that expected levels of emissions during construction would be well within the accepted ranges in terms of chronic and acute health risks. For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria for nearby residences, such as Capper Senior Apartments and Capitol Quarters. Extensive mitigation measures would be implemented as described in Section 5.6 of the DEIS. Section 5.4 in the DEIS discusses property value. The question of compensation for construction-period losses in property value is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

Response to Comment 29-5:

Please see revised Section 3.5.6 of the FEIS for more information on construction work hours. All construction work will be in accordance with applicable work hour requirements or approvals.

Response to Comment 29-6:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

representatives. We can only hope that the perspective provided by us and countless neighbors will assist District representatives in protecting the health, safety, quiet enjoyment, and housing values of its residents to the greatest extent possible.

Furthermore, I wholly endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter. 29-7

Response to Comment 29-7:

Thank you for providing your comment. Your comment has been noted.

Sincerely,

/s Malvika M. Bahadaran

419 I Street SE, Washington, DC 20003

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 29-8

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 29-9 29-10

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 29-8:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 29-9:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 29-10:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 29-10

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 29-11

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 29-12

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 29-13

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 29-14

4

Response to Comment 29-11:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 29-12:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 29-13:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 29-14:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

29-14

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

29-15

Response to Comment 29-15:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

29-16

Response to Comment 29-16:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

29-16

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

29-17

Response to Comment 29-17:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain <u>specific</u> construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

29-18

Response to Comment 29-18:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

29-19

Response to Comment 29-19:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 29-20

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 29-21

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 29-22

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 29-23

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 29-24

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 29-25

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 29-26

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 29-27

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 29-28

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 29-29

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 29-30

4) Residential and Business Quality of Life mitigation

7

Response to Comment 29-20:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 29-21:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 29-22:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 29-23:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 29-24:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 29-25:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 29-26:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 29-20

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 29-21

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 29-22

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 29-23

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 29-24

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 29-25

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 29-26

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 29-27

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 29-28

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 29-29

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 29-30

4) Residential and Business Quality of Life mitigation

7

Response to Comment 29-27:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 29-28:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 29-29:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 29-30

Emergency access will be maintained.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 29-31

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 29-32

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 29-33

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 29-34

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 29-35

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 29-36

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 29-31:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 29-32:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 29-33:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 29-34:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 29-35:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 29-36:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 29-37
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 29-38
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 29-39
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 29-40
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 29-41
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 29-42
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 29-43
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 29-44

9

Response to Comment 29-37:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 29-38:

Please see response to Comment 21-30.

Response to Comment 29-39:

Please see response to Comment 21-30.

Response to Comment 29-40:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 29-41:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 29-37
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 29-38
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 29-39
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 29-40
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 29-41
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 29-42
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 29-43
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 29-44

9

Response to Comment 29-42:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 29-43:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 29-44:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 30: Baker, Mark (1)

Near resident response to the Draft EIS on the proposed VA Ave Tunnel project

SUBJ: Virginia Avenue Tunnel Draft EIS - Comments

To Whom It May Concern:

I reside a few blocks south of the proposed open trench site in the Capitol Quarters/ Navy Yard neighborhood with my wife and two young children. My wife and I have lived on the 400 block of L Street, SE since June of 2009. Thus this project – and the accuracy of the DEIS are of paramount importance to me and my family. Among the issues I believe are most pressing are the following:

1. **Environmental health concerns to children and the elderly in our community have been ignored by this DEIS – the DEIS must be redone and must consider these issues as well as the fact that a new elementary school will be opening a few blocks from the proposed open trench site.**

If an open trench, with freight trains traveling through it, is brought into the heart of our neighborhood there will necessarily be serious health consequences for the entire community, but especially for our children (I am a father of two young children myself) and for our elderly. One of the many problems with the DEIS is that it completely ignores the facts there is a community of elderly citizens exists right on Virginia Avenue that will be abutting this open trench and that there are well over 100 children who live within a few blocks of the project site. It also fails to consider the fact that DC Public School system has decided to reopen the Van Ness elementary school only a few blocks away. Van Ness will be the school for hundreds of early elementary children beginning with the 2015-2016 school year – right in the middle of the construction schedule. Van Ness is on the corner of L and 5th Street, SE and as such, is only a few blocks south of the potential open trench site – the fact that there will be a school in the construction zone has been completed ignored by the current DEIS. Van Ness elementary absolutely must be considered by the DEIS if any decision is going to be based on the DEIS. The abject failure of the DEIS to recognize these issues makes it a completely unsatisfactory study and a flawed product, and it should on this basis alone be sent back to the drawing board for further study. 30-1

Turning to these vulnerable populations, the children and elderly will especially suffer from the increased dust which will be propelled into the air from each passing freight train as well as from the construction process, and the other pollutants which will be emitted from the train engines that pass. This increased air pollution will unquestionably lead to increased cases of asthma for all the children of our community, as well as other serious health problems – including additional fatalities - for the elderly. Moreover, children and the elderly will be moving back and forth through the construction site in order to attend church and community activities, visit parks, go to school – nowhere does the DEIS address the potential environmental impacts that will fall upon our community's children and elderly either from prolonged exposure while in the community, or from increased exposure while transiting through the construction site. The DEIS

Response to Comment 30-1:

The construction impact analyses for air quality and noise disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that expected levels of emissions during construction would be well within the accepted ranges in terms of chronic and acute health risks. For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria for nearby residences, such as Capper Senior Apartments and Capitol Quarters. Extensive mitigation measures would be implemented as described in Section 5.6 of the DEIS. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. Finally, it should be noted that in Section 5.3.1.2 of the DEIS Van Ness Elementary School was identified, and it also disclosed that access to this and other schools and community facilities would be not be affected by construction of the project. Section 5.3.1.2 of the DEIS addresses access to community facilities, including schools. Access to Van Ness Elementary School will not be affected by construction of the project.

Near resident response to the Draft EIS on the proposed VA Ave Tunnel project

must adequately consider the health consequences which will confront our vulnerable populations as a result of this construction. Accordingly, on this basis alone the DEIS fails – and any decision based upon this flawed document would consequently be arbitrary and capricious.

Moreover, the DEIS has also not taken into consideration or addressed the other causes of potential health issues for our neighborhood. Specifically, the DEIS, CSX, and DC must consider the difficulties of such a radical increase in the 24 hour a day noise and light levels in our community. There are medically associated health problems that will arise from such noise and light on all members of our community, but particularly on the children and the elderly. Studies exist which have demonstrated conclusively that loud noises can lead to, among other things, life-long heart problems for children. Furthermore, it is uncontested that having such a significant increase in the noise and light in our neighborhood will negatively affect the sleeping habits of all members of the community – which will also lead to potentially catastrophic health problems, particularly for the most vulnerable: the very young and the very old, both of which are present in significant numbers right next to the path of the trench. The DEIS also fails to consider the psychological health of children who must live near this project for years. All aspects of our children's health and that of the elderly population in the community building on Virginia Avenue needs to be considered by the DEIS before a decision can be made which would be based upon the DEIS. The DEIS needs to be re-done in order to take into consideration the health problems faced by these communities, as well as the community at large, from these as well as other causes. 30-1

Until we are certain that the health of our children, our elderly, and our entire neighborhood will be protected to the maximum extent possible, there is no way that this project should be allowed to proceed. Furthermore, until a real DEIS has been prepared and put forward the community will not know if our most vulnerable populations, as well as our entire neighborhood are being protected to the greatest extent possible. Therefore, in order to protect all members of our community, but especially the most vulnerable in our neighborhood, I demand that the DEIS being re-done and neutral members of the medical community, among others, be brought in to evaluate the construction proposals contained within the DEIS. Without the involvement of neutral medical advisors – experts who can provide insights into possible harms, as well as suggesting additional precautions and mitigations to minimize the damage from such harms, any decision based upon this DEIS would be necessarily faulty – and therefore arbitrary and capricious.

Finally, it appears to me, and many of my neighbors, that the DEIS has almost completely ignored the fact that more than a thousand people live within 250 feet of the proposed construction site. There is absolutely no way that this DEIS can be considered adequate when it appears to have disregarded the simple fact that there are so many individuals, many of whom are very old or very young, living in close proximity to this project. To reiterate: until the DEIS

Near resident response to the Draft EIS on the proposed VA Ave Tunnel project

takes into consideration the possible health dangers that every member of this community will be facing during the multi-year life of this project there is no reasonable way that it can be considered to be a sufficiently complete document for any decision to be based upon. At this point, the DEIS appears to be a biased document that ignores numerous health risks and dangers to the community at large – and therefore, if any decision were to be based upon it, such a decision would necessarily be based upon insufficient information and would therefore be, without any doubt, arbitrary and capricious. 30-1

2. **The DEIS if faulty because it fails to consider possible health issues for pregnant women.**

We are a community made up in part of younger families, some of whom are currently pregnant, and many of whom have an expressed interested in having one or more children in addition to those they currently have. As a result we have a very real interest in the potential harms, and appropriate mitigations, from environmental issues of particular concern to pregnant women and in utero fetuses. Currently the DEIS if faulty as it fails to consider the possible harm to pregnant women and their unborn children. Until the DEIS has taken into consideration and provided appropriate mitigation for these very sensitive populations it must be deemed a failed DEIS and it must be sent back to the drawing board to be re-done. 30-2

3. **The DEIS fails because it failed to adequately consider the dangerous conditions at the construction site.**

There can be no question that having an open trench with huge double-stacked freight trains tearing through our neighborhood will create terrifically dangerous conditions for all members of the community, but especially for our children. It is plain from a reading of the DEIS, that it has failed to adequately consider the dangerous conditions posed by the open trench proposal and the construction at the site. Thus, it must be reconsidered in order to adequately protect the health and wellbeing of our children and our community from the numerous safety issues this project will create in our neighborhood. If any decision were to be based upon it, such a decision would necessarily be based upon insufficient information regarding the dangerous conditions at this work site, particularly when it seems that the DEIS has completely ignored the fact that hundreds or thousands of people will be traversing the construction site on a daily basis by foot, by bike, in wheelchairs, or by baby stroller, and consequently, any decision based upon this failed DEIS would therefore be, without any doubt, arbitrary and capricious. 30-3

4. **The DEIS failed to consider the possibility of train derailments.**

In recent months there have been numerous – and deadly train derailments across North America – some of which have involved CSX trains. Our community is extremely concerned that if CSX can't keep their trains on permanent tracks, how will they be able to ensure the safety of our neighborhood from heavily-laden freight trains riding on temporary tracks if the open 30-4

Response to Comment 30-2:

Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. The EIS evaluated the potential environmental and social impacts that may result from implementation of the project and considered all populations that would be affected. These included air quality and noise impacts, which were covered in Sections 5.5 and 5.6 of the DEIS respectively. The DEIS also included proposed mitigation measures to address the potential impacts of the project.

Response to Comment 30-3:

Please see Comment 30-1. District inspectors will enforce health and safety regulations. Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal.

Response to Comment 30-4:

The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians.

trench option is selected? This is a concern that should have been addressed by the DEIS and yet, appears to have been completely ignored by the DEIS – thus, the DEIS is faulty and needs to be redone to address this issue.

The DEIS absolutely should be required to consider the likelihood of train derailments on any temporary tracks and the potential consequences of such a derailment. As the DEIS completely fails to recognize the fact that thousands, up to approximately 60,000-70,000 or more during Nationals day games, of people live, work, and visit the area, it absolutely must be required to consider the potential harm caused by a derailment and possible mitigation. As it has failed to consider the danger posed to this enormous population by the seemingly too common occurrence of a CSX train derailment in a population center, it is absolutely faulty. Moreover, as it has failed to contemplate the dangers posed to a population which could be 70,000 or more, it is a faulty document. As it is a faulty document, if any decision were to be based on that document such a decision would be necessarily arbitrary and capricious. 30-4

5. **The DEIS is faulty because it fails to consider the inability of community members to travel north and south due to blocked roads – this is also a barrier for community members to attending religious services (potential First Amendment issue).**

Many of us do not have cars – or we simply elect to walk in our "small-town feeling" community. On a daily basis hundreds of people, young and old, walk, bike, use wheelchairs, or ride in baby strollers through the proposed construction site. For example, my children cross the SE/SW freeway multiple times a day to go to schools, parks, and community events. Additionally, our Church, the 200 year old Christ Church Episcopal, is on the other side of the freeway. We attend religious services at this church every Sunday, and we are at the church for other church-events regularly during the week (cook-outs, dinners, volunteering, Vacation Bible School, etc). If the access is blocked then this construction site will become a barrier for us to attend religious services at the institution of our choosing. This would seem to raise some serious First Amendment concerns as well as matters which should have been considered by the DEIS.

If this project closes the north/ south access points it will not only increase the dangers of traveling north and south, it will also have a significant and negative impact on our ability to take our children to school/ attend religious services, etc., and on our Navy Yard neighborhood in general. The DEIS has failed to consider this community need, and therefore is faulty as currently drafted. When it is re-drafted it will need to consider this aspect of our community transportation method, and the only proposals that should be contemplated in the future DEIS are those that will allow for unimpeded and safe access north and south via all the routes that currently exist – access that is not reduced one iota from the access that currently exists north/ south. Otherwise this project will stand in our way of traveling where we chose to go and our community will suffer. To the extent that the DEIS does not currently do so, it must be re-done 30-5

Response to Comment 30-5:

Section 3.5.2 construction phasing tables in the FEIS were revised to note that temporary bridge crossings will be provided. Temporary bridge decks will be installed at every intersection on Virginia Avenue SE from 3rd to 8th for pedestrian, cyclists and autos to allow north-south movements for each of the modes. These crossings will also be accessible to those who are wheelchair dependent.

to reflect this reality – and any decision based upon the current faulty DEIS would necessarily be arbitrary and capricious. 30-5

6. **Potential closure of the 6th Street, SE vehicle exit off the SE/SW Freeway should be addressed by the DEIS, to the extent that it does not, it fails.**

My family has one car. While we typically walk whenever we are traveling on the Hill and across Virginia Avenue, we do drive. If the 6th Street exit is closed it will add a significant amount of time to our travel whenever we go to Northern Virginia or Maryland via the SE/SW Freeway as we will have to use the Capitol South exit, which is always overcrowded. This issue will not only affect us, but will affect tens of thousands of commuters and Nationals fans traveling to the 81 home games every year and other events at the stadium (such as the Papal visit from a few years ago or the Paul McCartney concert this past July).

The DEIS has failed to consider the various aspects of closing the 6th Street exit, such as: 1) how this will increase the traffic (and safety dangers from traffic to our children and community – we have already had one child hit by a car in our neighborhood - what will an increase in the number of cars do to the safety of our children?) in our neighborhood; 2) how this will further burden other city infrastructure; 3) how this will increase the pollution levels from cars having to travel through the Capitol Quarters neighborhood – thus, subjecting our children to additional airborne pollutants. Moreover, in a future, properly conceived and conducted DEIS city planners and traffic engineers should be consulted to offer their insights into what unintended consequences could result from closing this exit – and how best to mitigate such issues – especially pollution and safety related issues. As drafted the current DEIS does not adequately consider these issues, thus any decision based upon this DEIS would necessarily be arbitrary and capricious. 30-6

Response to Comment 30-6:

Every effort would be made to time this work to minimize the traffic impact effects to the community. The 6th Street off-ramp closure would take about a week to allow installation and removal of the temporary bridge deck at the 5th/6th Street crossing. Refer to Section 3.5 for more information on the maintenance of traffic (MOT) plan.

7. **Additional traffic on other streets in Capitol Quarters as a result of closing Virginia Avenue to traffic should be addressed by the DEIS, to the extent that it does not, it fails.**

If Virginia Avenue is closed all the other neighborhood streets will necessarily suffer an increase in traffic. This will increase the concentration of pollution around all of the homes in our neighborhood. Additionally, an increase in traffic may see a corresponding increase in the dangers these added vehicles traveling our streets will pose to our children. Furthermore, the extra vehicles will also increase the noise pollution and light pollution on our streets – and thus in our homes. (This will add to the increased burden caused by closing the 6th Street exit discussed in paragraph 6). 30-7

Nowhere in the DEIS was this issue considered. It is a direct and negative impact of closing Virginia Avenue and must be considered in the DEIS. Therefore, the current DEIS is faulty. Moreover, as with paragraph 6, in a future, properly conceived and conducted DEIS city planners

Response to Comment 30-7:

The importance of maintaining safety and traffic flow around the construction area is understood and will be addressed in detail in the Maintenance Of Traffic (MOT) plan that will be approved by DDOT.

Near resident response to the Draft EIS on the proposed VA Ave Tunnel project

and traffic engineers should be consulted to offer their insights into what unintended consequences could result from increasing traffic on other neighborhood streets – and how best to mitigate such issues – especially measures to mitigate the increased pollution and safety hazards. 30-7

8. **Access to the Navy Yard neighborhood by emergency vehicles should be addressed by the DEIS, to the extent that it does not, it fails.**

The DEIS did not adequately address how emergency vehicles will be able to access our community in case of a medical or other emergency. This raises multiple potential life-threatening dangers that will be faced by our community during construction (e.g. ambulances can't reach the ill or injured in a timely manner, the fire department can't get to fires quickly, additional time will be required to respond to police emergencies, etc). Thus, the DEIS is faulty, and it will need to be re-done in order to adequately consider and address these concerns. Any decision based upon this DEIS – which fails (among other things) to adequately consider how our community will be served by emergency vehicles – would be based upon insufficient information – and therefore, any decision based upon this failed DEIS would be arbitrary and capricious. 30-8

Response to Comment 30-8:

As described in the DEIS, properties adjacent to the construction area will be provided with temporary access throughout construction, and emergency response vehicles access will also be maintained during construction.

9. **Loss of old growth trees/ environmental damage should be addressed by the DEIS, to the extent that it does not, it fails.**

The DEIS fails to fully address the fact that the only almost all of the old growth trees between the SE/SW Freeway and the Anacostia River will be destroyed as a result of this project. These are the only old growth trees in our community – and there seems to be complete indifference to their existence in the DEIS and by CSX. The DEIS is faulty as it has failed to consider the importance of these trees to the environmental well being of the community – and as homes to some of the only wild animals south of the SE/SW Freeway. We need these trees and the animals that live in and from them to enrich the positive environmental impact on our lives. The DEIS is faulty as it has failed to consider the environmental importance of these trees and the impact of removing them on our community, and thus no decision can be based upon it as such a decision would be based upon insufficient information and would therefore be arbitrary and capricious. 30-9

Response to Comment 30-9:

Section 5.10 of the DEIS discussed impacts to street trees and other trees on public and CSX properties. As a point of clarification, the project will implement a tree replacement plan for those trees displaced within the public right-of-way, Virginia Avenue Park and the Marine Corps property. Trees displaced within CSX properties will not be replaced. However, CSX will comply with the Urban Forestry Preservation Act for the displacement of special trees within its property. Section 5.10 of the DEIS discussed the effects to faunal species from these impacts and Section 5.13 of the DEIS discussed the visual effects from these impacts.

10. **DEIS has failed to consider the true population in the community – and is therefore faulty.**

The DEIS has ignored the fact that on a daily basis – with events at Nationals park (81 home games a year – as well as concerts), regularly events at the Yards Park drawing thousands, a significant residential population, and a considerable working population at, among other places, the Navy Yard and the Department of Transportation, more than 70,000 people could be within ½ of a mile on a given moment during the open trench construction/ a train traveling 30-10

Response to Comment 30-10:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project. Section 4.4 of the DEIS contained information about the general economic conditions, including major employment areas.

Near resident response to the Draft EIS on the proposed VA Ave Tunnel project

through the proposed open trench. The DEIS is a faulty document because it has failed to consider not only the true nature and number of the population that resides in the area around the proposed construction site, but also because it has failed to consider the tens of thousands of people who will be within a short walking distance of the proposed construction site on a daily basis. Until the DEIS adequately considers the true population within the area immediately around the site it must be deemed inadequate and no decision can be based upon it. 30-10

11. Harm to the budding business community is not addressed by the DEIS, but it will cause significant damage to our community and our city.

The inability to access north/ south access points, the added time to enter our community if the 6th Street exit is closed, as well as the general "industrializing" of our neighborhood, this project will cause serious and perhaps un-repairable negative consequences to the businesses in the Navy Yard/ Natstown community. There is already discernible damage being done as some businesses have made it clear that they will not invest in our community until this project is either tabled, the open trench idea is discarded, or after it is completed in a number of years. Accordingly, we and our business community are already suffering from the effects of this project – before ground has even been broken.

If the project is allowed to proceed and a gash is ripped through the heart of our neighborhood there will be additional negative consequences – who will want to come to our community for drinks, dinner at one of the new restaurants, or to attend a concert a Yard Park, or a movie at Canal Park – when they have to travel through an industrial-looking train trench, have to deal with the dust, pollution, and noise? Short answer: they won't. As a result, our community and our businesses will suffer. People will go elsewhere and the result will be that the list of businesses not being opened will grow, but a new list will be started: of business that were forced to close. The DEIS and CSX (and the DC government) need to consider the cost to our businesses – and to our community from the open trench proposal. The plan being put forward by CSX and the DEIS must be deemed faulty until it takes into consideration the cost and harm to all aspects of our community. 30-11

Response to Comment 30-11:

Section 5.4 of the DEIS disclosed the potential impacts to businesses located near the construction area. Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction.

12. Interference with the quiet enjoyment of our homes and neighborhood should be addressed by the DEIS, to the extent that it does not, it fails.

Nowhere has the DEIS or CSX addressed how they will mitigate and if necessary, compensate us for 3-5 years of not being able to enjoy our homes. There are numerous neighbors who are considering leaving the community – either selling their homes (as some have already done to avoid being near the proposed trench) or just leaving and renting out their home in order to be able to live a quiet life without double-stacked freight trains rumbling by their homes at frequent intervals, as well as suffering from all of the other burdens on our community this project will plague our neighborhood with. No matter where you live in the Navy Yard community you will not be able to enjoy being in or near your home while this project is 30-12

Response to Comment 30-12:

Construction-period mitigation measures are proposed throughout the DEIS. Monetary compensation to affected residents is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

underway. It will ruin our ability to live in our homes and enjoy our lives. I am fatigued just considering what this project will do to my home and my family life.

As a result, if CSX desires to proceed, they need to send this DEIS back to the drawing board to fully mitigate the harm this project will cause to the quiet enjoyment of our homes. If the DEIS and CSX are unable to fully mitigate the harm, then CSX needs to come up with a formula to compensate every member of our community for the interference this project will cause to our lives in and around our homes. We will not be able to enjoy our decks, our family rooms, our bedrooms, our parks, or any aspect of this wonderful neighborhood we have built – so long as this project is underway. Accordingly, unless the DEIS is able to fully mitigate this issue, then the only solution is for CSX to find a manner by which to compensate us (all of us – from the youngest infant to the oldest member of our community). If that doesn't happen, then there is no way this project should be allowed to proceed. Moreover, if CSX insists on interfering with our quiet enjoyment of our homes, some members of our community are already considering how to proceed with a class-action lawsuit against CSX for appropriate compensation for this uncompensated taking. 30-12

13. **Reduction in property values should be addressed by the DEIS, to the extent that it does not, it fails.**

CSX needs to recognize that their actions will have a definite and quantitative negative impact on the property values of each and every resident and residence within at least a half a mile from the trench. If anyone desires to sell their residence during this process CSX should be compelled to purchase the residence at what would have been the fair market value of the residence if the trench had never been built. Or, at a minimum, CSX needs to compensate the seller for the difference between the private-party sale price and what the fair market value of the residence would have been, but for the CSX-project. It is a matter of equity that CSX agree to do this for our community. 30-13

Response to Comment 30-13:

Section 5.4 in the DEIS discusses property value. The question of compensation for construction-period losses in property value is beyond the scope of the EIS process. Please see response to Comment 30-12 regarding residential property mitigation.

14. **Loss of revenue to DC.**

DC will lose revenue as a result of this project. The community's property values will decrease – as the values of our homes will decrease - and this will cause a corresponding loss to the city's coffers from the property taxes we pay. Additionally, it is likely that the city will see a reduction in other revenue streams, such as taxes on concessions at Nationals Park (due to a likely decrease in fans attending games), as well as a decrease in taxes on food and drink sold in the Navy Yard community due to individuals electing to stay away during the lengthy construction period. If the open-trench option is selected, CSX and the city should work together to settle on a reasonable figure to compensate the city for all of these lost revenue streams. 30-14

Response to Comment 30-14:

The District will levy fees to CSX for constructing this project on city streets and public rights-of-way. Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal.

15. **What would CSX executives do?**

Near resident response to the Draft EIS on the proposed VA Ave Tunnel project

I have a serious question I would like to pose to employees and executives of CSX: if this open trench was being proposed in your neighborhood, perhaps mere feet from your front door, how would you react? If you cannot honestly say that you would be at a minimum ambivalent about having such a trench – with an active freight-train schedule and the concurrent dangers, pollution, etc. of this construction project - running through the heart of your neighborhood for three to four years, then you should question why you are so anxious to inflict this on our neighborhood. We are a close-knit, happy neighborhood of blue and white collar workers, many with young families, and some empty-nesters. We work on a daily basis to make our neighborhood and our community better, we only ask you to do unto us as you would have others do unto you.

16. Conclusions:

- **The DEIS in its current state is hopelessly flawed. For any one of the reasons discussed in paragraphs 1 through 14 above it should be found to be a faulty document upon which no fact-based decision could possibly be based. Accordingly, if CSX is actually planning to base a decision on any DEIS, the current DEIS needs to be eliminated, and a true and accurate DEIS needs to be produced.** 30-15

- The DEIS seems to have completely ignored the fact that thousands of people live within ½ a mile of the proposed trench, also that tens of thousands visit within this area – and that nearly 3,000,000 different visitors can be expected to visit Nationals Stadium for baseball games alone during a single season. As drafted the DEIS is hopelessly bereft of facts and ignores completely the people who live, work, and play in an area less than ½ a mile of this extreme construction site. Accordingly, it must be re-worked and a real analysis conducted prior to the DEIS being a product upon which any decision can possibly be based. 30-16

- The DEIS has failed to consider the harms which could fall hardest upon our most vulnerable communities: the hundred children who live within a few blocks of the proposed construction site, the hundreds more who will attend school within three blocks, and the potential harm to the elderly community on Virginia Avenue. Until the DEIS specifically considers these vulnerable populations it must be considered to be an absolutely failed document – and no decision can possibly be based upon it. 30-17

- The DEIS has failed to consider myriad issues concerning environmental damage, and physical and emotional harm to the tens of thousands of individuals who will be effected by any construction option that involves an open trench. As the DEIS has failed to consider the potential issues, and best practices to mitigate harms caused by these issues, there is no way that any decision which would select an open trench option could be considered to be anything other than unsupportable. Simply put, there has been a lack of study on these 30-18

Response to Comment 30-15:

The EIS process for this project is used to assist the agencies that have NEPA-related actions pertaining to the project in their decision making.

Response to Comment 30-16:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project. Section 4.4 of the DEIS contained information about the general economic conditions, including major employment areas. Your concern about trains operating in an open trench is acknowledged. However, as noted throughout the DEIS, trains operating in an open trench (Alternatives 2 or 4) would not lead to violations of nationally accepted air quality standards, nor would it present health and safety risks to nearby residents and others who work or travel near or through Virginia Avenue SE. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. Alternative 3 does not require an open trench except for approximately 230 feet immediately east of the west portal.

Response to Comment 30-17:

The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. Construction-period air quality emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. It should be noted that in Section 5.3.1.2 of the DEIS Van Ness Elementary School was identified, and it also disclosed that access to this and other schools and community facilities would be not be affected by construction of the project. Section 5.3.1.2 of the DEIS addresses access to community facilities, including schools. Access to Van Ness Elementary School will not be affected by construction of the project.

Response to Comment 30-18:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project. Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal.

issues – and therefore any decision that would involve an open trench solution would be unsupportable by this DEIS. Consequently, if this DEIS was to be used to justify a decision involving an open trench option that decision would be arbitrary and capricious. As a result, the DEIS has failed. It needs to be redone to fully evaluate all of the above and other potential harms arising from this project – if an open trench option is to be considered. 30-18

- Furthermore, the DEIS has failed to adequately consider the true impact upon this neighborhood and community, therefore the DEIS MUST be deemed to be faulty and it must be re-done. The DEIS as it exists is not a realistic assessment of the harms which this project will cause to the physical health and well-being of this community. **Until CSX and those involved decide to get serious about constructing a real DEIS the project should not be allowed to proceed – in any capacity – as any decision based on this incredibly flawed product would be unsupportable (as the document is fatally flawed) and would therefore be an arbitrary and capricious decision.** Therefore, this entire DEIS needs to be completely redone and an accurate DEIS needs to be generated, one wherein the true potential harms, and best way to mitigate those harms can be reviewed and evaluated, before this project can possibly be allowed to move forward.

- Alternatively, under this flawed, failed, and faulty DEIS as drafted, the only option that CSX should be allowed to proceed on is the no-build option, or any option that does not allow for the construction of an open trench wherein train traffic can travel. These are the only possible decisions which should be permitted under this failed DEIS as these are the only decisions which there is sufficient information in the DEIS as drafted to be considered supportable – and as a result, these are the only choices which could be made that would not be considered arbitrary and capricious decisions. No decision involving an open trench option could possibly be considered as fact based if made based upon this DEIS for all of the reasons discussed in paragraphs 1 – 14 above. Simply put, the true effects of the open trench proposal have been completely ignored by this DEIS.

Sincerely,

/S/

Mark D. Baker
413 L Street, SE
Washington, DC

ID 31: Baker, Mark (2)

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family (we reside on the 400 Block of L Street, SE) in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 31-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 31-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 31-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 31-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 31-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 31-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 31-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 31-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 31-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 31-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Mark

Mark D. Baker

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 31-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
    - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] 31-7 The noise study implies that operation of a freight train 31-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 31-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 31-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 31-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 31-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.,* Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 31-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 31-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 31-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 31-12

4

Response to Comment 31-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 31-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 31-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 31-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 31-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 31-13

Response to Comment 31-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

31-14

Response to Comment 31-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

31-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

6

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 31-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 31-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 31-17

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 31-18

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 31-19

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 31-20

2) Traffic and Parking mitigation

7

Response to Comment 31-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 31-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 31-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 31-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 31-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 31-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 31-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 31-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 31-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 31-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 31-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 31-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 31-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 31-28

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 31-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 31-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 31-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The 31-32

8

Response to Comment 31-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 31-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 31-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 31-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 31-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 31-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 31-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 31-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 31-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 31-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 31-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 31-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 31-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 31-28

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 31-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 31-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 31-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The 31-32

8

Response to Comment 31-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 31-28:

Emergency access will be maintained.

Response to Comment 31-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 31-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 31-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 31-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 31-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 31-34

9

Response to Comment 31-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 31-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 31-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 31-35

2. Have District officials been informed about alternative routing that is being used for these cargoes? 31-36

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 31-37

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 31-38

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 31-39

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 31-40

10

Response to Comment 31-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 31-36:

Please see response to Comment 21-30.

Response to Comment 31-37:

Please see response to Comment 21-30.

Response to Comment 31-38:

Crude oil is one of the commodities shipped through the District in accordance with CSX common carrier obligations. Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, CSX transported only three loaded tank cars of crude oil through the District of Columbia. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia. Please see response to Comment 21-30.

Response to Comment 31-39:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 31-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site:
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

31-41

Response to Comment 31-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation?

31-42

Response to Comment 31-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

11

ID 32: Baker, Meredith

September 19, 2013

Parsons Brinckerhoff

Attn: Virginia Avenue Tunnel Project

1401 K Street NW

Suite 701

Washington, DC 20005

To Whom it May Concern:

As a Navy Yard resident and parent, I would like to submit the following personal reservations about and objections to the proposed Virginia Avenue Tunnel Project and say that I completely concur with the letters of Mark Baker, David Garber, the forthcoming document by the Committee of 100 on the Federal City (C100), and the Capitol Quarter HOA letters which all express serious criticisms and objections to the current CSX DEIS and Virginia Avenue Tunnel project.

1. THE DEIS DOES NOT SUFFICIENTLY ADDRESS TRAFFIC CONGESTION, EMERGENCY VEHICLE ACCESS, OR DISRUPTIONS TO AREA BUSINESSES CAUSED BY VIRGINIA AVENUE CONSTRUCTION.

The city, the Federal government and businesses have made significant investments in the Capitol Riverfront including:

- Hope VI housing
- a community center
- $9.8 million dollars for the refurbishing of a new elementary school, Van Ness
- Canal Park
- Yards Park
- office construction
- new townhomes
- waterfront improvements
- Nationals Stadium

It seems shocking that either the city, the business community, the Federal government, or grant makers would accept CSX construction severely disrupting nearly half of the limited routes into our neighborhood, and allowing a "Big Dig" in our backyard that will last for 3-5+ years. Consider the access points to our neighborhood/Navy Yard, which is rather isolated. You can't access it from the south except by boat, from the west you can enter via M, L, K, and I (partially) via South Capitol, from the east you can access it via M St (the others dead end or wend around), and from the north you can enter via 3rd, 4th, 7th, and 8th. Therefore, the proposed construction project stands to choke off or negatively affect a very large percentage of the means of access to Navy Yard/Capitol Riverfront, and I would estimate that the traffic (car and foot) coming from the north is a significant percentage of commuter, tourist, and visitor travel.

32-1

Response to Comment 32-1:

With respect to the issues identified: maintenance of traffic was covered in Section 5.15.3 of the DEIS; vehicle access was addressed in Sections 3.3.1.4 and 5.15.2 of the DEIS; and business impacts were covered in Section 5.4 of the DEIS. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction.

I can pick up any back-issue of the *Washington Post* and read about the outcries from local businesses every time DDOT tears up a street (as in Brookland, H St for streetcar installation, repairs, etc.). Businesses know that long-term construction is detrimental to their bottom lines. How that will be any different in Navy Yard has not been addresses. CSX has been generous to the Navy Yard area, doling out money in buckets to area fundraisers and events. But I question how many concerts and free Frisbees will make up for the damage CSX stands to do to local small and large businesses. 32-1

2. THE DEIS DOES NOT MENTION SUFFICIENTLY ADDRESS HOW THEY WILL MITIGATE THE CLEAR CUTTING OF A LARGE PERCENTAGE OF THE AREA'S MATURE TREES

According to an April 25, 2013 *Washington Post* article on the Washington, D.C. tree canopy, "the benefits of trees…include mitigating air pollution, reducing mental stress, saving energy by shading homes, slowing storm water and increasing property values." They note the dearth of trees in poor and developing areas of the city, including the Navy Yard. The urban deforestation committed by CSX will deplete the little tree cover that we have. 32-2

We were happy to learn that the Sierra Club and Casey Trees plan to weigh in on this matter and will encourage them to do so. CSX committing this level of urban deforestation is a serious matter. Mature trees take decades and centuries to replace, and there is little discussion in the DEIS of how CSX plans to re-forest our neighborhood and replace this precious resource.

Response to Comment 32-2:

Section 5.10 of the DEIS discussed impacts to street trees and other trees on public and CSX properties. Displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. As a point of clarification, the project will implement a tree replacement plan for those trees displaced within the public right-of-way, Virginia Avenue Park and the Marine Corps property. Trees displaced within CSX properties will not be replaced. However, CSX will comply with the Urban Forestry Preservation Act for the displacement of special trees within its property. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees.

3. PROPOSED CONSTRUCTION UNDERMINES EXISTING INVESTMENTS AND DEVELOPMENTS, SUCH AS THE FLEDGLING VAN NESS ELEMENTARY SCHOOL

Local parents and community members have been working toward the reopening of Van Ness Elementary School since 2010, and with DC Public Schools' investment of 9.8 million dollars and a promise of a 2015 opening, we are convinced we're going to have a fantastic new school. While it will primarily serve neighborhood children, we look forward to welcoming students from other neighborhoods and wards, as is customary in Capitol Hill Schools.

But many parents may well choose another school over ours if Van Ness attendance means they have to travel through a construction zone 2 times a day. As a matter of fact, parents north of 395 in an overcrowded district sent a letter on 8/30/13 to DCPS, specifically asking that if DCPS was considering redistricting them, they would not consider Van Ness. (Phrased as follows: "we also hope that you will consider major infrastructure projects, such as the multi-year Virginia Avenue Tunnel Project (CSX)…as you evaluate boundary options for what should be walkable neighborhood elementary school districts.") I might point out that their district ends at I (Eye) St SE. They are saying that they do not consider foot travel from an area as near as I (Eye) St to the Navy Yard neighborhood as being walkable on account of the tunnel project. Considering the personal and financial investments that are being made in this school, Van Ness cannot be considered a "contaminated area" due to an ongoing, dirty, traffic-clogging construction project. 32-3

Response to Comment 32-3:

Section 5.3 of the DEIS addresses access to community facilities, including schools. Access to Van Ness Elementary School will not be affected by construction of the project. The construction area, including any open trench used for temporary train operations, will be secured. Although security measures will be put in place to prevent unauthorized access, all cross streets from 3rd to 8th Streets will remain open for vehicles, pedestrian and cyclists.

Also CSX glibly tosses about "open tunnel," not understanding what flares that sets off for parents and how deeply it affects them. I have discussed this project with area friends , and when you say "trench" to parents of young children on Capitol Hill, they immediately react with "Are you saying I'd have to corral my kids across an open trench to get to the park?!? Have CSX engineers ever been around actual children?" In other words, in the parent world on Capitol Hill, open trench = a dangerous trench my children/pets can fall into and a barrier I do not want to cross. And you know what? They're absolutely right. An open trench is terrifying. And CSX, you haven't shown me any models or illustrations that would make me believe otherwise, and you've had several years to do it. 32-3

4. THE DEIS DOES NOT ADEQUATELY OR SPECIFICALLY ADDRESS AIR POLLUTION, NOISE POLLUTION, AND POSSIBLE DERAILMENTS

Again, I defer to the work of the C100. Derailment is always a possibility, or at least the CSX track record would leave me to believe that (20 derailments in Maryland alone from January 2010-August 2012 according to the Federal Railroad Administration), and yet this is never addressed. If we pretend it can't happen and close our eyes real tight, no derailments will happen, right? Or is that just irresponsible thinking and toying with the lives and safety of thousands of residents and workers in the Navy Yard neighborhood? We're worth a contingency plan. 32-4

5. THE DEIS DOES NOT ADDRESS HOW CSX WILL MAKE RIGHT THE DAMAGE THEY WILL DO TO RESIDENT'S (PARTICULARLY THE ELDERLY AND CHILDRENS') HEALTH

While we are concerned about pollutants raining down on us during construction, the end result of improving the tunnel has a far more dire result for Capitol Hill residents' health.

Running additional trains—modest estimates are 56 a day vs. the current 20-30—through the tunnel exposes residents, particularly those living within 200 meters of the construction project, to greatly increased levels of air pollutants, which increase the likelihood of respiratory ailments such as asthma. Besides the large number of children who live in the Navy Yard, we also have a large population of the elderly, who are susceptible to breathing difficulties that will only be exacerbated by continual, increasing exposure to unhealthy air. The C100 plan addresses this concern thoroughly and with great detail. I refer you to it.

Additionally, because there is no elementary school currently in Navy Yard (with the exception of the Eagle Academy early childhood center), every one of us with elementary aged children must travel out of the neighborhood, most north to Brent, Peabody, Tyler, and private schools. The possibility of disrupted or congested traffic is a problem for commuters, but also those of us who drive to school . Those of us who walk have additional concerns about taking our children directly through a construction zone twice a day, exposing them to heaven only knows what kind of pollutants, dust, and noise. 32-5

Maybe politicians are listening to CSX donations, and maybe the business community will look the other way while you the coins plink into their hands, but YOU CANNOT BUY PARENTS OFF BECAUSE OUR CHILDREN'S HEALTH AND WELLBEING IS PRICELESS. We moved to Capitol Hill because it was a bucolic, park-filled neighborhood where our children could ride bikes and play in safety. We believed that the city was on its way to creating a healthier environment with fewer

Response to Comment 32-4:

Air quality and noise impacts were covered in Sections 5.5 and 5.6 of the DEIS, respectively. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians.

Response to Comment 32-5:

The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. Construction-period air quality emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring.

emissions and less traffic congestion putting our families at risk. We rallied against the Capitol's coal-burning power plant thinking that was the worst the city could do to our children, but we were wrong. CSX can do far worse. The way many of us see it, CSX is ready to make the north end of this neighborhood—to quote a neighbor—"hell with the lid off" and destroy our quality of life for at least 3 years.

If CSX desires to proceed, they need to send this DEIS back to the drawing board to fully mitigate the harm this project will cause to the quiet enjoyment of our homes. If the DEIS and CSX are unable to fully mitigate the harm, then CSX needs to come up with a formula to compensate every member of our community for the interference this project will cause to our lives in and around our homes. We will not be able to enjoy our decks, our family rooms, our bedrooms, our parks, or any aspect of this wonderful neighborhood we have built – so long as this project is underway. 32-5

As far as I'm concerned, CSX can keep their "free" backpacks and corn hole, because frankly, there is no donation that will make up for the negative environmental implications of the project and the ensuing increased train pollution on this neighborhood and its children.

6. LACK OF IMPORTANT DETAILS

When I attended the initial community meeting, there was very little information about what this tunnel project would look like and how it may affect quality of life in our neighborhood. In less censored times earlier on, word leaked that the dig might involve 24-hr floodlights, a 100 ft. wide open trench, and years of construction noise. Now CSX is clamming up about any details that might affect our community. Even with the restrictions of the NEPA process (which CSX blamed for the lack of information) wherein community comments must be gathered before action is taken, SURELY CSX has projections of what a work area might look (with extensive visuals) based on the dozens of other projects they've undertaken in the past decade. We're not talking about landing a train on an asteroid here; tunnel construction is territory that's been trodden before. I want a diagram and illustrations, and I'd like them yesterday. 32-6

We cannot do our part regarding community input if we don't have basic information to work with. How can I object to floodlights and open trenches if I don't know they're planned? How can I insist that CSX make certain accommodations regarding traffic if they have released no traffic flow plans or information about road closures and how long they might last? If this is to be a valid process, real, accurate information and projections must be shared.

Response to Comment 32-6:

Refer to FEIS Appendix M that has been added to clarify construction phasing, right of way and maintenance of traffic. The DEIS contains information about the limits of disturbance (LOD) during construction, construction sequencing, MOT and other aspects of construction and operation of the project.

7. REROUTING TRAINS IS NOT CONSIDERED AS A VIABLE OPTION, AND IT SHOULD BE

There's a whole segment of our rail infrastructure (including the Anacostia River rail bridge) that's obsolete and problematic for a variety of reasons. CSX wants to fix the one piece that affects their business, and to do so in a way that (a) is likely to commit us to decades of continued reliance on a route that should be retired, and (b) not only fails to solve, but actually exacerbates a number of the existing problems (safety/security, disruption to urban fabric and parks, air quality, constraints of passenger/commuter rail, navigability of the Anacostia). Everybody agrees that the Virginia Avenue Tunnel is obsolete, so why are the only alternatives that the DEIS is considering are basically (a) wait until it falls apart to rebuild/enlarge it in approximately the same place and (b) 32-7

Response to Comment 32-7:

The focus of this EIS is on the reconstruction of the Virginia Avenue Tunnel. Among the concepts considered was rerouting around the DC metropolitan area and it was not included as an alternative for this proposed action.

rebuild/enlarge it now in approximately the same place? For a host of reasons, rerouting the trains has to be on the table. 32-7

The DEIS in its current state is deeply flawed. For the reasons listed above, it should be found to be a faulty document upon which no fact-based decision could possibly be based. Accordingly, if CSX is actually planning to base a decision on any DEIS, a true and accurate DEIS needs to be produced.

Thank you,

Meredith Baker

413 L ST SE

cc:

Mark Baker
David Garber
Laura Salmon
Linda O'Brien
Tommy Wells
Vincent Gray
Eleanor Holmes Norton
ANC 6D
Mike Hicks, FHA
Faisal Hameed, DDOT
Jamie Henson, DDOT
DC City Council
Deputy Mayor Victor Hoskins

ID 33: Barrett

From: Robin Barrett [robinpix@gmail.com]
Sent: Wednesday, September 25, 2013 8:42 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov; David Garber
Subject: Concerns about the proposed re-construction of VAT

To Whom It May Concern:

I wanted to express concerns regarding the proposed re-construction of the Virginia Avenue Tunnel (VAT). I walk every day with my family and friends along New Jersey Ave SE over the CSX tracks as well as on 3rd Street SE that connects the Capitol Riverfront and Capitol Hill neighborhoods. I have many concerns about this project, including noise and increased construction-related traffic congestion, and the possible obstruction to I-395 highway ramps. I believe there will be an impact on 33-1
air quality related to the construction, especially with the proposal of an open trench along VA Avenue 33-2
SE, as well as from the increased train emissions due to the increased volume of train traffic. There is great concern for public safety with regards to possible CSX derailments, hazardous cargo, and 33-3
terrorism vulnerabilities. In addition, there could be disruptions to local utilities. This project would 33-4
also destroy many old-growth trees in our neighborhood. Please consider our concerns and consider 33-5
alternative locations outside Washington, DC to update CSX's train routes. Thank you. 33-6

Sincerely,

Robin Barrett

1

Response to Comment 33-1:

The construction impact analyses for air quality and noise, factors that could affect human health, disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria at nearby residences, such as Capper Senior Apartments and Capitol Quarters. Therefore, extensive mitigation measures, including a noise monitoring program, would be implemented as described in Section 5.6 of the DEIS. The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. Although the MOT plan was developed in August 2012, the basic plan elements remain valid at this time. As noted in the DEIS, all north-south roadways would maintain connectivity with the exception of very short periods during installation of temporary bridges over the Virginia Avenue Tunnel. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 33-2:

Please see response to Comment 33-1. As stated in Section 5.5 in the DEIS the air quality analysis predicts that neither construction nor post construction activities will exceed the General Conformity rules, emission thresholds, or exceed the thresholds set by the National Ambient Air Quality Standards. Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. The rebuilding of the Virginia Avenue Tunnel will not cause an increase in CSX train volume using this part of the rail network. Making the tunnel double stack capable allows twice the amount of intermodal container freight to be carried per train. Additionally, eliminating the single track bottleneck at the Virginia Avenue Tunnel increases the fluidity of both freight and passenger rail service on this portion of the network.

Response to Comment 33-3:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS.

From: Robin Barrett [robinpix@gmail.com]
Sent: Wednesday, September 25, 2013 8:42 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov; David Garber
Subject: Concerns about the proposed re-construction of VAT

To Whom It May Concern:

I wanted to express concerns regarding the proposed re-construction of the Virginia Avenue Tunnel (VAT). I walk every day with my family and friends along New Jersey Ave SE over the CSX tracks as well as on 3rd Street SE that connects the Capitol Riverfront and Capitol Hill neighborhoods. I have many concerns about this project, including noise and increased construction-related traffic congestion, and the possible obstruction to I-395 highway ramps. I believe there will be an impact on 33-1
air quality related to the construction, especially with the proposal of an open trench along VA Avenue 33-2
SE, as well as from the increased train emissions due to the increased volume of train traffic. There is great concern for public safety with regards to possible CSX derailments, hazardous cargo, and 33-3
terrorism vulnerabilities. In addition, there could be disruptions to local utilities. This project would 33-4
also destroy many old-growth trees in our neighborhood. Please consider our concerns and consider 33-5
alternative locations outside Washington, DC to update CSX's train routes. Thank you. 33-6

Sincerely,

Robin Barrett

1

Response to Comment 33-4:

It was disclosed in Section 5.10 of the DEIS that the project will require the removal of street trees. The construction-period visualizations provided in Section 5.13 of the DEIS reflected this impact. The tree planting will take place towards the end of construction. The exact timing will be affected by seasonal conditions. Displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The Virginia Ave park will be restored per direction of DPR. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 33-5:

As described in Section 3.2 of the DEIS, rerouting concepts were considered, but eliminated from further consideration.

Response to Comment 33-6:

Thank you for providing your comment. Your comment has been noted.

ID 34: Belcourt

From: Kristen Belcourt [belcourtkristen@gmail.com]
Sent: Wednesday, September 25, 2013 3:41 PM
To: Contact@virginiaavenuetunnel.com
Subject: Virginia Ave tunnel

To Whom it May Concern

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the
Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 34-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 34-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 34-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 34-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 34-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Thanks for your consideration

Kristen Belcourt
1000 New Jersey Ave. #308
Washington DC, 20003

1

Response to Comment 34-1

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 34-2

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 34-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 34-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 34-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

ID 35: Bell

From: Todd Bell [toddbell10@hotmail.com]
Sent: Wednesday, September 25, 2013 8:51 PM
To: contact@virginiaavenuetunnel.com
Cc: faisal.hameed@dc.gov; michael.hicks@dot.gov
Subject: VAT Comments from 802 3rd St SE
Attachments: Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22.docx

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly. We are just starting a family in this neighborhood and have a 2 month old daughter, and the impact this will have on our daily lives and her health are of the utmost concern to us.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and 35-1
right of way. Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and 35-2
need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives 35-3
that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS 35-4
does not even address the broader safety, hazardous material, and environmental concerns that the NEPA
contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the 35-5
adverse environmental impacts created by the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

1

Response to Comment 35-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 35-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 35-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 35-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 35-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Todd and Jill Marie Bell

802 3rd St SE

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 35-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient 35-7

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

Response to Comment 35-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 35-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

information to predict overall vibration levels.[4] The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense.

35-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE.

35-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours.

35-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved.

35-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969**

35-12

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

Response to Comment 35-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 35-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 35-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 35-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 35-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project? We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

35-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

35-13

Response to Comment 35-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;

35-14

Response to Comment 35-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

35-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

35-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our

Response to Comment 35-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 35-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 35-17

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 35-18

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 35-19

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 35-20

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 35-21

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 35-22

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 35-23

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 35-24

   c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials 35-25

Response to Comment 35-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 35-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 35-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 35-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 35-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 35-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 35-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 35-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 35-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 35-17

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 35-18

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 35-19

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 35-20

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 35-21

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 35-22

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 35-23

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 35-24

   c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials 35-25

Response to Comment 35-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 35-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 35-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 35-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 35-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 35-28

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 35-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 35-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 35-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 35-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 35-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 35-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Response to Comment 35-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 35-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 35-28:

Emergency access will be maintained.

Response to Comment 35-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 35-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 35-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 35-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 35-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 35-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 35-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 35-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 35-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 35-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 35-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 35-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 35-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?

Response to Comment 35-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 35-36:

Please see response to Comment 21-30.

Response to Comment 35-37:

Please see response to Comment 21-30.

Response to Comment 35-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 35-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently? 35-41

15.

16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 35-42

Response to Comment 35-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 35-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 35-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 36: Bharwani

Comments of Mr. and Mrs. Raj Bharwani and Jessica Taylor
337 Virginia Avenue SE
Washington, DC 20003
(202) 506-6042
raj.bharwani@gmail.com
jess.a.taylor@gmail.com

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

Re: Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

Dear Mr. Hicks and Dr. Hameed,

As background, we are a new and growing family residing in the Capitol Quarter community of Washington, DC, and directly impacted by the CSX Virginia Avenue Tunnel (VAT) project.

We have a 2-year old daughter and a Golden Retriever that enjoy the amenities of the neighborhood, including the common area (Virginia Avenue Courtyard) in front of our house. This area, which essentially extends from 3rd Street SE to 4th Street SE along Virginia Avenue, has been the site of many memories already. We celebrated our daughter's first birthday with a neighborhood party on the courtyard last September, and we have celebrated two Easters, including Easter egg hunts in the common area.

This is our block's playground, and this is where we expect our daughter to grow and run around with all the other children in the neighborhood. The loss of the courtyard and resulting chaos from the CSX project, particularly in the event of an above-ground exposed track, isn't just a safety and health concern for our family, but it would deprive our child of the sort of childhood memories every parent wishes for their kids. 36-1

We are not opposed to progress or inconvenience. We support the former, and can work around the latter - but ultimately, neither means much when they come at the expense of the very quality of life CSX claims to support.

Following are a few of our specific concerns relative to the CSX project:

Response to Comment 36-1:

Appendix M of the FEIS contains drawings showing the area of the "courtyard" that will be made part of the construction limits of disturbance. The use of the "courtyard" within the public right-of-way for construction is an unavoidable impact. No private property within the "courtyard" will be used for construction purposes. Appendix M of the FEIS also contains drawings of the post-construction Virginia Avenue SE, including the "courtyard" area, which will be restored. Section 5.11 was revised in the FEIS to acknowledge that this area is used for recreation.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 2

No Build Option

We believe that a no build option should be chosen. Any build option will pose extreme environmental, health, safety, traffic, and construction concerns. This project as proposed cannot proceed without significant environmental, traffic, and human impact, and we thus urge that the no build option be chosen as the preferred alternative.[1] 36-2

The Draft Environmental Impact Statement (DEIS) sets forth eight criteria for the project, which guide the alternative selection process (page 3-4). None of these eight criteria, however, include resident safety or minimizing disruption to residents as a project goal. The failure to include these factors among the guiding project principles is a significant oversight. All of these criteria are slanted towards an intensive construction project geared solely towards the needs of CSX's business and not for our needs as residents of the District of Columbia. We urge that resident safety and minimizing resident disruption be included as guiding project criteria and, if they are not, we request a full and detailed explanation as to the reasons for not doing so. 36-3

A Rerouting Alternative Should Have Been Included in the DEIS

At least one rerouting option should have been selected for further review in the EIS process. The DEIS' reasons for removing these concepts from further consideration are not well-explained, nor particularly convincing, and do not satisfy NEPA requirements. 36-4

For instance, the discussion beginning on page 2-7 of the DEIS states that it is not feasible to stop train service as CSX does not own the other tracks needed for rerouting. This section, however, does not address the feasibility of sharing or renting tracks owned by other carriers. This section also states that common carrier obligations require CSX to continue train operations. What the section fails to acknowledge, however, is that common carrier obligations cannot be demanded if there is a physical impossibility to such requested service, such as a repair or expansion of the tunnel. Thus, any alleged common carrier obligations cannot form the basis for exclusion of a rerouting alternative. 36-5

Additionally, page 3-17 of the DEIS simply states that rerouting is not possible because a two-year rerouting agreement with Norfolk Southern "would be very difficult," but fails to explain why. The DEIS does not state the costs for any such rerouting. It does not state the degree of difficulty of obtaining a rerouting agreement. It does not state whether any such rerouting agreement has ever occurred. And it does not state whether CSX has approached Norfolk Southern about the possibility of such a rerouting arrangement. (It also fails to acknowledge that Norfolk Southern would also have a common carrier obligation and that the Surface Transportation Board can, and has, ordered temporary rerouting.) Without even these minimal explanations, the validity of removing this option is at question. We thus request that these questions be answered and analyzed in detail. 36-6

[1] We note that page 2-2 of the DEIS states that queues entering the western end of the Virginia Avenue Tunnel could cause delays in passenger rail service if trains were to be lined up towards the Long Bridge and the tracks that proceed to Union Station. The DEIS does not state, however, whether this has ever happened or the frequency of such occurrences and does not give projections of such delays if there were increased rail traffic. Such conjecture cannot demonstrate a purpose and need of the project. We request answers and facts on this important point. 36-7

Response to Comment 36-2:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 36-3:

Community disruption was included among the criteria. Criterion 7 differentiated the concepts in terms of their comparative duration of construction in the community immediately surrounding the tunnel.

Response to Comment 36-4:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 36-5:

Section 3.2.1.7 of the DEIS explained that a temporary re-routing is not practicable, and therefore, did not warrant detailed consideration.

Response to Comment 36-6:

Please see Responses 36-4 and 36-5.

Response to Comment 36-7:

Making the tunnel double stack capable allows twice the amount of intermodal container freight to be carried per train. Eliminating the single track bottleneck at the Virginia Avenue Tunnel increases the fluidity of both freight and passenger rail service on this portion of the network.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 3

Flaws in CSX's Purpose and Need Statement

CSX frames its Purpose and Need (P&N) statement entirely too narrowly, and in doing so, both overstates the challenges posed by the tunnel and invalidates the conclusions it draws from a successful project.

CSX cites on its VAT website that "The purpose of the project is to provide CSX with the ability to operate double-stack intermodal container freight trains on a vital segment of the nation's rail network, and eliminate a chokepoint caused by the Virginia Avenue Tunnel's single track. ... By creating a reconstructed Virginia Avenue Tunnel with a vertical height that will allow CSX to operate double-stack intermodal container freight trains, the railroad will be able to expand its capacity to transport freight ... And, because the new tunnel will re-establish a second set of tracks (the tunnel was originally constructed with two tracks), CSX will eliminate ***the*** chokepoint that currently delays all trains traveling through the Washington region." (Emphasis added - "THE" - implying the singular, only such point.)

CSX's P&N Statement declares as its second point: "Accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015."

Yet an expanded VAT will do neither of these things. If one examines the 2009 Mid-Atlantic Rail Operations (MAROPS) analysis, and the National Capital Planning Commission (NCPC) study, the only way to alleviate the chokepoint in DC is to go around it. And the MAROPS study notes that a successfully widened and deepened VAT does ***not*** eliminate the delays in the area, which are primarily caused by the Howard Street Tunnel ***not*** the VAT; further, the Howard Street tunnel's throughput delays trains by 20 minutes compared to the VAT's five.

Additionally, it should be noted that the Howard tunnel still requires single-stacked trains, so CSX is building a facility in Mount Clare to de-stack the northbound trains and re-stack the southbound ones.

In the P&N, CSX ignores all of this, and instead states that, "The single railroad track within Virginia Avenue Tunnel represents ***the single greatest*** constraint on rail headway (the frequency of passing trains within a given time period) on CSX's mainline freight rail network." 36-8

Response to Comment 36-8:

Many east coast ports are anticipating an increase in intermodal container traffic. On the CSX rail network, this intermodal container traffic will generally move from mid-Atlantic ports to the mid-West, not via the Howard Street Tunnel to the Northeast. A CSX proposal to build an intermodal facility in the Baltimore area would not be intended to de-stack northbound intermodal trains or restack southbound intermodal trains. Revised Section 3.7.1.7 demonstrates why this alternative was not given detailed consideration. This is a private project that requires permits from FHWA, DDOT and other federal and District agencies as appropriate. Therefore, expansion of passenger and commuter rail service is outside the scope of this project. However, the EIS should and does address relevant freight rail transportation and public impacts of this project.

In Section 2 of its P&N, CSX delves into the increases in sea traffic on the eastern seaboard as caused by a widening of the Panama Canal. However CSX omits the basic geographical flaw: a ship which docks at Baltimore will not be sending its rail traffic to the south. Those ships would have already bypassed five major eastern seaboard ports, all of which have major railheads: Jacksonville, Savannah, Charleston, Wilmington and Norfolk. One need only look at a map to realize that seaborne traffic docking at Baltimore is not going to substantively increase southbound trains through the VAT. 36-9

Response to Comment 36-9:

Please see response to Comment 36-8.

In section 3, the P&N cites requirements of Common Carrier obligations. The fundamental flaws in this section are several, including: (1) These obligations do not extend in situations where the capacity does not exist; and (2) The P&N fails to note that these obligations go both ways, i.e. Norfolk Southern has an obligation to provide "service upon reasonable request" as well, which speaks directly to CSX's unsustainable claim that rerouting options were not feasible. 36-10

Response to Comment 36-10:

Please see response to Comment 36-8.

For these reasons, the P&N statement alone is hopelessly flawed and fails to justify the project.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 4

Trains Should Not Run in an Open Trench

Out of the build alternatives presented, we believe that trains should not be allowed to run in an open trench during construction. We do not see any way that we can possibly live in our homes while trains are running in trenches night and day for three years within feet of our front doors.

Among other things, we are deeply concerned with issues such as air quality, air contaminants, hazardous materials, transportation of harmful material during construction, safety in case of accident or derailment, safety during construction (including continued emergency access to homes), noise impacts, health impacts from vermin or insects during construction, structural impacts upon our homes, utility disruptions, the impact of construction lighting, traffic impacts, pedestrian safety, security and terrorism impacts, the impact and encroachment on private property and public space, and the impact on our ability to sleep or reasonably inhabit our homes during construction. We believe there is no way, given the facts that have been presented to us in the DEIS, that these impacts can be adequately addressed for concepts that involve trains in open trenches. 36-11

Additionally, we are extremely concerned about the long time periods for any construction alternative and ask that the time periods be substantially reduced. The shortest period of construction mentioned in the DEIS was for 30-42 months, a very long time period for such a disruptive project to a residential community. At a previous public meeting, when asked what could be done to shorten the construction time period, a CSX representative stated that the time period could be dramatically shortened if more money were spent on crews and equipment. We emphatically ask that the final EIS require additional funds to be expended (including significant fines to be set aside for community improvements if CSX does not meet construction milestones throughout the process) and, as a result, provide for dramatically shortened time periods for all concepts. 36-12

Right of Way

We do not believe that CSX has a valid right of way to complete construction of any of the build alternatives. In our view, it is clear that the 1901 statute allowing for construction of the tunnel only contemplated the running of temporary tracks for the limited period of time allowed for construction of the original tunnel. CSX has not pointed the public to precedent or statutory language that would allow it to build a new set of temporary tracks or that would allow it to expand the tunnel past its original footprint, especially since the build alternatives contemplate a new tunnel anywhere from 7-25 feet south of the existing tunnel.[2] As such, we would appreciate answers to the following questions: 36-13

(1) If additional right of way is needed, who would grant the right of way?
(2) On what grounds will that decision be made and will there be opportunities for public input before the decision?
(3) Is there a process for appeal? and
(4) In what way(s) would the city and its residents benefit in return for any grant of right of way? 36-14

In sum, we strongly want transparency and an opportunity to comment before any final right of way decision is made. We also believe that our neighborhood's residents should be appropriately compensated for any additional right of way granted for this project. 36-15

[2] The statement on page 3-5 of the DEIS that any new tunnel would only be located on CSX-owned or public property has not been adequately proven in the DEIS. 36-16

Response to Comment 36-11:

Your concern about trains operating in an open trench is acknowledged. However, as noted throughout the DEIS, trains operating in an open trench (Alternatives 2 or 4) would not lead to violations of nationally accepted air quality standards, nor would it present health and safety risks to nearby residents and others who work or travel near or through Virginia Avenue SE. Alternative 3 does not require an open trench except for approximately 230 feet immediately east of the west portal. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Emergency access will be maintained and all affected residents of Capitol Quarters will be provided with temporary driveway access during construction. These driveways will be accessible to emergency response vehicles. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. The MOT plan will be approved by DDOT, and will include emergency access plans and necessary coordination with emergency responders.

The DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria at nearby residences, such as Capper Senior Apartments and Capitol Quarters. Therefore, extensive mitigation measures would be implemented as described in the DEIS. As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. DDOT, the agency largely responsible for overseeing construction, will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. As described in Section 5.10, a rodent control program will be implemented prior to the start of construction. The program will include other pests, such as cockroaches. None of the Build Alternatives requires the acquisition of private property, no private property will be occupied during construction, and there will be no building within the damage and annoyance vibration lines of the new tunnel. Questions regarding construction-related loss or impacts in property value will be addressed via the Residential Property Mitigation plan that is being developed. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruc-

continued on next page

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 4

Trains Should Not Run in an Open Trench

Out of the build alternatives presented, we believe that trains should not be allowed to run in an open trench during construction. We do not see any way that we can possibly live in our homes while trains are running in trenches night and day for three years within feet of our front doors.

Among other things, we are deeply concerned with issues such as air quality, air contaminants, hazardous materials, transportation of harmful material during construction, safety in case of accident or derailment, safety during construction (including continued emergency access to homes), noise impacts, health impacts from vermin or insects during construction, structural impacts upon our homes, utility disruptions, the impact of construction lighting, traffic impacts, pedestrian safety, security and terrorism impacts, the impact and encroachment on private property and public space, and the impact on our ability to sleep or reasonably inhabit our homes during construction. We believe there is no way, given the facts that have been presented to us in the DEIS, that these impacts can be adequately addressed for concepts that involve trains in open trenches. 36-11

Additionally, we are extremely concerned about the long time periods for any construction alternative and ask that the time periods be substantially reduced. The shortest period of construction mentioned in the DEIS was for 30-42 months, a very long time period for such a disruptive project to a residential community. At a previous public meeting, when asked what could be done to shorten the construction time period, a CSX representative stated that the time period could be dramatically shortened if more money were spent on crews and equipment. We emphatically ask that the final EIS require additional funds to be expended (including significant fines to be set aside for community improvements if CSX does not meet construction milestones throughout the process) and, as a result, provide for dramatically shortened time periods for all concepts. 36-12

Right of Way

We do not believe that CSX has a valid right of way to complete construction of any of the build alternatives. In our view, it is clear that the 1901 statute allowing for construction of the tunnel only contemplated the running of temporary tracks for the limited period of time allowed for construction of the original tunnel. CSX has not pointed the public to precedent or statutory language that would allow it to build a new set of temporary tracks or that would allow it to expand the tunnel past its original footprint, especially since the build alternatives contemplate a new tunnel anywhere from 7-25 feet south of the existing tunnel.[2] As such, we would appreciate answers to the following questions: 36-13

(1) If additional right of way is needed, who would grant the right of way?
(2) On what grounds will that decision be made and will there be opportunities for public input before the decision?
(3) Is there a process for appeal? and
(4) In what way(s) would the city and its residents benefit in return for any grant of right of way? 36-14

In sum, we strongly want transparency and an opportunity to comment before any final right of way decision is made. We also believe that our neighborhood's residents should be appropriately compensated for any additional right of way granted for this project. 36-15

[2] The statement on page 3-5 of the DEIS that any new tunnel would only be located on CSX-owned or public property has not been adequately proven in the DEIS. 36-16

Response to Comment 36-11 continued:

tion inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. As stated in Section 5.14 of the DEIS, every effort will be made to minimize service disruptions. The project team will follow the notification requirements of the affected utility companies and the public outreach program, and affected households will be informed if their utility services are disrupted, and any such disruption will not last more than a few hours on any given day. In addition, the project team's outreach program will be used to inform the public. Security lighting would be directed on the project construction area and not on adjacent residents or buildings and the project team will maintain a construction area in accordance with District and federal health and safety regulations. The traffic impact analysis provided in the DEIS was based on actual traffic counts. Prior to implementation, the MOT plan will be refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction. Please see revised Section 3.5.6 of the FEIS for more information on construction work hours.

Response to Comment 36-12:

The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended.

Response to Comment 36-13:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel. Refer to FEIS Appendix M which has been added to clarify construction phasing, right of way and maintenance of traffic.

Response to Comment 36-14:

Please see response to Comment 36-13.

Response to Comment 36-15:

Please see response to Comment 36-13.

Response to Comment 36-16:

Please see response to Comment 36-13.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 5

Safety

The DEIS does not state whether the appropriate emergency authorities (fire, police, and ambulance) have been in consultation with or have approved of the emergency access plans. Please provide additional information on this point and an opportunity for us and our neighbors to respond to any comments. 36-17

Additionally, the DEIS does not state how, even if the alleys are accessible through the makeshift entrances, emergency vehicles will be able to access the front of our homes, especially along Virginia Avenue. We request additional information on this issue too. 36-18

And, finally, we want to point out that besides our two-year-old daughter, there are many infants and children under the age of five living on Virginia Avenue. The DEIS does not adequately take their health and safety needs into account, and we request a more detailed examination and explanation of the impact upon them during any construction. 36-19

Noise

The noise study found in Appendix E of the DEIS demonstrates that all build alternatives will exceed the Federal Transit Administration (FTA) noise criteria (page 2) and that noise levels could be a "nuisance" (page 18). Because of the alleged existing 70 dBA noise level on Virginia Avenue, the NEPA agencies should think creatively about ways to reduce both construction noise and the current ambient noise level, so that increases in construction noise will not result in increases to overall levels above FTA noise criteria. 36-20

We believe that sound barriers should be placed on the freeway. Doing so would help alleviate some of the ambient noise, which will help keep total noise levels at an acceptable threshold. The sound barriers on the Woodrow Wilson Bridge could serve as a model for what could be placed on I-695.[3] We also view such a structure as a potential mitigation for the loss of the tree canopy along the freeway, which currently provides sound buffering to the neighborhood from highway traffic noise. 36-21

We also request that each homeowner in the affected area receive funds to install additional window soundproofing in our homes if we so choose. 36-22

Home Maintenance and Security

CSX has provided vague and unsatisfying answers relative to the claims process. The final EIS must include a detailed process for fair and prompt resolution of resolving homeowner claims that includes a neutral third party, the implementation of which should be a prerequisite for the issuance of construction permits. 36-23

Endorsement

We also specifically endorse the following comments made on the record by the following organizations: 36-24

[3] We also note that the original freeway plan was to include sound barriers but this part of the plan was never implemented. We urge that a commitment from DDOT for these barriers be included in the final EIS. 36-21

Response to Comment 36-17:

Emergency access will be maintained. All affected residents of Capitol Quarters will be provided with temporary driveway access during construction. These driveways will be accessible to emergency response vehicles. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. The MOT plan will be approved by DDOT, and will include emergency access plans and necessary coordination with emergency responders. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 36-18:

Maintaining emergency vehicle access is a required component of the MOT plan. The MOT plan will be refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained.

Response to Comment 36-19:

It is acknowledged that families with children live near the proposed construction area. The construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. The construction impact analyses for air quality and noise, factors that could affect human health, disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that the expected levels of emissions during construction would be well within the acceptable ranges in terms of cancer, chronic non-cancer, and acute health risks. For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria at nearby residences, such as Capper Senior Apartments and Capitol Quarters. Therefore, extensive mitigation measures would be implemented as described in the DEIS.

Response to Comment 36-20:

Mitigation measures, as described in Section 5.6, were proposed to reduce noise levels at sensitive receptors to below the FTA construction noise criteria. As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. DDOT, the agency largely responsible for overseeing construction, will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders.

Response to Comment 36-21:

The proposal to construct an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is excessive and unwarranted. The loss of trees along the highway does not attenuate noise from the highway and therefore the construction of noise barriers to deal with the pre existing highway noise is unnecessary.

Response to Comment 36-22:

Section 5.6.4 of the DEIS included information about noise mitigation or noise control management.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 6

(1) The comments passed by the ANC 6D vote on Sunday, September 22, 2013, with a 4-2 vote;
(2) Public Comments by Capitol Quarter Homeowners Association Phase 1; and
(3) The comments of the Committee of 100 on the Federal City, dated September 25, 2013. 36-24

Conclusion

The Draft Environmental Impact Statement (DEIS) contains numerous errors in analysis and fails to adequately protect us and our neighbors from the threats of public health, the environment, and public safety. The DEIS as written does not protect the public interest. We respectfully request the Federal Highway Administration, District Department of Transportation and all other government agencies with jurisdiction over this DEIS to place heightened scrutiny on this project given its close proximity to residential neighborhoods, the U.S. Capitol campus, the federal government, and important transportation access points.

Thank you for taking the time to read our comments, and we look forward to hearing from you.

Sincerely,

Raj Bharwani and Jessica Taylor
337 Virginia Avenue SE
Washington, DC 20003
raj.bharwani@gmail.com
jess.a.taylor@gmail.com
(202) 506-6042

Response to Comment 36-23:

The project team is committed to supporting a fair and equitable process for resolving claims related to this project. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 36-24:

Please see responses to those comment letters.

ID 37: Black

From: adrian black [ajblack84@gmail.com]
Sent: Thursday, September 19, 2013 11:52 AM
To: contact@virginiaavenuetunnel.com
Subject: Comment on the Virginia Avenue Tunnel Reconstruction Project

Good Day,

I would like to comment on the Virginia Avenue Tunnel Reconstruction Project – Traffic Operation Analysis Report. I am specifically interested in the Long Term Traffic Considerations Section 4.4 Commentary on Adjoining Roadway Operations.

The specific item I have an issue with is the consideration for turning the section of 4th St. SE, north of the Westbound Virginia Avenue SE into two way operation.

First, the Traffic Operation Analysis Report states that in relation to this section of 4th St. SE "two way flow may decrease safety over the short-term as pedestrians and motorists need a period of time to become familiar with the new traffic pattern A longer-term benefit to pedestrians in one-way operations is that the number of potential conflict points with vehicular traffic is lower than with two-way operations. This is because pedestrians do not have to watch for traffic in both directions, and potential hazards are from one side only. If 4th Street SE is converted to two-way operations, pedestrians may have a relatively higher risk for the short-term until they become fully familiar with the new traffic pattern."

As a resident of this area of Capitol Hill, living very close to this section of 4th St. SE, I am against turning this street into two way operation. This area is home to many small children, families and persons with disabilities. Also, because of the location of Results Gym, on 4th St. SE and G St. SE, this intersection is a very highly trafficked pedestrian crossing, with many people wearing headphones, reducing their ability to hear oncoming traffic. I believe that with the large number of pedestrian fatalities and injuries caused by automobiles in DC, there is no reason which warrants either a short term decrease in safety or a long term rise in the number of "potential conflict points with vehicular traffic". 37-1

Second, turning this section of 4th St. SE into two way operation would take away half of the on street parking on this stretch of the road. The availability of parking in downtown DC and the Capitol Hill area is a major issue which is only getting worse with time. This specific area around 4th St. SE is of particular concern because of its location next to Results Gym. Although there is a designated parking lot attached to the gym, it is common knowledge that gym members are consistently seen parking on the street, taking parking from residents. Loosing half of the parking spots from 4th St. SE would exasperate this problem.

Thank you,

1

Response to Comment 37-1:

Prior to implementation, the MOT plan will be refined and updated as the project moves forward. The MOT plan during construction does not propose to convert 4th Street SE into two-way operations. Phase 2 MOT will convert westbound Virginia Avenue SE between 6th and 8th Streets into two-way operation. The MOT plan will be adjusted as conditions warrant throughout the construction process.

ID 38: Carlson

From: Scott Carlson [scott.carlson@new-rule.com]
Sent: Wednesday, September 25, 2013 8:44 PM
To: Contact@virginiaavenuetunnel.com; Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: CSX Tunnel Construction

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 38-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 38-2 and it does not consider all reasonable alternatives, 38-3 most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 38-4 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 38-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Sincerely,

Scott Carlson

523 2nd St, SE

Washington, DC 20003

--
Scott N. Carlson, Esq.
Principal
NEW-RULE
ROL Consulting and Solutions
www.new-rule.com

Response to Comment 38-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 38-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 38-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 38-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 38-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

ID 39: Carr

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 39-1 39-2 39-3 39-4 39-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 39-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 39-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 39-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 39-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 39-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Sarah Carr and Yousef Master

148 E St SE

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 39-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 39-7 39-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 39-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 39-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 39-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 39-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 39-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 39-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 39-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 39-12

4

Response to Comment 39-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 39-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 39-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 39-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

39-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

39-13

Response to Comment 39-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

39-14

Response to Comment 39-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

39-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

39-15

Response to Comment 39-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain <u>specific</u> construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

39-16

Response to Comment 39-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

39-17

Response to Comment 39-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 39-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 39-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 39-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 39-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 39-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 39-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 39-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 39-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 39-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 39-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 39-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 39-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 39-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 39-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 39-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 39-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 39-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 39-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 39-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 39-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 39-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 39-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 39-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 39-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 39-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 39-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 39-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 39-28:

Emergency access will be maintained.

Response to Comment 39-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 39-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 39-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 39-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 39-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 39-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 39-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 39-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 39-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 39-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 39-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 39-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 39-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 39-42

9

Response to Comment 39-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 39-36:

Please see response to Comment 21-30.

Response to Comment 39-37:

Please see response to Comment 21-30.

Response to Comment 39-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 39-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 39-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 39-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 39-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 39-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 39-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 39-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 39-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 39-42

9

Response to Comment 39-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 39-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 39-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 40: Chen

From: shilohstark@gmail.com on behalf of Chen Stark [chenstark@gmail.com]
Sent: Wednesday, September 25, 2013 10:27 PM
To: contact@virginiaavenuetunnel.com
Subject: CSX Tunnel

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and 40-1
right of way. Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and 40-2
need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives 40-3
that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS 40-4
does not even address the broader safety, hazardous material, and environmental concerns that the NEPA
contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the 40-5
adverse environmental impacts created by the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote.

Sincerely,

Elke Chen and Shiloh Stark

925 4th Street SE

Washington, DC 20003

1

Response to Comment 40-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 40-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 40-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 40-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 40-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

ID 41: Chittick

From: jane101@comcast.net
Sent: Thursday, September 26, 2013 11:12 AM
To: Contact@virginiaavenuetunnel.com; Faisal hameed; Michael hicks; wellsthos@aol.com
Cc: rdstriton1@mac.com; qw2@verizon.net; samanderson@comcast.net; mpiquet2003 @yahoo.com; Donna Elliott; dwhiteman1942@gmail.com; Rhonda McMillion; kcroft12 @hotmail.com; dansaintg@gmail.com; amandakreynolds@yahoo.com; cmeteyer@usgs.gov; cking@wileyrein.com; dodiejones@mac.com; kep5@cornell.edu; mbelki@gmail.com; jenny cheek; Ruth Wasem; corcity@gmail.com; Newmancb@hotmail.com; william a hall; sandrzej@hotmail.com; Rodriguez7955 @verizon.net; suechase@earthlink.com; arthrhouse@aol.com; Imagesof6@att.net; renee smith; me chat; fwferret@gmail.com; jeanette howard; somerssd@aol.com; heatond@gmail.com; kristenEwhite@gmail.com; mmhonda@mail.house.gov; kirkvic@msn.com; cynpri@aol.com; applegate@usgs.gov; ha2027@columbia.edu; rick@eva.org; jschreifer@gmail.com; ppina18@yahoo.com; danmarkoff17@gmail.com; lauradeanp@gmail.com; shanakeefe@gmail.com; pkirby@comcast.net; nmb1201 @gmail.com; JGriffinEA@verizon.net; kimberly hunter3; ttlee leelyn; Bert Kubli; Mark McElreath; Scott Carlson; Sally Murray James; Tobie Meyer-Fong; mymeyerf@mindspring.com; Donna Barbisch; william phillips 44; nico@taoti.com; brent@taoti.com; jesslasko@yahoo.com; jbrownwine@me.com; kaptainkappus@netscape.net; ktreger@yahoo.com; rgiane@yahoo.com; herlysgianelli@yahoo.com; raul gianelli; agnese deleo; fdeleo@gmail.com; boucher nicole; aprather@politico.com; dkimball@armscontrol.org; j elizabeth b; heather claggett; kchinkle@gmail.com; Sarah Carr; jillcooperudall@me.com; matthew p redmond; Jessica Champa; benchampa@yahoo.com; LDmeinert@gmail.com; skeefe@theatlantic.com; mikekeefe7@yahoo.com; gkrughoff@gmail.com; christymitchell@gmail.com; mitchell preston; scherd@gmail.com; johnmfuher@gmail.com; erin barry; csyoho@cox.net; tsyoho@cox.net; Helena Smolich
Subject: CSX Tunnel Expansion

Please! Enough already!! We don't need a double-decker tunnel so you can expand by two-fold your awful trains.

We are in a RESIDENTIAL neighborhood bordering beautiful 9-acre Garfield Park, an oasis surrounded by Rte. 295 and your NOISY railroad (I just love the 2-3-4 AM whistles blown as the trains enter the tunnel!). FURTHERMORE you PROMISED to pick up all that construction debris and trash after your last construction project and NOTHING has been done. Why don't you take a walk there YOURSELVES.

GO VISIT. ALL OF YOU IN A BUS. SEE IF YOU'D LIKE TO LIVE THERE AND HAVE THE TUNNEL EXPANDED. (Let me know what you think). 41-1

See where we live
See the mess you've left
Sleep there in my house (guest room) and listen to the train whistles all night
Hear the rumble and screeches of the wheels on the tracks: you know how Mid-Westerners describe Tornadoes, don't you? Like a "rumbling freight train"

WHERE do YOU live??? Suburbia?? Birds chirping, grasshoppers fiddling, QUIET???

1

Response to Comment 41-1:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility. The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project. The DEIS included proposed mitigation measures to address the potential impacts of the project.

Go expand your freight, chemicals and industrial wastes elsewhere -- not next to a beautiful park in the middle of a RESIDENTIAL zone! 41-1

Jane R. Chittick, CFRE
101 Duddington Place, SE
Washington, DC 20003
(202) 544-1856 home
(202) 520-6901 cell

2

ID 42: Clarke

From: Colin Clarke [colinbclarke@gmail.com]
Sent: Sunday, August 04, 2013 9:23 AM
To: contact@virginiaavenuetunnel.com
Subject: Fwd: Comments on DEIS - Virginia Avenue Tunnel Reconstruction Proposal

Good morning,

I attended the Public Hearing on 31 July 2013 and would like to formally submit the comments below. I look forward to receiving a response. Thank you.

1) What page of the EIS has the aerial images and cross-sections showing the impacts on the street level in each of the scenarios before, during, and after construction? Such impacts as pedestrian/cycling/bus/vehicular traffic, aesthetic, tree removal, business impact, private residential property, Right-of-Way, noise, vibration, DC and CSX emergency response, etc. 42-1

2) How many temporary versus permanent jobs are created in each alternative scenario? 42-2

3) Which alternative is most cost-effective to CSX? 42-3

4) Which alternative is most cost-effective to the District of Columbia? 42-4

5) Is the most cost-effective CSX alternative the alternative that transports hazardous materials? 42-5

6) What are the types of approval required and by whom (which agencies) per alternative? How do they affect the timeline? 42-6

7) Does the EIS state the project intent/purpose in terms of where the freight final location is in each alternative? If not, it should. Is CSX trying to deliver freight through DC to NY and Boston, or delivering freight to DC and to Baltimore, in every alternative, for example? 42-7

8) What is the nature of freight in each alternative and what are the potential impacts in each possible emergency scenario? (hazardous materials, for example) 42-8

9) What are the human, social, and health impacts during construction and after construction when operations are at full capacity, in each alternative? For example: Vibration. Noise. Human hearing. What are the resulting mental health impacts on the elderly, children, those with various disabilities, and everyone else? 42-9

10) What are the health impacts on dogs and other pets, during and after construction when operations are at full capacity, in each alternative? 42-10

11) Is construction staging feasible adjacent to 100 I St SE? Isn't that enough space? The EIS should consider the feasibility of that space also with the possibility of relocating the CSX "Community Partnering Office," or at least stacking the trailers (multi-story) to waste less space. 42-11

12) Is construction staging feasible on the Architect of the Capitol power plant property when coal is no longer stored there after the conversion to natural gas? The EIS should address this. 42-12

13) Is construction staging feasible on the federal property where the House page residences were previously 42-13

1

Response to Comment 42-1:

Refer to the Construction Phasing exhibits in Appendix M in the FEIS that provide additional detail on the LOD, Tunnel excavation areas and Maintenance of Traffic (MOT). The DEIS states that Virginia Avenue SE and other affected areas will be restored to at least their pre-construction conditions. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 42-2:

The information requested can be found in Section 5.4 of the DEIS.

Response to Comment 42-3:

Section 3.3.1.7 of the DEIS provided cost information about Alternatives 2, 3 and 4.

Response to Comment 42-4:

The District is not providing any financing for the project.

Response to Comment 42-5:

The composition of freight passing through the District will not change as a result of this project. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District.

Response to Comment 42-6:

Sections 1.3 and 5.19 of the DEIS contain information about the government approvals needed for the project to proceed.

Response to Comment 42-7:

Section 1.2 of the DEIS explains the relationship of Virginia Avenue Tunnel with the larger freight rail network owned by CSX.

Response to Comment 42-8:

The composition of freight passing through the District will not change as a result of this project. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

From: Colin Clarke [colinbclarke@gmail.com]
Sent: Sunday, August 04, 2013 9:23 AM
To: contact@virginiaavenuetunnel.com
Subject: Fwd: Comments on DEIS - Virginia Avenue Tunnel Reconstruction Proposal

Good morning,

I attended the Public Hearing on 31 July 2013 and would like to formally submit the comments below. I look forward to receiving a response. Thank you.

1) What page of the EIS has the aerial images and cross-sections showing the impacts on the street level in each of the scenarios before, during, and after construction? Such impacts as pedestrian/cycling/bus/vehicular traffic, aesthetic, tree removal, business impact, private residential property, Right-of-Way, noise, vibration, DC and CSX emergency response, etc. 42-1

2) How many temporary versus permanent jobs are created in each alternative scenario? 42-2

3) Which alternative is most cost-effective to CSX? 42-3

4) Which alternative is most cost-effective to the District of Columbia? 42-4

5) Is the most cost-effective CSX alternative the alternative that transports hazardous materials? 42-5

6) What are the types of approval required and by whom (which agencies) per alternative? How do they affect the timeline? 42-6

7) Does the EIS state the project intent/purpose in terms of where the freight final location is in each alternative? If not, it should. Is CSX trying to deliver freight through DC to NY and Boston, or delivering freight to DC and to Baltimore, in every alternative, for example? 42-7

8) What is the nature of freight in each alternative and what are the potential impacts in each possible emergency scenario? (hazardous materials, for example) 42-8

9) What are the human, social, and health impacts during construction and after construction when operations are at full capacity, in each alternative? For example: Vibration. Noise. Human hearing. What are the resulting mental health impacts on the elderly, children, those with various disabilities, and everyone else? 42-9

10) What are the health impacts on dogs and other pets, during and after construction when operations are at full capacity, in each alternative? 42-10

11) Is construction staging feasible adjacent to 100 I St SE? Isn't that enough space? The EIS should consider the feasibility of that space also with the possibility of relocating the CSX "Community Partnering Office," or at least stacking the trailers (multi-story) to waste less space. 42-11

12) Is construction staging feasible on the Architect of the Capitol power plant property when coal is no longer stored there after the conversion to natural gas? The EIS should address this. 42-12

13) Is construction staging feasible on the federal property where the House page residences were previously 42-13

1

Response to Comment 42-9:

See revised sections in Chapters 5 and 7 for more information on construction and post-construction vibration and noise activities.

Response to Comment 42-10:

Pet impacts are beyond the scope of the EIS process.

Response to Comment 42-11:

At this time, adequate construction staging areas, which include CSX's Jersey Yard, have been identified.

Response to Comment 42-12:

The property identified in the comment is not required for construction staging.

Response to Comment 42-13:

No federal property will be used for construction staging.

located? The EIS should address this. 42-13

14) What community benefits will be provided by CSX in return for right-of-way lending or grants in addition to all of the pain and suffering that residents will endure before, during, and after construction? The EIS should address this and hold CSX accountable for providing more community benefits (those determined by consensus and agreed to by the community). 42-14

15) What is the timeframe for construction/impacts for each alternative/concept? The EIS should address this accurately and consistently throughout the document. 42-15

--
Colin B. Clarke, AICP
colinbclarke@gmail.com
Resident at 100 I (Eye) Street SE, Apt 802

2

Response to Comment 42-14:

The Virginia Ave Park will be restored, including the consideration of an official dog park, per direction of DPR. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 42-15:

The information requested is provided in Section 3.3.1.6 of the DEIS. This information was used to assess certain impacts disclosed in the DEIS.

ID 43: D'Ercole

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 43-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 43-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and 43-3 footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for 43-4 such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 43-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 43-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 43-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 43-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 43-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 43-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Nicole D'Ercole

No response required on this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 43-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.** 43-7
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 43-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 43-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 43-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 43-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 43-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 43-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 43-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 43-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 43-12

4

Response to Comment 43-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 43-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 43-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 43-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

43-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

43-13

Response to Comment 43-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

43-14

Response to Comment 43-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

43-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

43-15

Response to Comment 43-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

43-16

Response to Comment 43-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

43-17

Response to Comment 43-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 43-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 43-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 43-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 43-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 43-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 43-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 43-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 43-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 43-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 43-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 43-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 43-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 43-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 43-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 43-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 43-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 43-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 43-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 43-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 43-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 43-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 43-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 43-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 43-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 43-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 43-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 43-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 43-28:

Emergency access will be maintained.

Response to Comment 43-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 43-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 43-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 43-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 43-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 43-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 43-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 43-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 43-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 43-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 43-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 43-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 43-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 43-42

9

Response to Comment 43-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 43-36:

Please see response to Comment 21-30.

Response to Comment 43-37:

Please see response to Comment 21-30.

Response to Comment 43-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 43-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 43-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 43-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 43-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 43-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 43-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 43-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 43-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 43-42

9

Response to Comment 43-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 43-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 43-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 44: Darconte (1)

From: Anne & Bruce AOL [abmd330@aol.com]
Sent: Monday, September 23, 2013 9:00 PM
To: contact@virginiaavenuetunnel.com
Subject: Fwd: Missing ANC 6D meeting public notification on Virginia Avenue Tunnel Project Action

Please include the below correspondence in the official comments pertaining to the VAT DEIS. Thank you.

Anne & Bruce Darconte
419 K Street SE, WDC 20003

Begin forwarded message:

From: Anne & Bruce AOL <abmd330@aol.com>
Date: September 23, 2013 8:58:00 PM EDT
To: Andy Litsky <alitsky@aol.com>
Cc: Ed Kaminski <kaminskied@comcast.net>, ron_mcbee@hotmail.com, moffatt@verizon.net, donna.l.hopkins@gmail.com, misrhonda@yahoo.com, David Garber <dggarber@gmail.com>, seadsrole@gmail.com, gottlieb.simon@dc.gov, Charles Allen <CAllen@DCCOUNCIL.US>, Linda O'Brien <lobrien@dccouncil.us>, contact@virginiaavenuetunnel.com, Naomi Mitchell <nmitchell@dccouncil.us>
Subject: Missing ANC 6D meeting public notification on Virginia Avenue Tunnel Project Action

ANC 6D Chairman Litsky,

It has come to our attention that the ANC 6D Commission held an official meeting on Sunday, September 22, 2013 for the purpose of taking action on a project (Virginia Avenue Tunnel, a.k.a VAT project) impacting our Single Member District. Unfortunately, we were not notified that this meeting was being held nor that any official action impacting us would be taking place. To our knowledge, neither any official notification from the ANC nor from the local commissioner (David Garber) was made to the impacted community at large.

Can you please provide us with copies of the officially-required meeting notices that were sent in a timely manner to the relevant public? Please note that we are on the official ANC 6D distribution list, yet no notification was received. Additionally, we are on Commissioner David Garber's Navy Yard Neighbors group, and no notice was provided there either. 44-1

Second, if sufficient and required public notice of the September 22, 2013 meeting was not provided, then please advise on the impact and legality of the action taken at that time.

As you are aware, from past official minutes of the ANC 6D meetings, we have a relevant and important interest in this project, and even submitted official documentation on the issue for inclusion in your minutes of the meeting of September 9, 2013. As for the apparent September 22, 2013 meeting and action, we learned of the meeting and the "official" action on the VAT issue only AFTER the meeting occurred.

Our information came via Commissioner David Garber's social media posts, regarding the then past meeting

1

Response to Comment 44-1:

Thank you for providing your comment. Your comment has been noted. The project team is committed to operate a public outreach program to share information about the project and construction activities.

and the vote that had already taken place. Our elected representative and ANC Commissioner, David Garber even specified in the post, his "luck" at working with "such an engaged community who work together with (sic:him)." As a constituent, this is especlally troubling. Commissioner Garber has NEVER initiated and held a public, widely attended meeting on this issue. In fact, when asked at the September 9, 2013 ANC meeting about his engagement with the community at large on this issue and his proposed position and letter to the Federal Highway Administration, he did not answer this question as the official minutes should reflect. 44-1

We are, as you know, residents of Capitol Quarter Phase I. Therefore we, as do the entire community both in Capitol Quarter and beyond, have an interest in the issue and its impact on the community's continued development. We hope you can lend some insight into this notice oversight as well as provide some leadership on how it will be rectified both for this action as well as going forward. Obviously, as chair of this government group of elected officials, you have an obligation to ensure that the public's right to know has not been violated as well as to ensure that all public questions and input on the issue under consideration are expressed.

Thank you in advance for helping to resolve this situation for the benefit of all impacted residents and property owners in ANC 6D-07.

Anne and Bruce DarConte
419 K Street SE
Washington, DC 20003
abmd330@aol.com

2

ID 45: Darconte (2)

From: Anne & Bruce AOL [abmd330@aol.com]
Sent: Wednesday, September 25, 2013 9:48 PM
To: contact@virginiaavenuetunnel.com
Subject: VAT Comments on DEIS

FHWA:

We are writing in response to the DEIS dated July 2, 2013, regarding the Virginia Avenue Tunnel (VAT) Project.

First, we commend FHWA on the thoroughness and reader-friendliness of information included in the DEIS.

- It is clear that the questions that have been posed during the NEPA process are being answered in a thoughtful and complete manner.

- This is further testament to the strength of the NEPA law and the public involvement process inherent in it.

Second, we continue to support a speedy reconstruction of the VAT, as any further delays portend a potential failure in this aging tunnel. 45-1

- Such an unpredictable situation could be detrimental to the community, including the health, safety and quality of life of those living and working in Near Southeast.

- It is apparent and reasonable to conclude that the temporary inconvenience of this reconstruction project is consistent with the other construction that is expected and in-progress in our neighborhood as part of the 25-year build-out.

- Any delays in moving this project along swiftly will have negative impacts on other development projects in the community, both commercial and residential, and these delays could negatively impact our ever-increasing home values. In fact, our zip code, 20003, is the fastest selling zip code in all of the District of Columbia (Source: Urban Turf Report, September 20, 2013).

Third, we urge the FHWA to give serious consideration to selecting Alternative 3, Two New Tunnels, as the determined reconstruction approach. This alternative addresses so many of the issues raised by local residents in the NEPA public meetings.

- This alternative would minimize the time needed for construction, i.e., neighborhood inconvenience. 45-2

- Alternative 3 eliminates the repeated vocal concerns of neighborhood parents regarding running trains in an open trench, i.e., noise, children falling in, air quality, dirt, etc.

- Additionally, should there ever be an incident inside of the new VAT, the long-term safety and security benefits of a two-tunnel solution far outweigh the minimal movement south of the centerline of the tunnel.

1

Response to Comment 45-1:

Thank you for providing your comment. Your comment has been noted.

Response to Comment 45-2:

Thank you for providing your comment. Your comment has been noted. Alternative 3 has been selected as the Preferred Alternative.

- Last, the two-tunnel solution is more responsive to the commerce needs of our national economy and demands for goods by our nation's consumers.

Fourth, we remind you of the significant community support previously submitted by petition signators that reinforces many of the above-made points:

- A VAT reconstruction that happens sooner rather than later is in the best interests of the community at large. 45-2

- Respect for the NEPA process and the FHWA to fulfill both the letter and spirit of the law for protecting our community by adequately addressing the requisite issues raised by the public.

- The VAT reconstruction will result in long-term value and benefit for the community and the nation.

Those of us who live in the Near Southeast community are very fortunate. There are a variety of benefits available to us and to our families. Beautiful parks and recreational spaces, public concerts, movies and festivals, and dog parks abound. We can walk or bike to restaurants and shopping. Moving here, we all knew that we were moving into an area where construction is and will continue to be part of the experience, long after the VAT reconstruction is completed. We chose an urban lifestyle with its inherent parking issues over suburbia with private driveways. We chose to live close to busy streets and highways rather than in quiet cul de sacs.

We find it ironic that the two independent homeowner associations representing the separate and distinct Capitol Quarter communities could be so vastly different in their NEPA comments. Are the needs and interests of the two contiguous communities that vastly different, or is there a different line of reasoning and influence being used by the communities' leadership that results in their approaches to the VAT and how they express it? As Phase I homeowners, we are appalled and embarrassed by the behaviors expressed and irrational logic applied by our HOA and a small handful of residents relevant to the VAT project.

We respect dialogue that is informed, transparent, productive, and community-oriented. We trust the FHWA to give great weight to similar opinions and to recognize the clear and apparent distinctions between comments that:

- Are community-oriented rather than private property-oriented

- Seek to unite and resolve rather than divide and entangle

- Appreciate community benefits for recreation, schools, senior and disadvantaged populations and community landmarks over self-centered interests of those looking to dip into corporate pockets for personal financial gain.

- Are respectful over those that are slanderous and accusatory.

We support the purpose and need of this project and urge quick action to finalize a reconstruction alternative that can move forward without delay.

Thank you for the continued opportunity to provide input.

Anne and Bruce DarConte
419 K Street SE
Washington, DC 20003

2

ID 46: Davidowitz

From: Danielle Davidowitz [davidowitz018@yahoo.com]
Sent: Wednesday, September 25, 2013 11:28 PM
To: Anya Landau French
Cc: michael.hicks@dot.gov; faisal.hameed@dc.gov; contact@virginiaavenuetunnel.com
Subject: VAT DEIS Comment for submission, pasted and attached

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW
Suite 701
Washington, DC 20005
contact@virginiaavenuetunnel.com

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 46-1 Second, contrary to NEPA requirements, the DEIS fails todemonstrate a sufficient purpose and need for the project, 46-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 46-3 Fourth, the DEIS does

1

Response to Comment 46-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 46-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 46-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

not even address the broader safety, hazardous material, and environmental concerns that 46-4
the NEPAcontemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate 46-5
the adverse environmental impacts created by the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project. The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space. The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 46-6
-

2

Response to Comment 46-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 46-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Response to Comment 46-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.

1.

o
The vibration study says that there will be no impact to existing structures during construction yet it also states that it does not have sufficient information to predict overall vibration levels. 46-7 The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 46-8

o
The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 46-9

o
The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 46-10

•
What alternatives to the current options were considered, and why were they accepted or rejected? The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. 46-11 The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved.

•
Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project? We are deeply concerned 46-12 that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during*

3

Response to Comment 46-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 46-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 46-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 46-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 46-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 46-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 46-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 46-13

Response to Comment 46-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today; 46-14
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4thStreet SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
-

Response to Comment 46-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

4

Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;

•

Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements. 46-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 46-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specificconstruction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 46-16

1)
Noise and vibration mitigation

b)
Mimimize the impact of train schedules on residents and businesses. 46-17

c)
Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 46-18

d)
Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 46-19

e)

5

Response to Comment 46-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 46-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 46-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 46-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 46-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 46-20

2)
Traffic and Parking mitigation

a)
Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 46-21

b)
DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 46-22

3)
Health and Safety mitigation

a)
CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 46-23

b)
CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 46-24

c)
CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 46-25

d)
CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 46-26

e)
CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 46-27

f)
DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 46-28

4)
Residential and Business Quality of Life mitigation

a)
DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 46-29

b)
The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 46-30

5)

6

Response to Comment 46-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 46-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 46-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 46-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 46-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 46-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 46-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Accountability and dialogue

a)
The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 46-31

b)
CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 46-32

c)
CSX should consider incentives for early completion of construction and penalties for delays in construction. 46-33

d)
The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 46-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

2.
Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 46-35

3.

4.
Have District officials been informed about alternative routing that is being used for these cargoes? 46-36

5.

6.
Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor 46-37

7

Response to Comment 46-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 46-28:

Emergency access will be maintained.

Response to Comment 46-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 46-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 46-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 46-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 46-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 46-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 46-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 46-36:

Please see response to Comment 21-30.

Response to Comment 46-37:

Please see response to Comment 21-30.

railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy:http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 46-37

7.

8.
Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 46-38

9.

10.
Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 46-39

11.

12.
Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 46-40

13.

14.
Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site:

a.
Assuming an open-trench situation with chemical releases, which could impact nearby populations? 46-41

b.
Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

15.

16.
Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 46-42

1

Sent from my iPhone

On Sep 26, 2013, at 1:13 AM, "Anya Landau French" <anyakarina@juno.com> wrote:

Michael Hicks, Environmental Engineer
Federal Highway Administration

8

Response to Comment 46-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 46-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 46-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 46-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 46-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 47: Dellinger

From: Mark Dellinger [dellingermd@gmail.com]
Sent: Wednesday, September 25, 2013 8:25 PM
To: contact@virginiaavenuetunnel.com
Cc: Derek Rall; Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: Virginia Avenue Tunnel
Attachments: Draft DEIS Comments.docx

I would jump at the chance to ask any CSX executive or shareholder what they would think about an open, active train trench running through their own neighborhood. I guarantee it would make each and every one of them more carefully consider the impact of such an idea.

This is an absurd proposal for a quadrant of DC that is just barely beginning to find its identity. The economic impact to the neighborhood will be catastrophic.

Given the multiple alternatives, and the many questions raised in the attached DEIS, the suggestion that this is even an option (let alone that some think it's the most favorable), is wildly illogical.

Mark Dellinger

333 L St SE

Washington, D.C. 20003

202-341-4989

No response required for this section of comment

1

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 47-1

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.** 47-2
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 47-3

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

1

Response to Comment 47-1:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 47-2:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 47-3:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE.

47-4

Response to Comment 47-4:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours.

47-5

Response to Comment 47-5:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved.

47-6

Response to Comment 47-6:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the

47-7

Response to Comment 47-7:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

2

widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

47-8

Response to Comment 47-8:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;

47-9

Response to Comment 47-9:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

3

- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements. 47-9

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 47-10

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 47-11

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 47-12

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 47-13

4

Response to Comment 47-10:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 47-11:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 47-12:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 47-13:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 47-14

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 47-15

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 47-16

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 47-17

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 47-18

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 47-19

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 47-20

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 47-21

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 47-22

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 47-23

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 47-24

5

Response to Comment 47-14:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 47-15:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 47-16:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 47-17:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 47-18:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 47-19:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 47-14

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 47-15

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 47-16

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 47-17

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 47-18

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 47-19

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 47-20

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 47-21

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 47-22

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 47-23

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 47-24

5

Response to Comment 47-20:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 47-21:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 47-22:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 47-23:

Emergency access will be maintained.

Response to Comment 47-24:

Your suggestion will be considered as part of the public outreach program.

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 47-25

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 47-26

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 47-27

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 47-28

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 47-29

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 47-30
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 47-31

6

Response to Comment 47-25:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 47-26:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 47-27:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 47-28:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 47-29:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 47-30:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 47-31:

Please see response to Comment 21-30.

5.

6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 47-32

7.

8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 47-33

9.

10. Hav[illegible]een informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 47-34

11.

12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 47-35

13.

14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 47-36
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

15.

16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 47-37

7

Response to Comment 47-32:

Please see response to Comment 21-30.

Response to Comment 47-33:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 47-34:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 47-35:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 47-36:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 47-37:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 48: DiSabella, Heather

From: Heather DiSabella [hdisabella@gmail.com]
Sent: Tuesday, September 24, 2013 3:35 PM
To: contact@virginiaavenuetunnel.com
Cc: Marc Disabella
Subject: VAT Comments - From a mother and home owner on Virginia Ave

Parsons Brinckerhoff,

I am writing to you in regard to the Virginia Avenue Tunnel project being proposed on Virginia Ave SE, Washington DC 20003. I own a home at 335 Virginia Ave SE, directly on the proposed path of construction and open rail trench. The impacts of this project will directly affect me and my family for the duration of the 3-5 year project. **The only acceptable solution is the 'No Build Alternative'.** All other options lack sufficient data and should be removed from the DEIS. I agree with and support the letters from my fellow neighbors, Andrew Sheilds and Maureen Harrington, as well as our Capitol Quarter Phase 1 HOA and our ANC6D Commissioner David Garber.

As my husband, Marc DiSabella said in his letter, I also lack the legal expertise that many of my neighbors have. I am simply writing from the standpoint of a mother who lives in one of the many homes whose front door will be within feet of the open trench, for 3-5 years. I am sickened by the thought of this everyday. I recently quit my full time job to stay at home with my 7 month old son. That means that I essentially spend all day, every day at my home. No matter what time of day you plan to do your construction, I will be here listening to every drill, hammer and truck and train that drives by. I will see all of this from every room in my house. I will not be able to take my child outside to play in his front yard, I will not get to see him learn to walk, ride a bike or play tee ball in his front yard because of your construction. I will have a hard time putting him down for naps and getting him to sleep at his early bedtime because of construction noise and train activity. He won't get to enjoy having birthday parties or easter egg hunts in his yard, because of your construction. He is one of many little kids that live on this street and this neighborhood that will be affected.

Furthermore, I am worried about his health. A construction project of this nature will expose him to a multitude of pollutants and air toxins, as well as allergens and air born diseases. My husband is a pediatric neurologist at Children's Hospital and knows all too well the kind of threat this project poses to his health. My child is the most important thing in my life and as a mother the only thing I want for him is to thrive. This project could have severe impacts on the lives of little kids. Do you really want to be responsible for that? 48-1

There are countless other reasons I am concerned about...safety, loss of foot traffic to the new stores and restaurants, my home value, the compromised structure of my home, the loss of mature trees, etc. I could go on and on. There are so many reasons this project will have a negative effect on this community, but not one reason that our community will benefit from it. Not one.

In light of the events at the Navy Yard last week, this is an especially tragic time for our neighborhood. We are a strong group of individuals, seen as 'urban pioneers' for moving into a undeveloped neighborhood in DC. We've endured and will continue to endure construction in our neighborhood for years. Sidewalks close everyday for construction activity. We haul our strollers over patched up sidewalks and take the construction detours like we're asked. No one likes it, but in the end, its all worth it because a great new restaurant or grocery store opens in its place. But your project offers nothing to this community. The only people benefitting are the corporate moguls of CSX. Please don't ruin our homes, our health and our well being for the sole benefit of fattening your wallet. Its inhumane, and if it were your house you wouldn't stand for it either.

1

Response to Comment 48-1:

The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. Construction-period air quality emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring.

We are begging you to read these letters and take them to heart. Do the right thing. Will you be able to sleep at night knowing what you're doing to the lives of countless families in our community? I urge you to explore alternative solutions that are acceptable to everyone. Do not put our community through another terrible tragedy.

--

heather disabella
www.disabelladesign.blogspot.com

No response required for this section of comment

2

ID 49: DiSabella, Marc

From: Marc Disabella [mdisabella@gmail.com]
Sent: Monday, September 23, 2013 8:42 PM
To: contact@virginiaavenuetunnel.com
Cc: Marc DiSabella; Heather DiSabella
Subject: VAT comments from community member

Parsons Brinckerhoff,

These comments are in relation to the Virginia Avenue Tunnel project being proposed in SE Washington DC. I live at 335 Virginia Ave, SE, directly along the proposed path for the tunnel construction. **The only acceptable alternative for my family and me is the "No Build Alternative".** The remainder of alternatives are insufficient and do not allow for safe and inhabitable premises during construction and should be removed from the DEIS. I agree with the letters provided by Capitol Quarter Phase 1 HOA, Andrew Shields, and ANC6D David Garber unless otherwise stated below.

As opposed to my neighbors who have significant expertise in legalities, I have no such expertise. I am a child neurologist at Children's National in Washington DC and purchased this home, our first home ownership, three and one half years ago. At that time there was no mention of this tunnel or CSX, and knowing what I know now about the tunnel, would have abstained from this purchase. We were involved in the construction of this home and felt it would be a perfect place to settle down and raise a child. We now have a seven month baby and use our front yard, ie the Virginia Ave park, numerous times daily. We walk our dog there, we hold birthday parties in the park, we play tee ball with neighbors, and use it like any other park in the city. By placing construction barriers in the lawn and removing a large portion of it for years will be significantly detrimental to our home and neighborhood making it unlivable. The entire Navy Yard area is undergoing a major change and this project will set this back for years, if not decades. Closing pedestrian access and vehicle access will severely inhibit the ability of the neighborhood to advance as proposed. Nationals Baseball and local businesses (Justins, Gorden Biersch, Teak Thai, Bluejacket, Nandos, Park Tavern to name a few) all will rely on heavy traffic to the neighborhood as we have seen occur in the past two years. By allowing the project to occur as proposed in any alternative other than the no build option will surely derail this expansion and result in a repeat cycle of the failed Navy Yard vision seen in prior years.

My concerns with all alternatives other than no build are primarily safety based. No open trench construction is acceptable to my family. My wife runs a business from the home and cares for our son. Trains running in open trenches would not allow for us to continue our life in a reasonable way - she cannot work and have clients to her office, and our son would be at risk for asthma, hearing damage, botulism, and other rodent borne diseases. 49-1

A new DEIS needs to be created that takes into account the few blocks that are directly impacted (2nd to 4th St). In the current state of tunnel technology, the construction at least on these blocks could be completed underground. No alternatives such as this have ever been listed. 49-2 There is no need for double wide tunnels considering the plethora of nearby single track areas. These tunnels closer to our homes could compromise our foundations and result in damage or even collapse of our homes. 49-3

I would assume an actual human being has to read these comments. If you are this person, please think about this important decision and the fact that you can be a leader and make the right decision. You do not need to continue the group think or big business process everyone else has. As a fellow

1

Response to Comment 49-1:

Your concern about trains operating in an open trench is acknowledged. However, as noted throughout the DEIS, trains operating in an open trench (Alternatives 2 or 4) would not lead to violations of nationally accepted air quality standards, nor would it present health and safety risks to nearby residents and others who work or travel near or through Virginia Avenue SE. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. Alternative 3 has been selected as the Preferred Alternative, which does not utilize an open trench except for approximately 230 feet immediately east of the west portal. The program will include other pests, such as cockroaches.

Response to Comment 49-2:

The focus of this EIS is on the reconstruction of the Virginia Avenue Tunnel. Among the concepts considered were a tunnel under the entirety of DC as well as rerouting around the DC metropolitan area and they were not included as alternatives for this proposed action.

Response to Comment 49-3:

There will be no building within the damage and annoyance vibration lines of the new tunnel. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. The project team is committed to supporting a fair and equitable process for resolving claims related to this project.

human, consider the fact that at least 20 homes with families that will be destroyed by this decision. We will not be able to go outside of our homes in the day or night and enjoy the park we moved next to. Our homes could collapse and kill our children. Rodents can infect them with disease. And all to make a couple extra bucks for an already multibillion dollar railroad barren like those we now consider the flithiest criminals of all time in US history books. Make the right decision and put this terrible project to an end for the goodness of mankind. In a neighborhood recently struck by the tragedy of the Navy Yard shootings, please don't act like yet another criminal in our already unsafe world.

Marc DiSabella
335 Virginia Ave, SE

Marc DiSabella, DO
Assistant Professor, Pediatric Neurology
Associate Fellowship Program Director
Children's National Medical Center
111 Michigan Ave, NW
Washington, DC 20010
phone: 202-476-2120
fax: 202-476-2864
mdisabel@cnmc.org

No response required for this section of comment

2

ID 50: Duffy

From: Juliana Duffy [jules1651@gmail.com]
Sent: Wednesday, September 25, 2013 8:06 PM
To: Contact@virginiaavenuetunnel.com; Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: CSX tunnel concerns

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 50-1 Second, contrary to NEPA requirements, the DEIS fails todemonstrate a sufficient purpose and need for the project, 50-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 50-3 Fourth, theDEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPAcontemplates for such level of review. 50-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 50-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEISmust be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an

1

Response to Comment 50-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress.In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 50-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 50-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 50-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 50-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and completeEIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Juliana Duffy & Gene Magee

1108 3rd ST SE

Washington, DC 20003

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project. The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space. The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA andDDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 50-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**

1.

2

Response to Comment 50-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

o
The vibration study says that there will be no impact to existing structures during construction yet it also states that it does not have sufficient information to predict overall vibration levels. 50-7
The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 50-8

o
The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in theDEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 50-9

o
The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 50-10

•
What alternatives to the current options were considered, and why were they accepted or rejected? The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 50-11

•
Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project? We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on theNEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to 50-12

3

Response to Comment 50-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 50-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 50-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 50-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 50-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 50-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 50-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 50-13

Response to Comment 50-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4thStreet SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

50-14

Response to Comment 50-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

4

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 50-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specificconstruction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 50-16

1)
Noise and vibration mitigation

b)
Mimimize the impact of train schedules on residents and businesses. 50-17

c)
Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 50-18

d)
Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 50-19

e)
Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 50-20

2)
Traffic and Parking mitigation

5

Response to Comment 50-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 50-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 50-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 50-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 50-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 50-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

a)
Nearly all residents and businesses proximate to the LODrely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 50-21

b)
DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 50-22

3)
Health and Safety mitigation

a)
CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 50-23

b)
CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 50-24

c)
CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 50-25

d)
CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 50-26

e)
CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 50-27

f)
DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 50-28

4)
Residential and Business Quality of Life mitigation

a)
DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 50-29

b)
The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 50-30

5)
Accountability and dialogue

a)
The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 50-31

6

Response to Comment 50-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 50-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 50-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 50-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 50-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 50-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 50-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

b)
CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 50-32

c)
CSX should consider incentives for early completion of construction and penalties for delays in construction. 50-33

d)
The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 50-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THEDEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

2.
Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 50-35

3.

4.
Have District officials been informed about alternative routing that is being used for these cargoes? 50-36

5.

6.
Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy:http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 50-37

7.

7

Response to Comment 50-28:

Emergency access will be maintained.

Response to Comment 50-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 50-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 50-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 50-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 50-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 50-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 50-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 50-36:

Please see response to Comment 21-30.

Response to Comment 50-37:

Please see response to Comment 21-30.

8.
Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 50-38

9.

10.
Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 50-39

11.

12.
Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 50-40

13.

14.
Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site:

a.
Assuming an open-trench situation with chemical releases, which could impact nearby populations? 50-41

b.
Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

15.

16.
Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 50-42

1

8

Response to Comment 50-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 50-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 50-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 50-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 50-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 51: Epps

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 51-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 51-2 and it does not consider all reasonable alternatives, 51-3 most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 51-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 51-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 51-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 51-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 51-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 51-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 51-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

//SIGNED//

Albert Epps
926 4th St SE
Washington, DC 20003

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 51-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.** 51-7
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 51-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 51-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 51-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 51-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 51-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.,* Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 51-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 51-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 51-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 51-12

4

Response to Comment 51-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 51-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 51-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 51-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

51-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

51-13

Response to Comment 51-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

51-14

Response to Comment 51-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

51-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

51-15

Response to Comment 51-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

51-16

Response to Comment 51-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

51-17

Response to Comment 51-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 51-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 51-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 51-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 51-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 51-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 51-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 51-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 51-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 51-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 51-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 51-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 51-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 51-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 51-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 51-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 51-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 51-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 51-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 51-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 51-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 51-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 51-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 51-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 51-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 51-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 51-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 51-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 51-28:

Emergency access will be maintained.

Response to Comment 51-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 51-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 51-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 51-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 51-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 51-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 51-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 51-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 51-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 51-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 51-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 51-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 51-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 51-42

9

Response to Comment 51-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 51-36:

Please see response to Comment 21-30.

Response to Comment 51-37:

Please see response to Comment 21-30.

Response to Comment 51-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 51-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 51-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 51-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 51-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 51-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 51-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 51-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 51-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 51-42

9

Response to Comment 51-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 51-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 51-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 52: Fascett

From: Meredith Fascett [mfascett@gmail.com]
Sent: Wednesday, September 25, 2013 2:58 PM
To: michael.hicks@dot.gov; faisal.hameed@dc.gov; contact@virginiaavenuetunnel.com
Subject: Submission of Comments Regarding the July 2013 CSX Draft Environmental Impact Statement
Attachments: ANC 6D Virginia Ave Tunnel DEIS Letter.pdf

Michael Hicks, Environmental Engineer

Federal Highway Administration

District of Columbia Division

1990 K Street NW, Suite 510

Washington, DC 20006-1103

michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager

Project Development & Environmental Division

District Department of Transportation

55 M Street SE, Suite 400

Washington, DC 20003

faisal.hameed@dc.gov

Parsons Brinckerhoff

Attn: Virginia Avenue Tunnel Project

1401 K Street NW

Suite 701

Washington, DC 20005

contact@virginiaavenuetunnel.com

No response required for this section of comment

1

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's 52-1
current footprint and right of way. Second, contrary to NEPA requirements, the DEIS fails to 52-2
demonstrate a sufficient purpose and need for the project, and it does not consider all 52-3
reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the 52-4
timeframe and footprint of this massive construction project. Fourth, the DEIS does not even 52-5
address the broader safety, hazardous material, and environmental concerns that the NEPA
contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to
mitigate the adverse environmental impacts created by the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Meredith Fascett

909 4th St. SE

Washington, DC 20003

2

Response to Comment 52-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 52-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 52-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 52-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 52-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 52-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**

  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] 52-7 The noise study implies that operation of a freight train 52-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

1

Response to Comment 52-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 52-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 52-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 52-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.,* Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 52-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 52-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 52-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 52-12

2

Response to Comment 52-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 52-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 52-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 52-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

52-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

52-13

Response to Comment 52-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

52-14

Response to Comment 52-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

3

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements. 52-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Sincerely,

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 52-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 52-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 52-17

4

Response to Comment 52-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 52-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 52-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 52-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 52-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 52-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 52-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 52-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 52-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 52-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 52-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 52-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 52-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 52-28

4) Residential and Business Quality of Life mitigation

5

Response to Comment 52-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 52-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 52-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 52-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 52-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 52-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 52-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 52-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 52-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 52-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 52-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 52-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 52-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

6

Response to Comment 52-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 52-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 52-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 52-28:

Emergency access will be maintained.

Response to Comment 52-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 52-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 52-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 52-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 52-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 52-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 52-35

2. Have District officials been informed about alternative routing that is being used for these cargoes? 52-36

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 52-37

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 52-38

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 52-39

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 52-40

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 52-41
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 52-42

7

Response to Comment 52-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 52-36:

Please see response to Comment 21-30.

Response to Comment 52-37:

Please see response to Comment 21-30.

Response to Comment 52-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 52-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 52-35

2. Have District officials been informed about alternative routing that is being used for these cargoes? 52-36

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 52-37

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 52-38

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 52-39

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 52-40

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 52-41
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 52-42

7

Response to Comment 52-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 52-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 52-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 53: French, Anya

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW
Suite 701
Washington, DC 20005
contact@virginiaavenuetunnel.com

No response required for this section of comment

TRANSMITTED VIA ELECTRONIC MAIL SEPTEMBER 25, 2013 AT 9:15 P.M.

To Whom it May Concern:

As a founding member of the Van Ness Elementary School Parent Group, a co-founder of the child development program Toddlers on the Hill, and as a resident whose family and premises will undoubtedly be negatively impacted, I am deeply troubled by the Virginia Avenue Tunnel project planned by CSX Transportation Inc. (CSX). There is simply no denying the destructive impact that this extended reconstruction project will have on both the Navy Yard and Eastern Market communities, and beyond. We have an elementary school slated to re-open in 2015 just 2 blocks from the planned open trench, and substantial developments from parks to restaurants and grocery stores that draws many residents across Virginia Avenue every day, in both directions, with strollers, bicycles and even in their cars. This project is especially alarming to residents because the trains can carry hazardous materials, pollution will significantly increase. This project will wreak havoc on the daily commutes of thousands of workers coming into or leaving our communities, and it will be even worse still on the more than 80 days a year when traffic is already jammed for Nationals' home games. In summ, the tunnel project as currently proposed would be ruinous to the community fabric and quite frankly dangerous given the large numbers of very young children in the vicinity.

1

Furthermore, I wish to echo several points my fellow neighbors are raising concerning the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

After researching this project and consulting with others in my neighborhood, I am deeply troubled by this DEIS. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 53-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 53-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 53-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 53-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 53-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I WHOLEHEARTEDLY endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are pasted below this letter.

Sincerely,

Anya Landau French

929 5th Street SE

Washington, D.C. 20003

2

Response to Comment 53-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 53-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 53-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 53-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 53-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 53-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 53-7 53-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

4

Response to Comment 53-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 53-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 53-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 53-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 53-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 53-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 53-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 53-12

5

Response to Comment 53-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 53-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 53-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 53-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 53-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 53-13

Response to Comment 53-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today; 53-14
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

Response to Comment 53-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

6

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

53-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

53-15

Response to Comment 53-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain <u>specific</u> construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

53-16

Response to Comment 53-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

53-17

Response to Comment 53-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

7

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 53-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 53-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 53-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 53-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 53-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 53-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 53-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 53-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 53-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 53-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 53-28

4) Residential and Business Quality of Life mitigation

8

Response to Comment 53-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 53-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 53-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 53-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 53-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 53-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 53-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 53-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 53-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 53-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 53-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 53-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 53-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 53-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

9

Response to Comment 53-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 53-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 53-28:

Emergency access will be maintained.

Response to Comment 53-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 53-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 53-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 53-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 53-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 53-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 53-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 53-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 53-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 53-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 53-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 53-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 53-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 53-42

10

Response to Comment 53-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 53-36:

Please see response to Comment 21-30.

Response to Comment 53-37:

Please see response to Comment 21-30.

Response to Comment 53-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 53-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 53-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 53-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 53-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 53-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 53-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 53-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 53-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 53-42

10

Response to Comment 53-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 53-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 53-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 54: French, Christopher

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. **Second**, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. **Third**, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. **Fourth**, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 54-1 54-2 54-3 54-4 54-5

1

Response to Comment 54-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 54-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 54-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 54-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 54-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I fully endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

In addition to the above-referenced ANC comments, I have the following specific concerns I would like addressed by the Agencies / CSX:

1) **Alternative tunnel options:** Over the entire course of this process, only one tunnel concept has been presented to the public for comment / review. This option, "Concept 8," is conceived as a deep tunnel well below the existing VAT, and is ruled out because of the track slope restrictions to get to that depth would require a 9-mile-long tunnel. However, no shallower alternatives were presented. For example, it appears that a tunnel located directly under I-695 could be placed within a few feet of the elevation of the existing tunnel, which would eliminate the need for a long tunnel and would also allow the existing tunnel to remain in service as is through the duration of construction, with no open trench required. Taking this concept further presents another opportunity: tunneling to bury the stretch of 695 from South Capitol to 11th Street at the same time as construction of the new CSX tunnel. The party Agencies and CSX could share the costs, reducing the overall cost to CSX and providing a real benefit to the city by re-knitting together the fractured Capitol Hill neighborhoods north and south of the Freeway. 54-6

2) **Pollution/Safety:** Under no circumstances should double-stack or increased volume of trains be allowed in any open trench over the course of construction, due to the proximity of homes to the proposed open trench options. Volume and size of trains should be restricted to current levels or lower to ensure public health, safety & welfare throughout the construction period. 54-7

3) **Increased vibration:** On 5th Street just south of the proposed LOD's are ten solid masonry homes dating from 1890, 16 years prior to the completion of the original tunnel. These homes were not constructed to modern standards and may not have the ability to withstand persistent vibration caused by increased traffic volume and higher-capacity trains in such close proximity (<200' from the proposed new tunnel locations). Please provide a complete analysis of the possible impact of the worst-case vibration scenario (i.e. two trains of the highest capacity & longest length allowed, passing through the tunnel at the same time) on the structural stability of those homes. Similar structures can be found in close proximity to 54-8

2

Response to Comment 54-6:

The alternatives included in the DEIS, and their evaluation, are sufficient given the purpose and need of the Project. The focus of this EIS is on the reconstruction of the Virginia Avenue Tunnel. Among the concepts considered were a tunnel under the entirety of DC as well as rerouting around the DC metropolitan area and they were not included as alternatives for this proposed action.

Response to Comment 54-7:

Alternative 3 has been selected as the Preferred Alternative, which does not utilize an open trench except for approximately 230 feet immediately east of the west portal. As stated in Section 5.5 in the DEIS the air quality analysis predicts that neither construction nor post construction activities will exceed the General Conformity rules, emission thresholds, or exceed the thresholds set by the National Ambient Air Quality Standards.

Response to Comment 54-8:

Construction-related vibration or vibration from post-construction train operations are not predicted to cause damage to any building, including older buildings.The vibration monitoring conducted for the project provided the necessary information to evaluate the vibration impacts along the entire limits of disturbance. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

the proposed tunnel on 7th, 8th and 11th Streets.

4) **Prevention of catastrophic events:** Of the 8 criteria listed in the DEIS for selection of preferred options for consideration, catastrophe prevention/mitigation is conspicuously absent. CSX is proposing to dramatically increase its ability to transport caustic and toxic materials through the nation's capital, on a route that would carry these materials immediately adjacent to the Capitol, House and Senate Office Buildings, the Library of Congress, and the Supreme Court. One may argue the likelihood of an incident like the Lac-Megantic rail tragedy noted in the ANC comments below, but it is undeniable that Washington, DC is the highest-profile terrorist target in the world. This CSX proposal brings a potentially catastrophic source and quantity of hazmat chemicals within striking distance of the most critical governance infrastructure in our country. Because of this omission on its own, I believe that the selection criteria for Alternatives for consideration in the DEIS is flawed enough to require re-evaluation and re-scoring of the options, with this issue heavily weighted in the analysis. The potential risk to our country that this proposed expansion poses more than justifies the inclusion of alternative routing options (Concepts 9 and 10, the Indian Head and Dahlgren Alignments proposed by NCPC) for full consideration and analysis in the DEIS. Factoring the RISK - the potential cost / losses and the relative lack of security controls on freight transport may well justify the additional cost of a different alignment option that routes these materials outside Washington, DC. 54-9

Sincerely,

Christopher D. French
929 5th Street SE
Washington, DC 20003

3

Response to Comment 54-9:

The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 54-10

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**

  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict 54-11

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

4

Response to Comment 54-10:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 54-11:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

overall vibration levels.[4] The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 54-12

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 54-13
- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 54-14

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 54-15
- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates** 54-16

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

5

Response to Comment 54-12:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 54-13:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 54-14:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 54-15:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 54-16:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project? We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 54-16

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 54-17

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting; 54-18
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;

6

Response to Comment 54-17:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

Response to Comment 54-18:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE; 54-18
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 54-19

7

Response to Comment 54-19:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 54-20:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 54-20

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 54-21

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 54-22

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 54-23

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 54-24

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 54-25

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 54-26

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 54-27

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 54-28

8

Response to Comment 54-21:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 54-22:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 54-23:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 54-24:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 54-25:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 54-26:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 54-27:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 54-28:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 54-29

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 54-30

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 54-31

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 54-32

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 54-33

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 54-34

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 54-35

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 54-36

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 54-37

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 54-38

9

Response to Comment 54-29:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 54-30:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 54-31:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 54-32:

Emergency access will be maintained.

Response to Comment 54-33:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 54-34:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 54-35:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 54-36:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner.

Response to Comment 54-37:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 54-38:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 54-39

2. Have District officials been informed about alternative routing that is being used for these cargoes? 54-40

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf] 54-41

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 54-42

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 54-43

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long 54-44

10

Response to Comment 54-39:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 54-40:

Please see response to Comment 21-30.

Response to Comment 54-41:

Please see response to Comment 21-30.

Response to Comment 54-42:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 54-43:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 54-44

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 54-45
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 54-46

11

Response to Comment 54-44:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 54-45:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 54-46:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 55: Furman, David

From: David Furman [david.a.furman@gmail.com]
Sent: Wednesday, September 25, 2013 2:47 PM
To: contact@virginiaavenuetunnel.com
Cc: faisal.hameed@dc.gov; michael.hicks@dot.gov; kaminskied@comcast.net; eom@dc.gov; lauren.dudley@mail.house.gov
Subject: CSX Railroad comments

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 55-1
Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and 55-2
it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the 55-3
timeframe and footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, 55-4
hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS
fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 55-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Thank you,
David Furman
Navy Yard resident

1

Response to Comment 55-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 55-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 55-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 55-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 55-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

ID 56: Furman, Ila

From: Ila Furman [ila.furman@yahoo.com]
Sent: Wednesday, September 25, 2013 2:20 PM
To: contact@virginiaavenuetunnel.com
Cc: faisal.hameed@dc.gov; michael.hicks@dot.gov; kaminskied@comcast.net; eom@dc.gov; lauren.dudley@mail.house.gov
Subject: CSX Railroad comments

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 56-1
Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and 56-2
it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the 56-3
timeframe and footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, 56-4
hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS
fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 56-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Thank you,
Ila Furman
Navy Yard resident

1

Response to Comment 56-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue.In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 56-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 56-3

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 56-4

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 56-5

The DEIS included proposed mitigation measures to address the potential impacts of the project.

ID 57: Gilliam

From: Andrea Gilliam [andrea.l.gilliam@gmail.com]
Sent: Sunday, September 15, 2013 4:44 PM
To: contact@virginiaavenuetunnel.com
Subject: Public Comment for DEIS

Dear Ms. Hameed:

I reside at 1017 3rd Place SE. I write to support Capital Quarter Phase II HOA's Public Comment letter; in particular, I would like to reiterate the points about the health and safety of Capitol Quarter residents, including the potential pollution and safety hazards, the potential damage to homeowners property, the destruction of trees and need to replace them with trees of the same maturity, and the traffic concerns. I support the "No Build" Alternative, but in the event construction is chosen, I support Alternative 3. 57-1

As you know, this is a newer community, and we have already lost a significant number of mature trees due to development. I think it is particularly important that the trees your project will cut down are replaced with mature trees, and if possible, leaving the area with more trees and vegetation than once was here. 57-2 Also equally important are community spaces, such as parks, where dogs can run and kids can play. We already have a lack of area for teens and young adults to spend time, so closing the skate park will result in more young adults with no place to go. Please do everything you can to minimize the sound and other impacts on our community. Our community is counting on it. 57-3

Sincerely,
Andrea Gilliam
1017 3rd Place SE
Washington, DC 20003

1

Response to Comment 57-1:

With respect to the issues identified: air quality is addressed in Section 5.5 of the DEIS; construction safety is addressed in Section 3.3.1.5 of the DEIS; tree impacts and mitigation are addressed in Section 5.10 of the DEIS; and maintenance of traffic is covered in Section 5.15.3 of the DEIS. See Section 5.7.4 of the FEIS for more information on home inspections and the claims process. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 57-2:

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 57-3

Thank you for providing your comment. Your comment has been noted.

ID 58: Goldsmith

Jason Goldsmith and Hae Jung Moon
325 Virginia Ave, SE
Washington DC 20003

September 23 2013

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW, Suite 701
Washington, DC 20005

RE: Comments on the Virginia Avenue Tunnel Draft Environmental Impact Statement

As residents of the 300 Block of Virginia Ave SE, we would like to endorse the comments submitted by the Capitol Quarter Community Association (Homeowners' Association) Board of Directors, which is attached to this letter in Appendix A, and the letter of concern approved by ANC 6D on Sunday, September 22, 2013(not included in this document). In addition to the concerns raised in those letters, we would like to add extra emphasis to the items listed below. We believe that, due to numerous factual deficiencies and omissions, this DEIS is deficient and does not meeting the minimum guidelines set forth by NEPA, nor does it satisfy common sense requirements for a project of this magnitude and level of impact on the local residential and business community.

Our additional concerns are as follows:

- The DEIS fails to explain adequately why certain concepts were excluded from consideration as alternatives under the DEIS; the decision on which concepts to include appears to be entirely arbitrary and not based on finding the optimal solution for all impacted parties. In particular, options to re-route trains temporarily and permanently should have been given consideration, especially given the anachronistic nature of diesel freight trains running on tracks that scar an especially historic part of our nation's capital. At a minimum, a thoughtful explanation for the selection and elimination of concepts from consideration of alternatives evaluated for the DEIS must be proffered for this to be a complete and satisfactory document. 58-1
- Several maps in the DEIS (and in past project documentation) do not accurately reflect the current existence of residential structures and roadways. For example, Figure S-1, "Project Location" on page S-2 and Figure 1-1 "Location of the Existing Tunnel" on page 1-2 do not depict the houses/residents along the 300 Block of Virginia Ave or the alley entrances that residents of Square 0797 use to access their garages. This block includes private residences and apartment units administered by the DCHA. This block is within the LOD for this proposed project. This is either a grossly irresponsible oversight bordering on incompetence, or it is an intentional omission meant to deceive and mislead the public and decision-makers. 58-2
- A complete shutdown of Virginia Ave SE on the south side of I-695, which is directly in front of residences (ones missing from maps in the DEIS), will prevent emergency vehicles from quickly and easily reaching residents in need of emergency services from fire, police and/or medical response teams. A detailed emergency access plan that clearly articulates how fire, EMT, and police vehicles will access areas directly in front of affected residences (particularly on the 300 Block of Virginia Ave SE) must be outlined before any further consideration can take place. Failure to provide an adequate plan, rather than just vague commitments, will inevitably lead to slower response times; this will result in increasing the risk of grievous harm to residents in need of emergency assistance and an erosion of public faith in local fire, EMT and police emergency services. 58-3
    - This is entirely foreseeable and preventable.
    - Failure to address this will lead to CSX and its partners/contractors, and Federal and District agencies bearing a moral culpability, and potential legal liability, in the event of death or increased bodily or other injury that results from insufficient emergency response times.

1

Response to Comment 58-1:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts were selected for further consideration.

Response to Comment 58-2:

The base mapping used as figures throughout the DEIS are at a scale and were the most up to date available base mapping in the mapping application at the timeframe. Supplemental surveys and field reconnaissance confirmed existing features after the date of said base mapping. Issues pertaining to maintaining access to private driveway were addressed in Section 3.3.1.4 of the DEIS. The measures proposed are sufficient for identifying environmental impacts by NEPA.

Response to Comment 58-3

Maintaining emergency vehicle access is a required component of the MOT plan. The MOT plan will be refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction.

- o A significant population of Senior Citizens and young children, groups of people at high risk of medical emergencies, resides within the LOD. Careful planning must take place to ensure these populates are not placed at additional, undue risk; this DEIS fails to address those needs in an adequate manner. 58-3

- The superficiality and vagueness of the draft DEIS and its blasé, arbitrary dismissal of any concept that does not comport with CSX's own preferred plans shows that CSX and its partners do not take seriously its responsibility to protect public and environmental safety. If this were not true, reasonable consideration would have been given to options that re-route trains or other solutions that avoid running diesel-powered trains that haul open containers of coal and other potential flammable and explosive materials in an open trench mere feet away from occupied houses and apartments with families, senior citizens, and kids for several years. At the very least, the public is owed a detailed, reasoned, logical, fact-based explanation for the selection and dismissal of concepts selected for evaluation of alternatives would have been included in this DEIS.
  - o Presenting plans for safety and environmental impact mitigation after an alternative has been selected is far too late in the process and precludes consideration of alternatives that would optimize the health and safety of the local population and the environment.
  - o As it currently stands, it is hard to accept the DEIS as a good-faith effort to conduct a study of all alternatives that would best serve the interests of all parties, particularly those citizens and business whose lives and livelihoods will be severely negatively impacted, and potentially endangered, by this project for a period of several years. 58-4
  - o The DEIS does not present a good-faith plan to reduce environmental and safety impact on residents during construction – the DEIS contains only vague and half-hearted commitments to "try" or "do their best" to prevent harm and apply "best practices when practical"– that is simply not sufficient. CSX should be required to provide detailed plans for how they plan to mitigate environmental and safety risks (e.g., how will they prevent teenagers/kids from getting into the trench? What is the emergency action plan if there was a derailment in the open trench, especially while carrying hazardous or flammable materials?). Given the recent history of freight rail accidents and derailments, by CSX and its peers both within and outside the greater Washington region (see the Lac-Mégantic disaster in which dozens of bystanders were incinerated by a derailed train this past summer), this is of the utmost importance.
  - o There is a significant high-risk population of children and elderly residents in the neighborhood, particularly immediately along the planned construction zone.
  - o The DEIS fails to provide specific, detailed explanations of what state-of-the-art air, noise, visual and other environmental and safety impact mitigation tools and plans will be deployed before, during and after construction. Once again, presenting such plans after an alternative has been selected prevents meaningful consideration of other construction options that will optimize the health and well-being of residents and business within and near the LOD.

- The project duration is far too long and poorly structured to be considered reasonable and endurable for residents and businesses, both within the LOD and within several blocks of the LOD.
  - o The proposed running of trains in open trenches as discussed in the DEIS will make living within and near the LOD untenable and deprive residents of their right to enjoy their property and live normal, healthy lives. Describing any project with an impact of this nature that is scheduled to last anywhere from 2.5-5 years as "temporary" is both untrue and disingenuous. 58-5
  - o The project alternatives described in the DEIS will have the effect of retarding the economic development of a high-growth, dynamic, economically important neighborhood, both during and after the project. 58-6
  - o CSX needs to commit to binding timeframes that are far shorter in duration than what has currently been proposed, and do so without extending the hours of construction or the days of the week during which construction is planned. This commitment must be subject to financial penalty in order for it to have a meaningful impact. This will undoubtedly result in increased construction cost to CSX; however, by its own logic, this will address the urgency 58-7

Response to Comment 58-4:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts were selected for further consideration. The construction-period mitigation measures proposed throughout the DEIS satisfies NEPA. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. Alternative 3 does not require an open trench except for approximately 230 feet immediately east of the west portal. Environmental consequences of the project are addressed in Chapter 5 of the DEIS.

Response to Comment 58-5:

Alternative 3 does not require an open trench except for approximately 230 feet immediately east of the west portal. CSX wants to finish the project as soon as possible, but there are District regulations controlling when and how construction is conducted, which affect timetables. CSX is planning to use a number of construction crews along different locations along the corridor, which would expedite timetables.

Response to Comment 58-6:

Section 4.3 of the DEIS contained information about the effects to population and neighborhoods surrounding Virginia Avenue Tunnel. Please see Section 5.4 of the DEIS for a discussion on economic impacts.

Response to Comment 58-7:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

of this project, and enable CSX to quicken the financial return on its investment by hastening its ability to support its future business. 58-7

- The construction plan, such that it exists, foresees a West to East progression of construction. This plan maximizes the impact on residents of Capitol Quarter, the residents of several apartment buildings along the west portal of the tunnel, and DC government workers at 200 I Street SE. Any construction plan that focuses on mitigating and minimizing negative impacts on the local community will have to use an East to West approach. 58-8
- It is laughable that CSX presents its freight operations as a "public service", as indicated in the DEIS. CSX is a for-profit company; it is in business to make money and is embarking on this project for the sole purpose of increasing the amount of money it makes. Pretending that there is an altruistic motivation to serve the public is an insult to the intelligence of anyone who reads the DEIS.
- If project construction were to make it impossible for residents to live in their homes and businesses continue operations, this may constitute an unlawful taking of private property by a private enterprise without compensation to private property owners. Given that the benefits of this project accrue entirely to private entities and cannot reasonably be interpreted as being for the public benefit of the local community (at least not without rendering laws concerning property ownership absolutely meaningless), eminent domain could not be considered an option for this project. 58-9

- CSX had, and missed, a several-year window of opportunity to complete this project, a window during which this area was largely depopulated.
  - The reasons cited as driving the need for this project, such as the widening of the Panama Canal, are the same now as they were during the previous window of opportunity. In fact, had CSX planned appropriately, this project could have been finished in advance of the development of the Near Southeast neighborhood and in advance of the completion of the Panama Canal project.
  - CSX's greed and desire to obtain federal grants to complete the project led to delay. CSX - a profitable, multi-billion dollar corporation - claimed to have needed funding from the federal government for this project, yet, they are spending countless dollars for lobbying efforts and donations to churches and community organizations to buy their silence and/or support for this project.
  - The residents and business of this Neighborhood should not have to suffer for CSX's poor business decisions and greed.
- The discussion of traffic impacts in the DEIS is faulty, as it relies on outdated and factually deficient traffic information. Casual observation during rush hours shows the high auto volume that crosses this area during extended periods of time, which is exacerbated during frequent events at Nationals Park and other neighborhood venues. Construction will cause additional traffic flow impediments, which will both worsen the degree and duration of traffic congestion at all times, making travel to and from our homes increasingly difficult.
  - None of the traffic mitigation plans envision any vehicular transit directly in front of residences on the 300 block of Virginia Ave SE, which must be maintained for emergency vehicle access and for vehicular access to an alley through which residents of Square 0797 access garages. 58-10
  - Increased congestion will increase emissions from vehicles and cause further harm to local air quality.
  - The project will affect not just vehicle traffic, but also pedestrian traffic and cyclists; with the emergence of neighborhood amenities in Capitol Riverfront area including Yards Park (which is popular with kids, families, cyclists, runners, etc.), hundreds of people cross under the highway each day; what is the plan to ensure that the community can access the area from north of the highway over an open trench in a safe manner? Will the temporary bridges carry the same volume of auto, bicycle and pedestrian traffic as is handled currently?
- Environmental and health impact has not been addressed sufficiently – if CSX plans to double trains to 56 trains a day, emission of carbon monoxide and nitrogen oxides will be horrendous; this will affect not just people but also the historic buildings and monuments. Additionally, there 58-11

3

Response to Comment 58-8:

The construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 58-9:

Apprehension about project construction rendering homes unlivable and businesses inoperable is not supported by the evidence in the DEIS. This will be addressed via the Residential Property Mitigation plan that is being developed.

Response to Comment 58-10:

The traffic impact analysis provided in the DEIS was based on actual traffic counts. Prior to implementation, the MOT plan will be refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction. As stated in Section 5.5 in the DEIS the air quality analysis predicts that neither construction nor post construction activities will exceed the General Conformity rules, emission thresholds, or exceed the thresholds set by the National Ambient Air Quality Standards. The temporary bridges will accommodate the current volume of auto, bicycle and pedestrian traffic.

Response to Comment 58-11:

With or without the project, the amount of freight moving through the District will increase. Making the tunnel double stack capable does not equate to doubling train volume, but instead means that twice the amount of intermodal container freight would be carried per train. Additionally, eliminating the single track bottleneck at the Virginia Avenue Tunnel increases the fluidity of both freight and passenger rail service on this portion of the network and accommodates growth more efficiently, eliminating emissions associated with stopping and starting to pass through the single tracked tunnel and reducing potential emissions with double stack technology. As described in Section 5.5 of the DEIS, operational emission levels were predicted to be below U.S. Environmental Protection Agency General Conformity de minimis thresholds, and the National Ambient Air Quality Standards.

are pregnant women in the neighborhood now (including us) and there will be more pregnant women, as this is a community with growing families (on our block alone, 7 babies were born over the past 2 years). The health impact caused by the emission of such items in the air that we breathe will be horrendous. 58-11

- There are additional health and safety considerations should one of CSX's trains derail in the open trench, and CSX has not properly addressed these concerns. Should there be a derailment (and there have been several over the past year), the air and soil could be contaminated by chemicals being carried by the freight trains. Should there be an explosion, such as the one in Lac-Mégantic, Quebec (CSX carries flammable materials such as coal), lives could be lost with homes and families in a several block radius affected. 58-12
- The loss of mature, old growth trees will result in the loss of a highly effective freeway sound barrier – these trees cannot adequately be replaced by saplings five years from now, and the DEIS does not present any plans to mitigate the resulting increase in freeway noise penetration in the neighborhood due to the loss of these trees/sound barriers. 58-13
- The DEIS does not address any changed surface topography or its potential impact on the local area. 58-14
- While perhaps not a protected class under NEPA regulations, pets will also be adversely affected by this construction due to their sensitive hearing. Our dog will be terrorized by the constant construction noise. 58-15
- With respect to utility lines, it is very clear that multiple utilities have facilities within the LOD that serve residential, business and office premises. It is also clear that CSX and its partners have not consulted local utilities about this project. Presumably, utility facilities within and near the LOD would have to be moved during construction. The DEIS does not address in any meaningful or specific way when, how, or for how long utility line replacement would take place. This has obvious livability impacts on residents in this area, and much more specific information is required to address utility impact before this DEIS can be considered adequate. 58-16
- Lastly, we use the Virginia Ave Courtyard on the 300 Block of Virginia Ave SE as a park for our 4-year old son. The Courtyard was a big selling point when we decided to purchase our home in this still-developing neighborhood. We loved the idea of having a grassy yard right in front of our house that was big enough for our son to play in – we use the play area constantly for baseball, soccer, football, running races, etc. Our son also learned to ride his tricycle and scooter around the Courtyard, because it's one of the few safe places where kids can do that while staying safe and within sight. Our entire community uses the Courtyard for Easter egg hunts, birthday parties, community picnics, etc. The courtyard is a safe area where our son and the community's children can play, and where neighbors can congregate and develop a sense of community. Taking this space away for a period of years would cause real harm to the significant portion of our neighborhood that makes use of this space on a regular basis. 58-17

Thank you for consideration of our comments.

Sincerely,

Jason Goldsmith and Hae Jung Moon, concerned community members and parents to a 4-year-old and a to-be-born baby

CC:
Delegate Eleanor Holmes Norton
Mayor Vincent Gray
Deputy Mayor Victor Hoskins
ANC 6D
Mike Hicks, FHA
Faisal Hameed, DDOT
Jamie Henson, DDOT
DC City Council

Response to Comment 58-12:

Alternative 3 does not require an open trench except for approximately 230 feet immediately east of the west portal. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 58-13:

Tree zones need to be at least 100 feet wide in order to perceptibly reduce noise levels. As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 58-14:

The DEIS states that Virginia Avenue SE and other affected areas will be restored to at least their pre-construction conditions. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 58-15:

Thank you for providing your comment. Your comment has been noted.

Response to Comment 58-16:

The project's design team has coordinated with the affected utility companies. Section 5.14 of the DEIS sufficiently disclosed the utility impacts of the project for NEPA purposes. The level of engineering conducted to date cannot answer questions about how long particular customers would be affected by a utility disruption.

Response to Comment 58-17:

The temporary use of portions of this public space for construction is acknowledged.

Appendix A: Letter from Capital Quarter Community Association

Capitol Quarter

Community Association

September 17, 2013

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW, Suite 701
Washington, DC 20005

RE: Comments on the Virginia Avenue Tunnel Draft Environmental Impact Statement

The Capitol Quarter Community Association (Homeowners' Association) Board of Directors (HOA) submits this letter on behalf of the residents of the first phase of the Capitol Quarter neighborhood in response to the Draft Environmental Impact Statement (DEIS). We incorporate by reference the statements and concerns noted in our previous filings in this document. Also, in addition to the HOA's concerns, several Capitol Quarter residents are likely to submit additional comments given the extent of concern among our community.

No response required for this section of comment

By this point, you are aware of the demographics and location of the Capitol Quarter community, including the extreme impact that any build alternative will have upon our ability to live in our homes.[1] This comment on the DEIS will address four primary areas: (1) the alternatives chosen for inclusion in the DEIS; (2) specific concerns about the build alternatives presented; (3) additional information requested and needed; (4) additional mitigation and community benefits in the event construction were to proceed; and (5) withdrawal of the current VAT DEIS and issuance of a Supplemental Environmental Impact Statement (SEIS) or a new DEIS that addresses the concerns outlined in this comment.

I. The Alternatives Chosen for the DEIS

A. <u>We Continue to Support a No Build Option</u>

We continue to believe that a no build option should be chosen. Any build option will pose extreme environmental, health, safety, traffic, and construction concerns that we have previously identified. This project as proposed cannot proceed without significant

[1] We do not believe, however, that the Limits of Disturbance (LOD) identified in the report is procedurally or substantively proper. The entire Capitol Quarter community will be severely impacted by the construction and should be included within the LOD area. As one specific instance of the LOD's severe and undue limitations, we note that the triangle park at 4th and Virginia SE (Reservation 122), although only feet from construction, was not included in the LOD.

environmental, traffic, and human impact, and we thus urge that the no build option be chosen as the preferred alternative.[2]

The DEIS sets forth eight criteria for the project, which guide the alternative selection process (page 3-4). None of these eight criteria, however, include resident safety or minimizing disruption to residents as a project goal. The failure to include these factors among the guiding project principles is a significant oversight. All of these criteria are slanted towards an intensive construction project geared solely towards the needs of CSX's business and not for the needs of residents of the District of Columbia. We urge that resident safety and minimizing resident disruption be included as guiding project criteria and, if they are not, we request a full and detailed explanation as to the reasons for not doing so. 58-18

Response to Comment 58-18:

Thank you for your response. Your comment is noted. Safety is always a primary consideration in project development and therefore, would not be a differentiator in evaluating the concepts. Community disruption was included among the criteria. Criterion 7 differentiated the concepts in terms of their comparative duration of construction in the community immediately surrounding the tunnel. In addition to Section 3.3 of the DEIS, Section 5.3 was revised in the FEIS to include the safety aspects of the project. Resident safety and minimizing resident disruption will continue to remain a priority for the project team.

We also note that the DEIS is internally inconsistent when discussing the non-business rationales for building a new tunnel. Specifically, in section 3.1, the DEIS claims that the tunnel project needs to go forward because, "given its 100-year plus age, the tunnel could require emergency or unplanned repairs at some point in the future to maintain commercial freight movements and protect the safety of railroad personnel and the public." As the sole evidence supporting this claim, the DEIS cites a 1985 incident in which part of the tunnel apparently collapsed. However, in discussing the purpose and need for the project in section 2.1.3, the DEIS notes that "overall structure [of the tunnel] is in relatively good shape" and only vaguely gestures toward visible wear and tear and now-obsolete construction methods as posing imminent problems. More importantly, the DEIS specifically disclaims both any danger of collapse and the relevance of the 1985 incident, stating "the tunnel is in no danger of collapsing in part due to tunnel reinforcements and reconstruction made in late 1985 and early 1986." Accordingly, the only specific evidence cited by the Draft EIS to support the possibility of imminent tunnel collapse, the 1985 incident, is discredited by the DEIS itself. 58-19

Response to Comment 58-19:

The physical conditions of the tunnel described in Section 2.1.3 of the DEIS were based on information obtained through engineering inspections. The fact that the tunnel is showing evidence of "distress" and yet the "overall structure [of the tunnel] is in relatively good shape" are not inconsistent. The evidence of distress is early indicators that the tunnel needs to be replaced. The evidence does not suggest there is an immediate danger that any section of tunnel would collapse. Adopting Alternative 1 will result in an increased risk of structural failure over time. A new modern tunnel will have a lower risk of structural failure.

In the absence of specific evidence, the DEIS in section 2.1.3 relies solely on conjecture, asserting that "a major structural deficiency could materialize over the next few decades, possibly due to the continued aging of the tunnel's masonry structure." The direct discussion of the no build option in section 3.1 is no better, adding only that "the tunnel would eventually require rehabilitation or replacement, which may occur under an unplanned condition, and possibly at a time when the surrounding neighborhood is more fully developed with increased traffic as a result." Not only are these arguments entirely speculative, but they are so vague as to be applicable to all the alternatives. "[A] major structural deficiency could materialize over the next few decades" in a rebuilt tunnel, and a rebuilt tunnel would similarly "eventually require rehabilitation or replacement, which may occur under an unplanned condition." In sum, what little evidence the DEIS provides in

[2] We note that page 2-2 of the DEIS states that queues entering the western end of the Virginia Avenue Tunnel could cause delays in passenger rail service if trains were to be lined up towards the Long Bridge and the tracks that proceed to Union Station. The DEIS does not state, however, whether this has ever happened or the frequency of such occurrences and does not give projections of such delays if there were increased rail traffic. Such conjecture cannot demonstrate a purpose and need of the project. We request answers and facts on this important point. 58-20

Response to Comment 58-20:

Although delays do not currently occur due to available time for scheduling windows for passenger service, Virginia Avenue Tunnel is a bottleneck and inhibits the flow of train traffic. Future growth is likely to cause these windows to shrink and create potential conflicts. The reconstruction of this tunnel, particularly with two tracks, will provide additional capacity for freight movements.

section 3-1 to discount the no-build option is contradicted by the report itself. Thus, the DEIS has not shown a demonstrable purpose and need for the project. 58-20

B. A Rerouting Alternative Should Have Been Included in the DEIS

At least one rerouting option should have been selected for further review in the EIS process. The DEIS's reasons for removing these concepts from further consideration are not well-explained nor particularly convincing and do not satisfy NEPA requirements.

For instance, the discussion beginning on page 2-7 of the DEIS states that it is not feasible to stop train service as CSX does not own the other tracks needed for rerouting. This section, however, does not address the feasibility of sharing or renting tracks owned by other carriers. This section also states that common carrier obligations require CSX to continue train operations. What the section fails to acknowledge, however, is that common carrier obligations cannot be demanded if there is a physical impossibility to such requested service, such as a repair or expansion of the tunnel. Thus, any alleged common carrier obligations cannot form the basis for exclusion of a rerouting alternative.

Additionally, page 3-17 of the DEIS simply states that rerouting is not possible because a two-year rerouting agreement with Norfolk Southern "would be very difficult," but fails to explain why. The DEIS does not state the costs for any such rerouting. It does not state the degree of difficulty of obtaining a rerouting agreement. It does not state whether any such rerouting agreement has ever occurred. And it does not state whether CSX has approached Norfolk Southern about the possibility of such a rerouting arrangement. (It also fails to acknowledge that Norfolk Southern would also have a common carrier obligation and that the Surface Transportation Board can, and has, ordered temporary rerouting.) Without even these minimal explanations, the validity of removing this option is at question. We thus request that these questions be answered and analyzed in detail.

A combination of the earlier rerouting options should be included in the EIS process to allow for a full public examination of the options. Specifically, we urge that a combination (and variation) of concepts 7A, 7B, and 11 either be considered or that the NEPA agencies provide factual, documentary evidence of the basis for their exclusion as reasonable alternatives. During construction, trains could be rerouted through Union Station (7A), could be rerouted on existing rail lines (7B), and could be rerouted on existing lines in conjunction with the use of truck traffic only during the limited period of time that the tunnel is being rebuilt (a variation of 11, as that option only concerned permanent rerouting).

Because no rerouting alternative was included in the DEIS, the NEPA process will not reveal whether simply rebuilding the tunnel without having to also build a temporary track might result in an environmentally superior approach or a much shorter period of construction. If that were true, then the claims that the overall environment, or the overall movement of freight, would suffer from rerouting might be exaggerated. For instance, if an option were chosen that would only reroute traffic during construction, and that option might shorten the construction period by a year or more, then that option might best satisfy

7

Response to Comment 58-21:

58-21 As described in Section 2.3 of the DEIS, CSX must maintain at least the same level of freight rail transportation service to its customers throughout construction. The three Build Alternatives met this requirement, whereas Concept 7 did not. It was eliminated from further consideration because it would not be able to maintain nearly the same level of freight service due to substantial mileage increases. Please see Section 3.2 of the DEIS for further information.

the needs of all interested stakeholders. At a minimum, these alternatives certainly warranted inclusion in the DEIS. 58-21

II. Build Alternatives Presented in the DEIS

Although we continue to urge that a no build option is in the best interest of the District of Columbia and the residents affected by this project, at this stage of the process we would like to address concerns we have with the three build alternatives presented in the DEIS.

A. Trains Should Not Run in an Open Trench

As we have mentioned previously, out of the build alternatives presented, we believe that trains should not be allowed to run in an open trench during construction. We do not see any way that residents can possibly live in their homes while trains are running in trenches night and day for three years within feet of their front doors. Among other things, we are deeply concerned with issues such as air quality, air contaminants, hazardous materials, transportation of harmful material during construction, safety in case of accident or derailment, safety during construction (including continued emergency access to homes), noise impacts, health impacts from vermin or insects during construction, structural impacts upon our homes, utility disruptions, the impact of construction lighting, traffic impacts, pedestrian safety, security and terrorism impacts, the impact and encroachment on private property and public space, and the impact on residents' ability to sleep or reasonably inhabit their homes during construction. We believe there is no way, given the facts that have been presented to us in the DEIS, that these impacts can be adequately addressed for concepts that involve trains in open trenches. 58-22

Alternative Three involves rebuilding the current tunnel and building a single track tunnel to the south of the existing tunnel. As we stated in our filing last year, between the two bad choices of trains running in an open trench and Concept Five (now Alternative Three), we have no choice but to believe that this is the least noxious build option presented to us.

In stating that this alternative is the least bad choice presented to us, we note that we are deeply concerned with the vibrations and potential safety impacts as a result of a new train tunnel running, with increased double-stacked traffic, closer to our homes, as would be the case under this alternative. 58-23 We believe that the final EIS should require state-of-the-art construction methods and materials and that any construction plans or vibration studies should be independently evaluated by an expert of our choosing that would be paid for by CSX as part of the NEPA process. 58-24 We also note that the DEIS has not adequately addressed the potential long-term impacts upon residences of this alternative and believe that NEPA procedural requirements have not been satisfied in this regard. 58-25

However if Alternative Three, or any build alternative is chosen, CSX should be required to reroute as much of its train traffic as possible during the construction period. Our understanding is that, at a minimum, two trains per day may be rerouted through Union Station on CSX lines and an additional one-third of CSX capacity may be rerouted onto the Norfolk Southern lines. The NEPA agencies should mandate that CSX contract for at least 58-26

Response to Comment 58-22:

Your concern about trains operating in an open trench is acknowledged. However, as noted throughout the DEIS, trains operating in an open trench (Alternatives 2 or 4) would not lead to violations of nationally accepted air quality standards, nor would it present health and safety risks to nearby residents and others who work or travel near or through Virginia Avenue SE. Alternative 3 does not require an open trench except for approximately 230 feet immediately east of the west portal. The project team will maintain a construction area in accordance with District and federal health and safety regulations. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

Response to Comment 58-23:

Your concern about the vibration effects and safety of the new tunnel under Alternative 3 (the Preferred Alternative) is acknowledged. As described in Section 5.7 of the DEIS, trains passing through the new tunnel under the Preferred Alternative are not predicted to cause vibration impacts at any nearby structure. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. With the exception of construction-period train operations under Alternative 2, a different methodology was used to predict vibration impacts from construction activities.

Response to Comment 58-24:

Modern construction methods will be used, such as the use of drilled piles, which produce lower noise levels than traditional piling. DDOT will provide oversight of construction plans and activities. The DEIS disclosed the long-term effects of the project. Essentially, at the conclusion of construction, the environment will return to pre-construction conditions.

Response to Comment 58-25:

Please see revised section 5.7 of FEIS for vibration concerns.

Response to Comment 58-26:

The difference in envrionmental impacts that would result from having two or three fewer trains on average per day traversing through the Virginia Avenue SE corridor during construction would be neglible. With respect to rerouting see revised Section 3.7 in the FEIS.

this much rerouting during construction. Doing so would achieve at least some reduction of the environmental impact to the construction site itself and also would provide a financial incentive for CSX to complete the project in as timely a manner as possible. 58-26

Additionally, we are extremely concerned about the long time periods for any construction alternative and ask that the time periods be substantially reduced. The shortest period of construction mentioned in the DEIS was for 30-42 months, a very long time period for such a disruptive project to a residential community. At a previous public meeting, when asked what could be done to shorten the construction time period, a CSX representative stated that the time period could be dramatically shortened if more money were spent on crews and equipment. Even though we mentioned this in previous public comments, the DEIS does not conduct a cost-benefit analysis for what steps could be taken to reduce the construction time frame. We emphatically ask that the final EIS require additional funds to be expended (including significant fines to be set aside for community improvements if CSX does not meet construction milestones throughout the process) and, as a result, provide for dramatically shortened time periods for all concepts. 58-27

If the goals of this project are to reduce environmental impact from increased freight and facilitate interstate commerce, as CSX has stated, then those objectives will be reached more rapidly if the construction period is shortened. Additionally, we as homeowners and individuals would be willing to consider enduring the possibility of greater construction annoyances for a reduced period of time, creating a net benefit for all parties involved. Thus, we strongly request that any construction concept be limited to no more than a 12-18 month time frame while recognizing that invasive construction must still be limited in hours as residents still need to live and sleep in their homes.

Response to Comment 58-27:

The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended.

B. Right of Way

We do not believe that CSX has a valid right of way to complete construction of any of the build alternatives. In our view, it is clear that the 1901 statute allowing for construction of the tunnel only contemplated the running of temporary tracks for the limited period of time allowed for construction of the original tunnel. CSX has not pointed the public to precedent or statutory language that would allow it to build a new set of temporary tracks or that would allow it to expand the tunnel past its original footprint, especially since the build alternatives contemplate a new tunnel anywhere from 7-25 feet south of the existing tunnel.[3] 58-28

We have repeatedly requested additional information about how any decision concerning the right of way will be made and how the public will be compensated for any taking or encroachment. We repeat our previous calls for answers to the following questions: (1) if additional right of way is needed, who would grant the right of way?; (2) on what grounds will that decision be made and will there be opportunities for public input before the decision?; (3) is there a process for appeal?; and (4) in what way(s) would the city and its residents benefit in return for any grant of right of way?. In sum, we strongly

Response to Comment 58-28:

The reasons for constructing the tunnel are documented in Chapter 2, Sections 2.1-2.3, Purpose and Need. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

[3] The statement on page 3-5 of the DEIS that any new tunnel would only be located on CSX-owned or public property has not been adequately proven in the DEIS.

9

want transparency and an opportunity to comment before any final right of way decision is made. We also believe that the public should be appropriately compensated for any additional right of way given for this project. 58-28

III. Additional Information Needed

Throughout the NEPA process, we have asked many questions about construction techniques, mitigation, and process, most of which have still not been answered in the DEIS. We reiterate our call for answers to those questions and additionally pose new questions raised by the DEIS in four categories: process, construction, traffic and parking, and safety.

A. Process

We strongly request additional information about the timing envisioned by the NEPA agencies, particularly regarding when the final EIS and the Record of Decision can be expected to be completed. We also believe that if any new piece of information is revealed in the final EIS or if the final EIS changes any assumptions or uses any additional study or report not in the DEIS, then an additional opportunity for public comment and review should be allowed. We believe that an ongoing dialogue is appropriate and needed and that failure to do so will be violative of NEPA procedural requirements. 58-29

Response to Comment 58-29:

Section 1.3 of the DEIS provided information about next steps in the NEPA process. In accordance with FHWA's regulations, a Record of Decision would be issued no sooner than 30 days after the FEIS is issued. The FHWA's NEPA regulations require that a supplemental EIS be prepared if certain conditions are met. Regulations regarding supplemental EISs are found at 23 CFR 771.130. Public outreach will continue.

We also request information about the permitting process to be conducted after the NEPA process is complete. We ask for opportunity for public comment and dialogue before any construction or traffic permits are actually issued. 58-30

Response to Comment 58-30:

Sections 1.3 and 5.19 of the DEIS provided the information requested. The opportunity for comments under these other permits and approvals rests with the procedures of the agencies identified.

The report fails to satisfy NEPA's procedural requirements, as it does not include all relevant information, such as the map identifying the street trees referenced in the Appendix H document and Appendix E to the Appendix J02 report (see page 5-3 of this appendix). We believe these should be provided and that the comment period is insufficient for adequate public comment without these relied-upon, but not-provided, pieces of information. 58-31

Response to Comment 58-31:

Maps showing the locations of the identified trees in Appendix H are provided in the FEIS. See also Appendix J02 of the FEIS for Appendix E in the traffic operations report.The DEIS comment period was extended by 30 days from August 26, 2013 to September 25, 2013

As to process, after the years of work that have been put into the evaluation and assessment to date, there are still a large number of unanswered questions, factual inaccuracies, and inconsistencies in the DEIS. As a result of these inconsistencies and inaccuracies, we believe that the NEPA agencies should address the flawed studies and re-do the analysis in the DEIS or issue a SEIS, based upon the concerns noted in this comment, in order to satisfy NEPA procedural requirements and to allow the public to provide meaningful input

B. Construction

We have numerous questions about the construction process not addressed in the DEIS and thus will address them serially below.

First, the DEIS (page 1-7) states that Reservation 122 (the triangle park at 4th and Virginia/I) will not be part of the Limits of Disturbance (LOD). Please provide more 58-32

Response to Comment 58-32:

Although the recently planted perimeter trees may be affected, Reservation 122 will be located outside the construction fencing and will be accessible to the public during construction.

information about how residents can still obtain access to the park and about steps taken to minimize tree and landscaping damage to this important community resource. 58-32

Second, page 3-28 states that the area west of 2nd Street will be a single two-track portal rather than two single track portals, thus necessitating an open trench during construction. The DEIS, however, fails to explain why this is necessary or beneficial. The DEIS also fails to explain what precautions can be taken to minimize the significant disruptions that will result from open trench construction in an area extremely close to homes.[4] 58-33

Third, the DEIS states that Saturday construction will require a permit (page 3-52). It does not state, however, the criteria that will be used for awarding the permit, whether there will be any limits placed on such construction, and how Saturday or weekend construction would affect project timing. Similarly, the DEIS states that construction noise is "usually" limited to daylight hours, but provides no further explanation as to those hours or what is meant by the "usually" qualifier. These important questions should be answered. 58-34

Fourth, as mentioned above, the DEIS should have explained in detail and conducted a cost/benefit analysis of what steps could be taken to shorten the time frame of construction under any build alternative. 58-35

Fifth, we request an accounting of other mitigation measures that are available but that were not included in the DEIS as "reasonable and feasible" mitigation measures. 58-36

Sixth, although the DEIS states that certain homes would be offered pre-construction inspection (page 5-36), it does not state what homes would qualify and what the inspection would entail. We request an explanation and believe that any homes in the block surrounding Virginia/I/3rd/4th and any homes along the 400 block of I Street should qualify, at a minimum.[5] 58-37

Seventh, we request that the final EIS provide substantially more details about the rodent control program conclusorily mentioned in the DEIS (page 5-44), including how the program will be operated and monitored, and the types of chemicals, controls, and remediation taken and the area treated, as rodents tend to travel. 58-38

Eighth, we request more detail regarding the overall time of construction occurring in front of the homes on Virginia Avenue. In previous comments, we have advocated for a "zippering" approach in which construction begins at the east end of Virginia avenue, working its way to the west and then back again, thus causing the least amount of disruption to residences. The build alternatives in the DEIS seem to take the exact opposite 58-39

[4] At a minimum, we believe that train traffic should be forced to travel at a slow speed in the open trench portion, rather than the maximum 25 mph speed noted on page 5-63 of the DEIS.

[5] We also strongly believe that homeowners should be provided with additional protections: (1) homeowners should be able to have an inspector of their choosing; (2) inspection reports should be made available promptly and publicly; (3) there must be an adequate appeals process; (4) all inspections should be paid for by CSX; and (5) all of these issues must be resolved before any construction permits are issued.

11

Response to Comment 58-33:

Sections 3.4 and 3.5 were revised in the FEIS to include an explanation why the noted design change was made. Section 3.3 of the DEIS included the safety and security measures employed during construction for all the Build Alternatives.

Response to Comment 58-34:

As described in Section 3.3 of the DEIS construction work will occur between 7 AM and 7 PM, Monday to Friday. If beneficial to the community, permission may be sought to conduct work outside these hours. The granting of such a permit will depend on whether the community benefits outweigh the impacts. The overall estimated construction duration does not take into account work outside of normal working hours and days.

Response to Comment 58-35:

The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended.

Response to Comment 58-36:

The DEIS contained proposed mitigation measures. Mitigation measures proposed in the FEIS were incorporated as a result of comments received from agencies, organizations, and members of the public.

Response to Comment 58-37:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 58-38:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 58-39:

As explained in Section 3.3.1.4 of the DEIS, construction of this type of project is complex. With the level of engineering conducted to date, it is not possible to accurately predict when and where specific construction activities would take place. CSX is planning to use a number of construction crews along different locations along the corridor, which would expedite timetables. The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended.

approach. We request a detailed explanation and cost-benefit analysis for a zippering approach to construction and why it was not included in the DEIS. 58-39

Ninth, we request more information about the impact of the VAT construction on the many infants and school-age children in the neighborhood and the fact that the Van Ness Elementary School (located at 5th and L Streets SE, only a few blocks from the LOD) will reopen in 2015. Currently, many children leave this neighborhood to attend school elsewhere, with many crossing Virginia Avenue on foot. We request explanation about the construction impact upon children and parents and future Van Ness students, and believe that by failing to consider the school's presence, the DEIS does not satisfy NEPA requirements. 58-40

Response to Comment 58-40:

Section 5.3.1.2 of the DEIS addresses access to community facilities, including schools. Access to Van Ness Elementary School will not be affected by construction of the project.

Tenth, we request specific explanation that CSX and the NEPA agencies have engaged with the utility providers, such as Pepco, Washington Gas, DC Water, Verizon, and Comcast, all of which will have serious disruptions under any build alternative. It is not clear that the utilities have even been notified about the project and, if they have, their views need to be expressed specifically in the DEIS. Once they are consulted and their views are included, we request another opportunity for the public to comment on these data points. 58-41

Response to Comment 58-41:

The project's design team has coordinated with the affected utility companies, which will continue into construction. DEIS comments from DC Water were included in the FEIS.

Finally, the vibration study (Appendix F, page v) states that detailed construction activities and types of equipment are not available at this time so that the overall vibration levels from the construction phase cannot be predicted. However, several pages later (Appendix F, page 21), the vibration study states that there will be no structural vibration impacts during construction from any build alternative. We ask you to read these two sentences together and explain to us how both of them can be accurate.[6] These statements demonstrate flaws in the conclusions reached as a result of the vibration study.[7] We believe the vibration study should be conducted again once this clarification and any additional information are provided. 58-42

Response to Comment 58-42:

Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. With the exception of construction-period train operations under Alternative 2, a different methodology was used to predict vibration impacts from construction activities. The statements are not inconsistent. The analysis predicts that building damage, such as plaster cracks, will not occur during construction, but that does necessarily mean it would not occur. Hence, the reason for the inspection program noted in the previous responses.

C. Traffic and Parking

We request additional information concerning several traffic and parking issues. First, the Maintenance of Traffic (MOT) plan contains significant errors and incorrect assumptions and does not satisfy NEPA requirements (see Appendix J01, 5-5.) The traffic management plan study states that traffic around Nationals games is not impacted because the LOD is not near Nationals Park at South Capitol and M Street SE. This is simply incorrect. Even a casual observation of game traffic along 3rd Street SE demonstrates that Nationals games have a significant impact upon ordinary traffic operations. 58-43

Response to Comment 58-43:

Maintenance of Traffic (MOT) would not affect the throughput capacity of 3rd Street because a temporary crossing will be furnished at Virginia Avenue SE. Therefore, the statement in Appendix J01 regarding traffic effects to Nationals Park-related traffic is accurate. Nevertheless, the MOT plan will be refined and updated as the project moves forward.

[6] If one of these statements is not accurate, then we believe an immediate correction should be made, the vibration study should be completed again accurately, and an additional opportunity for public comment based upon an accurate study should be allowed. Any other course of action would not satisfy NEPA procedural requirements.

[7] We also note that page 23 of Appendix F states that there will not be plaster cracks from any individual piece of equipment, but also states that can vary depending on soil composition and building type. Again, this statement is inconsistent, states nothing, and cannot form the basis for a NEPA impact analysis without much more detail.

Second, the MOT plan also fails to take into account rush hour traffic plans. Again, casual observations show that traffic on 3rd Street SE attempting to get on the freeway is backed up significantly on regular work days -- yet the plan does not take this fact into account. Traffic northbound on 5th Street SE is also problematic during rush hours and after games (and will be worse when 5th Street is converted into two-way operation) – yet the plan does not take this fact into account. And traffic exiting I-695 to get onto 8th Street SE and the new I-295 exit frequently backs up Virginia Avenue and can "block the box" on 5th Street SE – but yet again the plan does not take this fact into account. And when a day game and rush hour coincide, traffic already becomes unbearable and will undoubtedly cause serious harm to commuters and residents during any VAT construction. 58-44

Third, the MOT plan also fails as to its timing conclusions. The study anticipates a schedule of construction starting in the third quarter of 2013, which will not happen based upon the current NEPA timing. Thus, its claims of no impact regarding the temporary closures of the north/south streets (because they will allegedly take place during the baseball offseason) are completely erroneous. We urge that the MOT be conducted again, taking into account both Nationals Park and rush hour traffic activity, and that an additional opportunity for public comment be provided after the new analysis is complete. 58-45

Fourth, the DEIS also is wholly incorrect as to the parking impacts. Page 5-77 states that it is "conceivable that some residents may use two-hour parking on Virginia Avenue." Some of our Capitol Quarter residents do in fact use Virginia Avenue parking as they either do not have garages or have more than one car. We request that this portion of the traffic study be conducted again, that a new opportunity for public comment be provided, and that, as described below, mitigation be provided to those residents. 58-46

Fifth, we request information as to how Capitol Quarter residents will be able to access their driveway and garages during the temporary closures of 3rd and 4th Streets (see Appendix J01, page 4-7). 58-47

Finally, we note that the list of residents identified on page A-17 of Appendix J01 is completely inaccurate as it does not include all affected residents. For instance, those on the 300 block of I Street who access their driveways from Virginia Avenue will certainly be affected but are not listed. We request that this list be updated and that additional public comment be provided once that has been done. 58-48

D. Safety

The DEIS does not state whether the appropriate emergency authorities (fire, police, and ambulance) have been in consultation with or have approved of the emergency access plans. We request additional information on this point and an opportunity to respond to any comments. Additionally, the DEIS does not state whether, even if the alleys are accessible through the makeshift entrances, how emergency vehicles will be able to access the front of homes, especially along Virginia Avenue. We likewise request additional information on this point. And, finally, we also note that there are many infants and children under the age of five living on Virginia Avenue. The DEIS does not adequately take 58-49

13

Response to Comment 58-44:

The traffic study did account for baseball game traffic. The study team coordinated with DDOT with respect to the study area limits and traffic count program. With the exception of short term closures to install temporary structures, traffic capacity within this stated area will not be affected. With respect to temporary road closures, the MOT reflects baseball game and Nationals Park event days and times.

Response to Comment 58-45:

Despite the delay in the construction start date assumed by the MOT plan, the basic plan elements remain valid. The MOT plan will be refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction. The traffic study did account for baseball game traffic. The study team coordinated with DDOT with respect to the study area limits and traffic count program. With the exception of short term closures to install temporary structures, traffic capacity within this stated area will not be affected. With respect to temporary road closures, the MOT reflects baseball game and Nationals Park event days and times. Detailed construction schedules will be prepared during final design.

Response to Comment 58-46:

The DEIS acknowledged that some of the on-street parking is utilized by residents. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 58-47:

All affected residents of Capitol Quarters will be provided with temporary driveway access during construction. Emergency response vehicles access will be maintained during construction.

Response to Comment 58-48:

The referenced list (figure A16 in Appendix J-01) includes property owners that abut the project LOD. However, it is acknowledged that the access to all the properties bounded by Virginia Avenue, 3rd, 4th, and I Streets would be temporarily impacted. Temporary driveways would be constructed off of 3rd and 4th Street SE to maintain access to the rear of their properties throughout project construction.

Response to Comment 58-49:

It is acknowledged that families with children live near the proposed construction area. The DEIS acknowledges that construction-related noise (a daytime activity) would exceed the Federal Transit Administration (FTA) Construction Noise Impact Criteria at nearby residences. Therefore, mitigation measures will be implemented as described in the Section 5.6.4 of the FEIS. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in the DEIS, emergency response vehicle access will be maintained during construction activity. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. An emergency response plan will be developed and updated in coordination with the appropriate authorities.

their health and safety needs into account, and we request a more detailed examination and explanation of the impact upon them during any construction. 58-49

IV. Mitigations and Community Benefits

If any build alternative is to be selected, it is imperative that additional mitigations be implemented to address the impacts that have already been identified in the DEIS. Similarly, certain community benefits both during and after construction should be required in the final Record of Decision to address the incalculable inconvenience, loss of enjoyment, and loss of economic value that will occur as a result of any construction. We address these areas in the following categories: (1) noise; (2) traffic and parking; (3) trees and landscaping; (4) home maintenance and security; and (5) post-construction community benefits.

A. Noise

The noise study found in Appendix E of the DEIS demonstrates that all build alternatives will exceed the FTA noise criteria (page 2) and that noise levels could be a "nuisance" (page 18). Because of the alleged existing 70 dBA noise level on Virginia Avenue, the NEPA agencies should think creatively about ways to reduce both construction noise and the current ambient noise level, so that increases in construction noise will not cause overall levels to rise above FTA noise criteria. 58-50

We propose several items in this regard. First, the DEIS (Appendix E, page 20) states that the "noisiest" activities should be avoided from 7-8 am, but provides no further explanation. We demand a full accounting of what activities would classify as the "noisiest" and also expect a full commitment that no pre-7 am noise or activity of any kind (e.g., cleaning tools at the worksite or idling trucks) be allowed. 58-51

Second, we believe that sound barriers should be placed on the freeway. Doing so would help alleviate some of the ambient noise, which will help keep total noise levels at an acceptable threshold. We point to the attractive and clear sound barriers on the Woodrow Wilson Bridge as a model for what could be placed on I-695.[8] We also view that as a mitigation for the loss of the tree canopy along the freeway, which currently provides sound buffering to the neighborhood from highway traffic noise. 58-52

Third, certain specific noise-reducing actions should take place. We suggest that the truck idling time be shortened from 30 minutes to a minimal amount of time (page 5-19), that noise blankets should be mandated from the beginning of the project (page 5-29), rather than only later on if needed. We also request that each homeowner in the affected 58-53

[8] We also note that the original freeway plan was to include sound barriers but this part of the plan was never implemented. We urge that a commitment from DDOT for these barriers be included in the final EIS.

Response to Comment 58-50:

Mitigation measures, as described in the Section 5.6, were proposed to reduce noise levels at sensitive receptors to below the FTA construction noise criteria, including a noise monitoring program that will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders.

Response to Comment 58-51:

Please note that the citation provided is a recommendation of the noise analyst, not a mitigation measure identified in the DEIS or FEIS. What specific activities can or cannot be conducted during the first hour when construction is allowed will be subject to ongoing discussion among the affected neighborhoods and the project team. For example, a particular noisy activity may be allowed at certain locations, but not others.

Response to Comment 58-52:

The loss of trees along the highway does not attenuate noise from the highway and therefore the construction of noise barriers to deal with the pre existing highway noise is unnecessary.

Response to Comment 58-53:

Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 11th Streets, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will have a person assigned to the DC area to evaluate claims. A person/entity with a potential claim should present the claim to the CSX person. A detailed process explanation should not be required for the FEIS.

area receive certain funds to install additional window soundproofing in their homes if they choose. 58-53

Fourth, the final EIS should require that trains only run during the daytime hours to minimize noise levels during the nighttime sleeping hours. 58-54

Finally, for activities where there is a high possibility of human annoyance, in addition to these other noise mitigation activities, before the NEPA process is finalized, there should be discussion and an opportunity to comment about potential alternative living arrangements during these phases of construction. 58-55

B. Traffic and Parking

We have already identified the clear flaws in the traffic study. To help minimize the serious impacts in traffic and parking disruption, we have several requests. We believe that the final EIS should require traffic officers directing traffic 24 hours a day, 7 days a week during the temporary closures of the north/south streets. We also request that traffic officers be present during all afternoon rush hours and during all Nationals games. 58-56

To assist with the parking disruption along Virginia Avenue, we request that parking for residents and guests be provided in the surface parking lots closest to the LOD. As part of that request, we believe that the parking availability should include parking during Nationals games. (The surface lots require cars to vacate the lot prior to and during Nationals games without a separate Nationals parking permit.) 58-57

C. Trees and Landscaping

The disruption to our landscaping and tree canopy will be significant and is irreplaceable. It is unacceptable that only 110 of the 168 trees in the LOD will be replaced after construction (page 5-43). The DEIS also acknowledges that the replacement trees along Virginia Avenue will be smaller and the neighborhood feel in Capitol Quarter will be less because of the smaller trees (page 5-53). 58-58

We thus propose several mitigations and benefits to help remedy this intolerable situation. First, all street trees should be replaced, regardless of diameter size and that the replacement trees along Virginia Avenue (and especially in front of the residences) should be mature trees and as tall as possible.[9] We request that the final EIS mandate size replacement. 58-59

Second, we are concerned that the root structures for the replacement trees will not be sufficient to ever achieve even close to the same height that is there now, given that the roof structure of the tunnel will only be a few feet below ground. We ask that this issue be 58-60

[9] We believe that an organization dedicated to preserving the District's tree canopy, such as the Casey Trees Foundation, should be brought in to develop and approve a plan for replacing the tree canopy to the greatest extent possible.

15

Response to Comment 58-54:

The project objective of keeping the existing level of freight rail service throughout construction cannot be maintained if train operations are limited only to daylight hours. The noise impact analysis prepared for the EIS assigned penalties (i.e., higher noise levels generated per train) for nighttime operations. Under an Alternative 2 scenario where trains are operating in an open trench, the noise analysis predicted that overall noise levels will not rise above ambient conditions. Please see Section 5.6 of the DEIS for further information.

Response to Comment 58-55:

Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695.

Response to Comment 58-56:

The need to post police officers for certain construction activities will be based on District requirements.

Response to Comment 58-57:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 58-58:

The project will replace the same amount of trees as removed. The project team is working with DDOT Urban Forestry Administration to ensure proper number and types of trees are used. The tree canopy will reestablish over time.

Response to Comment 58-59:

As described in Section 5.10 of the DEIS, the tree replacements will follow the requirements of the Urban Forestry Administration. This does not mean that the project team is prevented from partnering with other organizations to assist in tree plantings and maintenance of planted trees.

Response to Comment 58-60:

CSX will work with DDOT Urban Forestry Administration to determine the best type, size and location for replacement trees. The location of the rebuilt tunnel will not affect the overall landscape plan of Virginia Avenue SE, which will include the planting of replacement trees. The tunnel depth will not hinder tree growth.

addressed and that enhancements be made to allow sufficient growth of any replacement trees. 58-60

Third, we believe that CSX should commit to and fund a tree watering and maintenance plan post-replanting to ensure that the trees are capable of surviving and achieve their full growth potential. 58-61

Finally, we are deeply concerned about the destruction of the Capitol Quarter common area landscaping, on which we currently spend a great deal of time and money to maintain. CSX should fund the installation of a sprinkler and irrigation system (the design and installation of which should be approved by the HOA) to help maintain the common area. And we should have total approval and right of demand over the landscaping plan to be developed for Capitol Quarter (page 5-45). 58-62

D. Home Maintenance and Security

We are concerned that we are still only receiving vague and utterly unsatisfying answers as regards to the claims process. The final EIS must include a detailed process for fair and prompt resolution of resolving homeowner claims that includes a neutral third party, the implementation of which should be a prerequisite for the issuance of construction permits. 58-63

We also believe that CSX should be required to pay the HOA for all homeowner HOA assessments for the Capitol Quarter community during the construction period. Doing so provides a reasonable and concrete way of compensating the HOA for the destruction of its common area property. And we would like additional payments for each month that construction is delayed beyond the project's stated end date, establishment of which should be part of the permitting process. In this way CSX will be incented to complete construction on a timely basis and the neighborhood will be rewarded for further inconvenience. We are happy to begin these discussions with CSX and the NEPA agencies at any time.[10] 58-64

E. Post-Construction Community Benefits

We urge CSX and the NEPA agencies to think more creatively about mitigation for our community given the impact of this project. First, we believe that since the freeway underpasses are within the LOD, that the final EIS should require that substantial improvements, with community and ANC 6D input, be made. 58-65

Second, we believe that an ANC 6D and a HOA community representative be designated for input on all post-construction design, including that of Garfield Park, Virginia Avenue,[11] and the Virginia Avenue Park.[12] 58-66

[10] We also anticipate, and request, that the affected homes and their windows will be regularly cleaned for dust and other construction debris. 58-68

[11] As indicated on page 3-41, it appears that the slope against I-695 will be reinstalled. We request additional explanation as to why this is the case. We would hope that the unused slope could be removed and that this additional space could be used for community amenities, such as a greenway, park, or bicycle lane. 58-69

Response to Comment 58-61:

CSX will commit to and work with DDOT and other agencies as appropriate in maintaining the replacement trees post construction.

Response to Comment 58-62:

The restoration of Virginia Avenue SE includes the landscaped areas fronting Capitol Quarter. The project team will work with the HOA to determine the appropriate treatment of this area.

Response to Comment 58-63:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 58-64:

Capitol Quarter HOA is not entitled to compensation for the construction period use of public right-of-way between 3rd and 5th Streets. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

Response to Comment 58-65:

Thank you for your response. Your comment is noted. The project team will take under consideration these comments when they develop post construction plans.

Response to Comment 58-66:

Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews. The DC Department of Parks and Recreation will control the planning process for the restoration of Virginia Avenue Park.

Response to Comment 58-68:

Through employment of best practices management, the project team does not anticipate fugitive dust and construction debris generated outside the construction limits.

Response to Comment 58-69:

The slopes were part of the original design of the highway retaining wall foundations, therefore they need to be replaced post-construction

Third, we believe the final EIS should contain a commitment that DDOT, CSX, and the Architect of the Capitol will reopen that part of Virginia Avenue currently closed to vehicular traffic. Turning the section of this public street west of 2nd street into a greenway or bicycle path would greatly enhance the proposals for Virginia Avenue post-construction. Similarly, we believe that decking over a greater portion of the freeway west of 2nd street to allow a more seamless connection between Garfield and Canal Parks is essential to an adequate community benefits package. 58-67

Response to Comment 58-67:

The requested changes or improvements are unrelated to this project.

And finally, page 5-59 of the DEIS states that abandoned utilities should be removed. We believe that the two unused telephone poles on 3rd Street SE should be removed as part of this commitment. 58-71

Response to Comment 58-71:

If the referenced poles interfere or conflict with construction of the project, they may be removed after coordinating with their owners.

V. Conclusion

In conclusion, the HOA strongly believes that if a construction option is chosen over our objections, we should be provided with an additional closed-trench reduced-footprint option that involves temporary rerouting. We also believe it is imperative to reduce the construction time substantially for all options. We also request that the NEPA agencies re-issue the DEIS and address the many inconsistencies and inaccuracies noted in this comment. Additionally, we would like to have a more detailed and substantive discussion of community mitigation and benefits. We appreciate your consideration of our comments. 58-72

Response to Comment 58-72:

Thank you for providing your comment. Your comment has been noted.

Sincerely,

The Capitol Quarter Community Association Board of Directors

CC:
Delegate Eleanor Holmes Norton
Mayor Vincent Gray
Deputy Mayor Victor Hoskins
ANC 6D
Mike Hicks, FHA
Faisal Hameed, DDOT
Jamie Henson, DDOT
DC City Council

[12] We note that page 5-49 states that the project will fund partial construction of the Garfield Park Connector plan but it does not state which parts will be funded. We expect that the HOA should be involved as a mandatory community stakeholder for this project, along with the Friends of Garfield Park organization, and that emphasis should be placed on providing additional park connections and benefits to those individuals south of the freeway. We also note that page 5-48 states that CSX has agreed to provide some enhancements and upgraded amenities to the Virginia Avenue Park, but the DEIS does not explain what those are and whether community input has been obtained, both of which we believe should be corrected. 58-70

Response to Comment 58-70:

Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews. The DC Department of Parks and Recreation will control the planning process for the restoration of Virginia Avenue Park.

ID 59: Goodrich

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW
Suite 701
Washington, DC 20005
contact@virginiaavenuetunnel.com

TRANSMITTED VIA ELECTRONIC MAIL

No response required for this section of comment

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am writing to confirm that I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Bradley & Tristan Goodrich
407 K Street SE

1

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 59-1

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 59-2 59-3

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

2

Response to Comment 59-1:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 59-2:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 59-3:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 59-3

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 59-4

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 59-5

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 59-6

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 59-7

3

Response to Comment 59-4:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 59-5:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 59-6:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 59-7:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

59-7

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

59-8

Response to Comment 59-8:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

59-9

Response to Comment 59-9:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

4

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

59-9

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

59-10

Response to Comment 59-10:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

59-11

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

59-12

Response to Comment 59-11:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 59-12:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

5

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 59-13

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 59-14

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 59-15

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 59-16

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 59-17

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 59-18

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 59-19

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 59-20

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 59-21

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 59-22

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 59-23

4) Residential and Business Quality of Life mitigation

6

Response to Comment 59-13:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 59-14:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 59-15:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 59-16:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 59-17:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 59-18:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 59-19:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 59-20:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 59-24

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 59-25

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 59-26

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 59-27

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 59-28

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 59-29

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

7

Response to Comment 59-21:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 59-22:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 59-23:

Emergency access will be maintained.

Response to Comment 59-24:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 59-25:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 59-26:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 59-27:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 59-28:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 59-29:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 59-30
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 59-31
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 59-32
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 59-33
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 59-34
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 59-35
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 59-36
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 59-37

8

Response to Comment 59-30:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 59-31:

Please see response to Comment 21-30.

Response to Comment 59-32:

Please see response to Comment 21-30.

Response to Comment 59-33:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 59-34:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 59-30
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 59-31
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 59-32
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 59-33
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 59-34
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 59-35
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 59-36
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 59-37

8

Response to Comment 59-35:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 59-36:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 59-37:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 60: Hamburger

.

From: Trish Hamburger [hamburgerpatty24@gmail.com]
Sent: Wednesday, September 25, 2013 7:33 PM
To: Contact@virginiaavenuetunnel.com
Subject: Do NOT want a VA Ave TUNNEL

Will kill the walkability and quality of life for all those south of there who have invested heavily in buying property at high costs to improve the neighborhood. Will make our investment worthless. 60-1

1

Response to Comment 60-1:

Temporary bridge decks will be installed at every intersection on Virginia Avenue SE from 3rd to 8th for pedestrian, cyclists and autos to allow north-south movements for each of the modes. Section 5.4 of FEIS discusses potential property value impacts of the project. The question of compensation for construction-period losses in property value is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

ID 61: Harrington

September 25, 2013

Parsons Brinkerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street, NW, Suite 701
Washington, DC 20005

Re: Maureen Cohen Harrington's Comments on the Draft Environmental Impact Statement for the Virginia Avenue Tunnel Reconstruction

1. Comment Endorsements

I endorse, and incorporate by reference, the following comments that have been submitted in response to the DEIS for the Virginia Avenue Tunnel Reconstruction (the VAT Project), except that I do not endorse the merits of any build alternative. For the avoidance of any doubt, I urge the D.C. Department of Transportation and Federal Highway Administration (together, the agencies) to adopt the no-build alternative, at least until such time as the agencies can provide a rigorous and complete DEIS that addresses the concerns raised in these and other community comments.

- The Committee of 100 on the Federal City
- The Capitol Quarter Community Association (CQ HOA)
- ANC 6D Commissioners David Garber, Donna Hopkins, Andy Litsky, and Rhonda Hamilton
- The Capitol Hill Restoration Society
- James and Jennifer McPhillips
- Meredith Baker
- Mark D. Baker
- Andrew Shields
- Rajesh Bharwani and Jessica Taylor
- Claire Schaefer Oleksiak
- Melissa and Rob Lee
- Jared B. Weaver

No response required for this section of comment

2. Home Values – General

The DEIS fails to answer the questions repeatedly raised by residents and the CQ HOA about how CSX and the agencies will address the loss of value that the VAT Project causes to our homes, both during and after construction. This problem is most acute for residents who may have to move during – and, quite likely, because of – the construction. With the DEIS estimating construction duration of up to 66 months,[1] this project stretches the meaning of "temporary" and "short term" – even without factoring in that construction projects of this magnitude tend to run considerably longer than originally anticipated. 61-1 61-2

The VAT Project website FAQ also dodges the question, maintaining that the effect on property values is "complex," "subjective" and "difficult to quantify." [2]

[1] DEIS, at 3-53.

[2] From the FAQ at http://www.virginiaavenuetunnel.com/faq/(last visited September 25, 2013):

Q:
How will the value of our homes be affected by construction of this project, both during and after construction?

A:
Home and property values are influenced by a number of factors. Therefore, analyzing the effects of construction on home values during the time of construction is a very complex issue. Because Virginia Avenue SE will be restored at the end of construction, the project may not have any effect (either positive or negative) on long term property values in the general vicinity of Virginia Avenue. The degree to which temporary factors, such as construction on city streets and other neighborhood construction projects, affect short term property values can be subjective and difficult to quantify.

Q:
How will the short term values of the homes in Capitol Quarter be affected by this project? What will happen if an affected resident has to sell a home, and how will we be compensated for decreased home value?

A:
Home and property values are influenced by a number of factors including: the housing market in general, the local market specifically, as well as the particular needs of the seller and the buyer. The degree to which temporary factors, such as construction on city streets and other neighborhood construction projects, affect short term property values can be subjective and difficult to quantify.

2

Response to Comment 61-1:

Because this proposed action involves the replacement of existing infrastructure and because we have been able to demonstrate that the post construction impact will not be greater than to those prior to the project, it is not necessary to address issues of long term fair market value. Questions regarding construction-related loss or impacts in property value are addressed in Sections 5.3 and 5.4 of the revised FEIS. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695.

Response to Comment 61-2:

Please see response to Comment 61-1. Given the selection of Alt 3 the construction duration is anticipated to be between 30-42 months.

There remains no response to the questions that I asked at the May 21, 2012, public meeting. I asked if anyone from CSX, the agencies, or Parsons Brinkerhoff "would seriously be willing to go on record as saying that you would be willing to pay the same price for a home in front of this construction as you would for the identical home with this construction not going on."[3] The response at the meeting? "Your questions have been recorded."[4]

There are many complex questions associated with the VAT Project and the more than 1,600-page DEIS. The computation of home values – something that is done every day in all kinds of markets, and often in construction conditions – should not be something that stymies the agencies and experts tasked with answering these questions.

We haven't even received any indication that our property taxes would be reduced to reflect the decreased value of our homes during construction, if not after.

3. Home Values – The Special Problems of DCHA Housing

There is nothing in the DEIS, or elsewhere in the NEPA record, or in any communications from the District of Columbia Housing Authority (DCHA), addressing the special concerns of residents in workforce housing (including myself) and the DCHA affordable rental apartments.[5] 61-3

Response to Comment 61-3:

Please see response to Comment 61-1.

Though the terms of workforce housing vary, all workforce housing seems to have DCHA-imposed restrictions related to the resale, refinancing, and renting of these properties, and has requirements that the properties remain owner-occupied. Penalties can be as high as the full, immediate repayment of any DCHA subsidized loans. The VAT Project may also invoke DCHA contractual restrictions about condemnations and damages. 61-4

Response to Comment 61-4:

Please see response to Comment 61-1. Because of the construction alternative selected, there are no trains ruining in an open trench, and there are no impacts identified in the FEIS that would indicate that residents could not remain in their home during tunnel reconstruction. In formulating the designs for this project, CSX benefited from its experience constructing its J&L Tunnel project in Pittsburgh with minimal time and impact.

Owners of workforce housing may have to sell (or move from) their homes because they cannot endure multiple years of violent construction during the day and trains

[3] Transcript of May 21, 2012, Meeting, at page 91.

[4] Id.

[5] See the October 16, 2012, CQ HOA Comments on the September 27, 2013 Public Virginia Avenue Tunnel Project Meeting, at page 3. Solutions should not be limited to those suggested therein. And any solutions that involve, for example, waiving DCHA loan repayments, in whole or in part, or making DCHA loans portable, should have those costs borne by CSX, and not by the city. The DCHA affordable rental apartments, which may involve long wait lists, also warrant closer review and redress. Those residents should also have special protections in the claims process.

running in an open trench throughout the night, only a few feet from their doorsteps.

Even if they are able to somehow do so at a fair price that reflects all owner improvements and whatever appreciation would have occurred but for the VAT Project,[6] they won't be able to buy comparable replacement homes. Without the DCHA loans or other subsidizes (again, the program varies), many or all of us won't be able to afford homes in this area. Personally, I would either have to get a small condo or have a very long commute to work.

The problems that the VAT Project inflicts on owners of workforce housing and residents of affordable rental apartments undermine the mixed-income and diverse community created with considerable investment by the DCHA and others, including the federal government under a HOPE VI grant. 61-5

Response to Comment 61-5:

Thank you for providing your comment. Your comment has been noted. There are no disproportionate impacts to HOPE VI grant or workforce housing in the corridor.

4. Other Unanswered Questions – Claims, Right of Way, and Rerouting

If the agencies and CSX can't or won't answer basic questions about home values and DCHA programs administered by the city itself, what faith can we have in their ability to accurately and honestly answer questions about matters that require expertise beyond most of our abilities and financial resources well beyond our means (e.g., noise, vibration, or traffic studies), or information intentionally withheld from us (e.g., the expected increase in freight traffic through the VAT, the types of hazardous materials that are and will be transported through the VAT, and temporary and permanent rerouting options that CSX actually has at its disposal)?

A. Claims

Throughout the NEPA process, many members of the community have asked repeatedly about the process for damages claims. I have been one of them. My questions to CSX pre-dated NEPA. Thus far, we have received little more than evasions and vague reassurances. We rightly fear having to spend time and money litigating against an army of experienced CSX attorneys and experts to recover for damages that common sense would suggest were likely caused by CSX activities. 61-6

Response to Comment 61-6:

The project team is committed to supporting a fair and equitable process for resolving claims related to this project. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

This is not the first big construction project that CSX has undertaken. They have an established claims process. I suspect they have tried different approaches at different times. We have repeatedly asked them how they have handled claims in other communities with substantial construction projects. We have asked them for references. We have received no details, no references. The burden-shifting approach suggested in the comments by the ANC6D Commissioners and in other 61-7

Response to Comment 61-7:

Please see response to Comment 61-6.

[6] And even if they are able to get a mortgage at rates no higher than their current rates. Most of us bought our homes when interest rates were at historic lows. Some of us would not have been able to afford even workforce homes at higher interest rates. DHCA loans cover only part of the home purchase price.

comments is an essential first step for negating the inherent disadvantage that homeowners, already exhausted from living in something akin to a war zone and already out-of-pocket for the initial expenses, will face against CSX.

B. Right of Way

Also throughout the NEPA process, many members of the community have asked repeatedly for details about the CSX right of way and any expansions that might be granted for the VAT Project. Our questions have not been limited to takings of private property. 61-8

The DEIS states that because "the reconstructed tunnel would only be located within CSX-owned or public property… no additional detail beyond those already provided here is warranted."[7]

Additional detail is warranted. Answers are especially important in the context of the perceptions that CSX has been creating – notwithstanding any good intentions – by funneling to money to strategic parts of our neighborhood. Appearances are important. Please heed our requests for transparency.

C. Rerouting

At a minimum, we need an explanation of why CSX could not reduce the number of trains that it would run during construction, and why they could not avoid or eliminate running trains at night, so residents, who would have to endure 12 hours per day of construction noise, might, at least, be able to sleep. 61-9

For additional information about CSX routing options, and other relevant (and typically closely-held) information about CSX operations, see the litigation record created in the lawsuit that CSX brought against the D.C. government to enjoin the city's Terrorism Prevention in Hazardous Materials Transportation Act of 2006. Note especially the declaration of David Shuman, which was based on CSX testimony.

That lawsuit concluded following a joint motion to dismiss, with an order issued by the D.C. Circuit on June 30, 2010. The NEPA process for the VAT Project started shortly thereafter. A scoping meeting was held on September 14, 2011. The agencies should disclose whether the pending VAT Project was known to the attorneys representing the city at the time of the motion to dismiss, and whether knowledge of the VAT Project might have changed the outcome of that case. 61-10

[7] DEIS at 3-5.

Response to Comment 61-8:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 61-9:

Based on the selection of the Preferred Alternative, this is not applicable. See section 3.7 of the FEIS for the rerouting evaluation.

Response to Comment 61-10:

The NEPA process is being led by FHWA and DDOT. DDOT and FHWA were not involved in this law suit.

5. Safety and Security

When you prepare the new DEIS, I encourage you to do so, in the words of Delegate Eleanor Holmes Norton, with "fresh, post-9/11 eyes."[8] Our Navy Yard community has recently suffered a tragic reminder that many lives can be lost through the efforts of even a single, determined individual. The vulnerabilities presented by the build alternatives in the DEIS, especially during construction – with trains running on temporary tracks in an open trench at 40 mph! – are deeply troubling.

The derailment of a CSX train in Baltimore caused a chemical fire that lasted for almost a week. Thousands of people were exposed to those chemicals. The accident cased millions of dollars of damage to the city, its businesses, and its residents. Three baseball games at Camden Yards had to be cancelled.[9] 61-11

CSX did not report the derailment in a timely way. Their communications with first responders were poor. I don't have faith in their ability to properly handle a similar incident – whether caused by accident or malfeasance – in the nation's capital.

Or in my front yard.

6. Conclusion

Thank you for considering these comments. By now, you know that there is an enormous amount of community concern about the VAT Project and the DEIS. And you know that there are many members of the community who have only recently learned about this project. There are many, many others, including commuters, who still don't know about it.

I look forward to working with you to address the questions and concerns, and to raise awareness throughout our city – and beyond – as to what is proposed, and what is at stake.[10]

---

[8] See Del. Norton's September 17, 2013 letter to President Obama, at http://www.norton.house.gov/index.php?option=com_content&view=article&id=3691:norton-letter-to-obama-urges-independent-investigative-panel-following-navy-yard-shooting&catid=2&Itemid=88 (last visited September 25, 2013).

[9] See, e.g., http://en.wikipedia.org/wiki/Howard_Street_Tunnel_fire (last visited September 25, 2013). For a more comprehensive history of the fire, the CSX response, and other CSX derailments and accidents in Baltimore, see the Baltimore Sun archive.

[10] In tandem with raising awareness, there are a number of steps that could improve communications about the VAT Project.

6

Response to Comment 61-11:

Alternative 3 does not require an open trench except for approximately 230 feet immediately east of the west portal. Trains on temporary track/trench will be running at speeds no greater than 25 mph. The temporary open trench will be installed such that the top of the train will never protrude above the existing grade. Please see section 5.15.1.1 Construction Impacts for train speeds during construction.

The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

That is, after all, the purpose behind NEPA.

Sincerely,

Maureen Cohen Harrington
327 Virginia Avenue SE

One is to improve the VAT Project website, which is among the least user-friendly websites that I have ever encountered. Comment deadlines are not posted on the schedule. The FAQ indicates when, but not where, updates were made. For most of the NEPA process, the FAQs were very difficult to print. Each Q had to be expanded, and even then the edges of the words would be cut off. The DEIS, when it was first posted, was available only in many fragmented pieces. A comprehensive PDF was added after many informal community requests were made at the July 31, 2013, public hearing. For that, we thank you.

Another area for improvement is distribution, at least to key stakeholders of critical documents. The Section 106 consulting parties, and the residents and others closest to the LOD, should have received printed, bound copies of the voluminous DEIS. I received one through the efforts of FHWA's Michael Hicks (again, thank you), who overheard my failed attempts to get one elsewhere. But my neighbors and I have had joint custody of this one bound volume. We haven't all had it when we needed it.

The scheduling of the hearing about the DEIS was also challenging. It was held on July 31, 2013, only about two weeks after the DEIS was released. That was not long enough for us to have read its more than 1,600 pages, and many of us were on summer travel. The hearing format was also disappointing, allowing us to ask questions, but providing no attempt at answers.

Outreach to other effected members of the community – including commuters (a strategically placed billboard, perhaps?), nearby office workers (flyers and/or meetings on premises?), and Nats fans (flyers on cars? announcements at the stadium?) could be significantly improved.

Going forward, we would appreciate working with you in this regard. The more we communicate, with each other and in reaching out to others, the better the eventual FEIS will be. And the more that the community and CSX will then be able to work together, through and beyond the VAT Project (or whatever may take its place) as true community partners.

7

No response required for this section of comment

ID 62: Hartinger

From: Dan Hartinger [dan.hartinger87@gmail.com]
Sent: Wednesday, September 25, 2013 3:03 PM
To: Contact@virginiaavenuetunnel.com
Subject: Faisal.hameed@dc.gov; Michael.hicks@dot.gov

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 62-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 62-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 62-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 62-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 62-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option."

Sincerely
Dan Hartinger

1000 New Jersey Ave SE, WDC, 20003
--
Daniel Hartinger
dan.hartinger87@gmail.com
(973) 980-4833

1

Response to Comment 62-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 62-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 62-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 62-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 62-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

ID 63: Hayhurst

Contact@virginiaavenuetunnel.com

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom It May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 63-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 63-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 63-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 63-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 63-5 Sixth, I would again like to stress the importance of the timeline, the option timelines completely remove any re-routing options from consideration is completely unacceptable. 63-6 While I am certain you are well aware,

1

Response to Comment 63-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 63-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 63-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 63-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 63-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

any build option of the project, just as a reminder, it is expected to last between three (3) and six (6) years and could result in an open trench with freight trains running right through our neighborhood (Virginia Ave) - as well as potentially taking and using some of our CQ community 63-6
property for the duration of the project. Among other issues, I am personally concerned about the potential for an increase in noise and pollution, including light pollution, an increase in difficulty of our community's residents being able to travel across Virginia Ave. and increased traffic bottlenecks due to the constrict of already busy and backed up roads in and out of the area especially during events, potential construction-related safety issues (especially for our kids), as well as a concern the old growth trees on Virginia Ave (really the only such trees in our 63-7
neighborhood) could be permanently removed as a result of this project. Furthermore, I don't feel CSX or any agency is really holding the process up to the lens to ensure the citizens and not business or agencies are protected and served. It has been a battle to be heard and despite multiple delays to the DEIS, we have had an obscenely short time in comparison to actually read the dense content and have rational discussions about it. Why do we give consideration to one group (e.g., big business) vs. our residents and citizens who actually have to live and have financial stakes in this process? Is my voice less than important than CSX? 63-8

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter. In addition, I have added my second endorse for the Capitol Hill Restorative Society which I have also added as an additional second attachment to show my agreement. I agree with their endorsement in which CHRS & I strongly urges FHWA to adopt Alternative 1, the No-Build Alternative unless the above and other issues outlined in the below letter may be resolved or addressed. I believe the safety and security risks and vibration and environmental impacts of the other alternatives would devastate this residential area and are avoidable if these agencies keep the citizens and not CSX in the forefront. In addition, I feel along this process the interests of CSX and businesses have been placed in a higher priority than those of the residents living in this impacted area.

Sincerely,
Sara Hayhurst
Vice President of Capitol Quarter Phase 2 Homeowner Association (HOA) Board
1007 4th Street SE
Washington, D.C. 20003

2

Response to Comment 63-6:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. The construction time-frames as presented in the FEIS take into consideration applicable DC regulations on work hours and construction activities. CSX wants to finish the project as soon as possible and understands the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

Response to Comment 63-7:

Refer to FEIS Appendix M that has been added to clarify construction phasing, right of way and maintenance of traffic. The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. As described in Section 5.5 of the DEIS, construction and post-construction phase emissions under each of the Build Alternatives are predicted to be well under the General Conformity Rule's de minimus emission thresholds. In addition, Section 5.5 of the DEIS disclosed that the Build Alternatives would have no potential for mobile source air toxics effects. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. Security lighting will be required, but will not directed toward adjacent buildings. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees.

Response to Comment 63-8:

The project team is committed to operate a public outreach program to share information about the project and construction activities. The 45-day DEIS comment period was extended by 30 days as per residents' request to allow more time to provide comments. Also, Congresswoman Eleanor Holmes Norton (D-DC) held a community meeting on the issues associated with the Virginia Avenue Tunnel Project, on Saturday, November 23, 2013 at 2:00 p.m., at the Arthur Capper Senior Center (900 5th St SE), with the surrounding community, the U.S. Department of Transportation (USDOT), the D.C. Department of Transportation (DDOT) and CSX. The meeting served as a forum for the community to be updated on the most recent developments with the proposed project, and to voice their concerns and ask questions.

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal nor will DC land be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 63-9

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict 63-10

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

3

Response to Comment 63-9:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 63-10:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

overall vibration levels.[4] The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 63-11

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.,* Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 63-12

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 63-13

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 63-14

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for** 63-15

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

4

Response to Comment 63-11:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 63-12:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 63-13:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 63-14:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 63-15:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project? We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

63-15

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

63-16

Response to Comment 63-16:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;

63-17

Response to Comment 63-17:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

63-17

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

63-18

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions,

6

Response to Comment 63-18:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 63-19

1) Noise and vibration mitigation

   a) Minimize the impact of train schedules on residents and businesses. 63-20

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 63-21

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 63-22

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 63-23

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD or BEYOND rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 63-24

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 63-25

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 63-26

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 63-27

   c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, 63-28

7

Response to Comment 63-19:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 63-20:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 63-21:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 63-22:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 63-23:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 63-24:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 63-25:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 63-26:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 63-27:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

the results of which will be made publicly available to all residents, along with a plan for their abatement. 63-28

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 63-29

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 63-30

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 63-31

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD & Beyond to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 63-32

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 63-33

5) Accountability and dialogue

a) The Agencies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 63-34

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 63-35

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 63-36

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 63-37

Attachment II

8

Response to Comment 63-28:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 53-29:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 63-30:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 63-31:

Emergency access will be maintained.

Response to Comment 63-32:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 63-33:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 63-34:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 63-35:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 63-36:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 63-37:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 63-38
3. Have District officials been informed about alternative routing that is being used for these cargoes? 63-39
4. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 63-40
5. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 63-41
6. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 63-42
7. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 63-43
8. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 63-44
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
9. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 63-45

9

Response to Comment 63-38:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 63-39:

Please see response to Comment 21-30.

Response to Comment 63-40:

Please see response to Comment 21-30.

Response to Comment 63-41:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 63-42:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 63-38
3. Have District officials been informed about alternative routing that is being used for these cargoes? 63-39
4. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 63-40
5. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 63-41
6. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 63-42
7. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 63-43
8. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 63-44
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
9. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 63-45

9

Response to Comment 63-43:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 63-44:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 63-45:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 64: Hess

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 64-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 64-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 64-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 64-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 64-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 64-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 64-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 64-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 64-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 64-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public at-large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Michael Hess
911 5th Street, SE
Washington, DC 20003

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 64-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 64-7 64-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 64-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 64-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 64-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 64-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 64-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 64-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 64-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 64-12

4

Response to Comment 64-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 64-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 64-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 64-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 64-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 64-13

Response to Comment 64-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary; 64-14
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

Response to Comment 64-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

64-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 64-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 64-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 64-17

6

Response to Comment 64-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 64-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 64-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 64-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 64-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 64-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 64-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 64-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 64-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 64-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 64-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 64-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 64-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 64-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 64-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 64-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 64-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 64-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 64-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 64-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 64-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 64-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 64-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 64-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 64-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 64-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 64-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 64-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 64-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that rail-roads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 64-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construc-tion standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 64-28:

Emergency access will be maintained.

Response to Comment 64-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 64-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 64-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 64-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 64-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 64-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 64-35

2. Have District officials been informed about alternative routing that is being used for these cargoes? 64-36

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 64-37

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 64-38

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 64-39

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 64-40

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 64-41
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 64-42

9

Response to Comment 64-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 64-36:

Please see response to Comment 21-30.

Response to Comment 64-37:

Please see response to Comment 21-30.

Response to Comment 64-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 64-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 64-35

2. Have District officials been informed about alternative routing that is being used for these cargoes? 64-36

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 64-37

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 64-38

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 64-39

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 64-40

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 64-41
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 64-42

9

Response to Comment 64-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 64-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 64-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 65: Holwill

From: Richard.Holwill@amway.com
Sent: Wednesday, September 25, 2013 2:09 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov; cholwill@gmail.com; katealbs@gmail.com
Subject: Virginia Avenue Tunnel

I live only 300 yards from the tunnel but accept that the greater good is served by allowing this project to go forward. I will allow others to comment on managing traffic flow, dust and noise.

To me the larger concern is that, once finished, this project brings other benefits to the neighborhood. In particular, I would like CSX to commit to building AND maintaining green space along the route of the tunnel. To ensure that the space is maintained, I want to see CSX put its name on any park or public space that is associated with the tunnel. My thesis is that, to protect its good name, its name (and any successor entity) be attached to the space. Thus, the Company will have an on-going interest in keeping the CSX Park clean, green and available to the public. 65-1

Richard Holwill
625 Ellen Wilson Place, SE
Washington, DC 20003

1

Response to Comment 65-1:

The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. The restoration and park amenities will be paid for by CSX.

ID 66: Horton

From: Claire Horton [claire.stockman@gmail.com]
Sent: Wednesday, September 25, 2013 1:43 PM
To: contact@virginiaavenuetunnel.com
Cc: faisal.hameed@dc.gov; michael.hicks@dot.gov
Subject: Concerns about the Virginia Avenue Tunnel Project

To Whom It May Concern,

As residents of Capitol Hill, we have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

We are aware that groups criticizing portions of the DEIS and the VAT project include the Committee of 100 on the Federal City, Capitol Quarter HOAs, ANC commissioners, the Capitol Hill Restoration Society, and neighbors among others.

We believe that CSX has not adequately addressed the problems of:

- project noise, reduced parking, and increased construction-related traffic congestion, affecting surface roads and 395 highway ramps 66-1
- the short-term and long-term impact of this project, which will increase freight traffic on the Hill significantly, on air quality and air pollution on Capitol Hill, which puts our children, the elderly, and our priceless national monuments at risk 66-2
- public safety issues regarding the possibility of CSX derailments, the transportation of dangerous cargo, and terrorism vulnerabilities that increased train traffic brings to our politically sensitive and densely populated neighborhood 66-3
- Open trench construction, the barrier that this type of construction creates between the amenities, businesses, and institutions in the Navy Yard area, and the dangers it may present to small children 66-4
- The environmental impact of removing over 100 mature trees from the area 66-5
- Loss of house values on the Hill due to the impact of this multi-year construction project 66-6

Additionally, we lack evidence that CSX

- has been actively consulting with local utilities about the possibility of area service interruptions 66-7
- Is seriously considering less disruptive options and reasonable build/routing alternatives such as temporary rerouting of trains as they have done in previous projects 66-8
- Will take action to mitigate the damage a long-term (3-5+ years) project will do to Barracks Row and Navy Yard businesses and revitalization efforts, in which the city and the federal government have invested millions of dollars. 66-9
- is considering the impact their construction will have on the health, transportation efforts, or success of children's schools in this area. There can be no doubt that this project will affect the recruitment efforts of the several charter schools in Navy Yard and the new Van Ness Elementary School, in which DCPS is investing nearly 10 million dollars 66-10

1

Response to Comment 66-1:

Section 5.3 of the DEIS addresses access to community facilities. Access to the Senior Center will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

Response to Comment 66-2:

Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, any of the Build Alternatives will allow CSX to accommodate this growth more efficiently, eliminating emissions associated with stopping and starting to pass through the single tracked tunnel and reducing potential emissions with double stack technology. As described in Section 5.5 of the DEIS, construction and post-construction phase emissions under each of the Build Alternatives are predicted to be well under the General Conformity Rule's de minimus emission thresholds. In addition, Section 5.5 of the DEIS disclosed that the Build Alternatives would have no potential for mobile source air toxics effects.

Response to Comment 66-4:

Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. North-south access and homeowner and business access will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

Response to Comment 66-5:

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process.

Response to Comment 66-6:

Construction-period mitigation measures are proposed throughout the DEIS. The question of compensation for construction-period losses in property value is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

From: Claire Horton [claire.stockman@gmail.com]
Sent: Wednesday, September 25, 2013 1:43 PM
To: contact@virginiaavenuetunnel.com
Cc: faisal.hameed@dc.gov; michael.hicks@dot.gov
Subject: Concerns about the Virginia Avenue Tunnel Project

To Whom It May Concern,

As residents of Capitol Hill, we have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

We are aware that groups criticizing portions of the DEIS and the VAT project include the Committee of 100 on the Federal City, Capitol Quarter HOAs, ANC commissioners, the Capitol Hill Restoration Society, and neighbors among others.

We believe that CSX has not adequately addressed the problems of:

- project noise, reduced parking, and increased construction-related traffic congestion, affecting surface roads and 395 highway ramps 66-1
- the short-term and long-term impact of this project, which will increase freight traffic on the Hill significantly, on air quality and air pollution on Capitol Hill, which puts our children, the elderly, and our priceless national monuments at risk 66-2
- public safety issues regarding the possibility of CSX derailments, the transportation of dangerous cargo, and terrorism vulnerabilities that increased train traffic brings to our politically sensitive and densely populated neighborhood 66-3
- Open trench construction, the barrier that this type of construction creates between the amenities, businesses, and institutions in the Navy Yard area, and the dangers it may present to small children 66-4
- The environmental impact of removing over 100 mature trees from the area 66-5
- Loss of house values on the Hill due to the impact of this multi-year construction project 66-6

Additionally, we lack evidence that CSX

- has been actively consulting with local utilities about the possibility of area service interruptions 66-7
- Is seriously considering less disruptive options and reasonable build/routing alternatives such as temporary rerouting of trains as they have done in previous projects 66-8
- Will take action to mitigate the damage a long-term (3-5+ years) project will do to Barracks Row and Navy Yard businesses and revitalization efforts, in which the city and the federal government have invested millions of dollars. 66-9
- is considering the impact their construction will have on the health, transportation efforts, or success of children's schools in this area. There can be no doubt that this project will affect the recruitment efforts of the several charter schools in Navy Yard and the new Van Ness Elementary School, in which DCPS is investing nearly 10 million dollars 66-10

1

Response to Comment 66-3:

The presence of a new tunnel will not alter current CSX practices with respect to the transport of materials. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called “Roadway Worker Protection Training” per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry’s e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX’s Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 66-7:

As stated in Section 5.14 of the DEIS, every effort will be made to minimize service disruptions. The project will follow the notification requirements of the affected utility companies and the public outreach program. Affected households will be informed of planned utility disruptions expected to last more than a few hours on any given day. In addition, the project’s outreach program will be used to inform the public.

- Is seriously concerned about the health and quality of life of those whose homes are mere feet from their proposed construction, including 160 units of senior public housing 66-11

For this reason, we respectfully request that the project and DEIS be revisited to answer these important health, safety, and quality of life questions from the community and the families who call the Hill home.

Sincerely,
Claire Horton

2

Response to Comment 66-8:

Section 3.2 of the DEIS identified all the alternatives considered, which included concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 66-9:

Refer to Section 5.4 of the DEIS for a discussion on economic impacts.

Response to Comment 66-10:

Construction of the project is not predicted to affect any school or childcare facility. Section 5.3.1.2 of the DEIS addresses access to community facilities, including schools. Access to Van Ness Elementary School will not be affected by construction of the project.

Response to Comment 66-11:

Section 5.3 of the DEIS addresses access to community facilities. Access to the Senior Center will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

ID 67: Howard

From: Jennifer Howard [jhowarddc@gmail.com]
Sent: Wednesday, September 25, 2013 11:27 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov; Mark Trainer
Subject: Proposed overhaul of the CSX Virginia Avenue tunnel

To Whom It May Concern:

I'm writing as a resident of Capitol Hill who sends my two children to Capitol Hill Day School, located on South Carolina Avenue at the edge of Garfield Park, very close to the Virginia Avenue train tunnel. As DDOT, CSX, and the Federal Highway Administration review plans for expanding the tunnel, I urge all the officials involved to consider the impact the proposed construction will have on our largely residential neighborhood. 67-1

I understand the desire to expand the tunnel to accommodate modern freight trains. But as someone who lives in the neighborhood and who is raising my children there, I'm very concerned about the environmental impact of the proposed project. How will it affect the quality of the air my kids breathe--air that's already compromised by the presence of the Capitol Power Plant and the highway? How will it affect the trees and landscape and the many houses that line the route? What about the Anacostia River shoreline? And should freight trains, some of them carrying dangerous materials, be routed so close to houses and to the Capitol now anyway? 67-2

If there are any viable alternatives to expanding the tunnel, I hope they're being seriously considered. And if there aren't viable alternatives, I hope you will make every effort to minimize the impact on the many families who live, work, play, and go to school in the vicinity of Garfield Park and the Hill generally. 67-3

Thanks for your attention.

Yours sincerely,

Jennifer Howard
1522 Potomac Avenue SE
Washington, D.C. 20003
202-546-3656 h

1

Response to Comment 67-1:

Thank you for providing your comment. Section 4.3 of the DEIS contained information about the effects to the population and neighborhoods surrounding Virginia Avenue Tunnel.

Response to Comment 67-2:

The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews. Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 67-3:

Alternative 3 has been selected as the Preferred Alternative. Construction of the project is not predicted to affect any school or childcare facility. Section 5.3.1.2 of the DEIS addresses access to community facilities, including schools.

ID 68: Jackson

From: Brent Jackson [bjackson@ttrsir.com]
Sent: Wednesday, September 25, 2013 6:11 PM
To: contact@virginiaavenuetunnel.com
Subject: CSX & Virginia Avenue Tunnel

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and 68-1
right of way. Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and 68-2
need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives 68-3
that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS 68-4
does not even address the broader safety, hazardous material, and environmental concerns that the NEPA
contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the 68-5
adverse environmental impacts created by the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

1

Response to Comment 68-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 68-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 68-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 68-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 68-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[i] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[ii] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 68-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[iii] yet it also states that it does not have sufficient information to predict overall vibration levels.[iv] The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 68-7 68-8
  - The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 68-9
  - The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 68-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting 68-11

3

Response to Comment 68-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 68-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 68-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 68-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 68-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 68-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 68-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 68-12

Response to Comment 68-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 68-13

Response to Comment 68-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as: 68-14

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;

Response to Comment 68-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

4

- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE; 68-14
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 68-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-

5

Response to Comment 68-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 68-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 68-17

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 68-18

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 68-19

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 68-20

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 68-21

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 68-22

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 68-23

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 68-24

   c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 68-25

   d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 68-26

   e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 68-27

   f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 68-28

6

Response to Comment 68-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 68-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 68-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 68-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 68-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 68-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 68-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 68-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 68-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 68-17

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 68-18

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 68-19

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 68-20

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 68-21

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 68-22

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 68-23

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 68-24

   c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 68-25

   d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 68-26

   e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 68-27

   f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 68-28

6

Response to Comment 68-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 68-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 68-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 68-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 68-28:

Emergency access will be maintained.

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 68-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 68-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 68-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 68-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 68-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 68-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 68-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 68-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor 68-37

7

Response to Comment 68-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 68-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 68-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 68-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 68-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 68-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 68-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 68-36:

Please see response to Comment 21-30.

railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 68-37

7.

8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 68-38

9.

10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 68-39

11.

12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 68-40

13.

14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 68-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

15.

16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 68-42

Brent Jackson
Associate Broker
TTR Sotheby's International Realty
1506 14th Street NW, Washington DC 20005
C: 202.263.9200
F: 866.336.4948
www.robandbrent.com

[i] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.
[ii] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.
[iii] Appendix F, Page 21

8

Response to Comment 68-37:

Please see response to Comment 21-30.

Response to Comment 68-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 68-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 68-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 68-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 68-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

[iv] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

No response required for this section of comment

9

ID 69: Joffe

From: Michelle Joffe [michelle.joffe@gmail.com]
Sent: Wednesday, September 25, 2013 8:55 PM
To: Contact@virginiaavenuetunnel.com; Michael.hicks@dot.gov; Faisal.hameed@dc.gov
Subject: va ave tunnel

As residents of Capitol Hill, my husband, myself and our 8 month old son have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

We are aware that groups criticizing portions of the DEIS and the VAT project include the Committee of 100 on the Federal City, Capitol Quarter HOAs, ANC commissioners, the Capitol Hill Restoration Society, and neighbors among others.

We believe that CSX has not adequately addressed the problems of:

-project noise, reduced parking, and increased construction-related traffic congestion, affecting surface roads and 395 highway ramps 69-1

- the short-term and long-term impact of this project, which will increase freight traffic on the Hill significantly, on air quality and air pollution on Capitol Hill, which puts our children and the elderly at risk 69-2

-public safety issues regarding the possibility of CSX derailments, the transportation of dangerous cargo, and terrorism vulnerabilities that increased train traffic brings to our politically sensitive and densely populated neighborhood. 69-3

-Open trench construction, the barrier that this type of construction creates between the amenities, businesses, and institutions in the Navy Yard area, and the dangers it may present to small children. The environmental impact of removing over 100 mature trees from the area. Loss of house values on the Hill due to the impact of this multi-year construction project 69-4

Additionally, where is the evidence that CSX
- has been actively consulting with local utilities about the possibility of area service interruptions 69-5

- Is seriously considering less disruptive options and reasonable build/routing alternatives such as temporary rerouting of trains as they have done in previous projects 69-6

-Will take action to mitigate the damage a long-term (3-5+ years) project will do to Barracks Row and Navy Yard businesses and revitalization efforts, in which the city and the federal government have invested millions of dollars. 69-7

- and most importantly is considering the impact their construction will have on the health, transportation efforts, or success of children's schools in this area. Are you all seriously concerned about the health and quality of life of those whose homes are mere feet from their proposed construction, including 160 units of senior public housing? 69-8

For this reason, we respectfully request that the project and DEIS be revisited to answer these important health, safety, and quality of life questions from the community and the families who call the Hill home. As a nurse practitioner who practices in this community the list of public health concerns I have could fill a separate letter in and of itself. Please think about your own children and your neighborhood and what you would like to happen. Seriously put yourselves in our shoes and tell me if you would be able to sleep easy knowing

1

Response to Comment 69-1:

As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. Alternative 3 was selected as the Preferred Alternative and does not utilize pile driving. The contractor will enforce the parking requirements among the construction workers. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 69-2:

Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, any of the Build Alternatives will allow CSX to accommodate this growth more efficiently, eliminating emissions associated with stopping and starting to pass through the single tracked tunnel and reducing potential emissions with double stack technology. As described in Section 5.5 of the DEIS, construction and post-construction phase emissions under each of the Build Alternatives are predicted to be well under the General Conformity Rule's de minimus emission thresholds. In addition, Section 5.5 of the DEIS disclosed that the Build Alternatives would have no potential for mobile source air toxics effects.

Response to Comment 69-4:

Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. North-south access and homeowner and business access will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Construction-period mitigation measures are proposed throughout the DEIS. Monetary compensation to affected residents is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

From: Michelle Joffe [michelle.joffe@gmail.com]
Sent: Wednesday, September 25, 2013 8:55 PM
To: Contact@virginiaavenuetunnel.com; Michael.hicks@dot.gov; Faisal.hameed@dc.gov
Subject: va ave tunnel

As residents of Capitol Hill, my husband, myself and our 8 month old son have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

We are aware that groups criticizing portions of the DEIS and the VAT project include the Committee of 100 on the Federal City, Capitol Quarter HOAs, ANC commissioners, the Capitol Hill Restoration Society, and neighbors among others.

We believe that CSX has not adequately addressed the problems of:

-project noise, reduced parking, and increased construction-related traffic congestion, affecting surface roads and 395 highway ramps 69-1

- the short-term and long-term impact of this project, which will increase freight traffic on the Hill significantly, on air quality and air pollution on Capitol Hill, which puts our children and the elderly at risk 69-2

-public safety issues regarding the possibility of CSX derailments, the transportation of dangerous cargo, and terrorism vulnerabilities that increased train traffic brings to our politically sensitive and densely populated neighborhood. 69-3

-Open trench construction, the barrier that this type of construction creates between the amenities, businesses, and institutions in the Navy Yard area, and the dangers it may present to small children. The environmental impact of removing over 100 mature trees from the area. Loss of house values on the Hill due to the impact of this multi-year construction project 69-4

Additionally, where is the evidence that CSX
- has been actively consulting with local utilities about the possibility of area service interruptions 69-5

- Is seriously considering less disruptive options and reasonable build/routing alternatives such as temporary rerouting of trains as they have done in previous projects 69-6

-Will take action to mitigate the damage a long-term (3-5+ years) project will do to Barracks Row and Navy Yard businesses and revitalization efforts, in which the city and the federal government have invested millions of dollars. 69-7

- and most importantly is considering the impact their construction will have on the health, transportation efforts, or success of children's schools in this area. Are you all seriously concerned about the health and quality of life of those whose homes are mere feet from their proposed construction, including 160 units of senior public housing? 69-8

For this reason, we respectfully request that the project and DEIS be revisited to answer these important health, safety, and quality of life questions from the community and the families who call the Hill home. As a nurse practitioner who practices in this community the list of public health concerns I have could fill a separate letter in and of itself. Please think about your own children and your neighborhood and what you would like to happen. Seriously put yourselves in our shoes and tell me if you would be able to sleep easy knowing

1

Response to Comment 69-3:

The presence of a new tunnel will not alter current CSX practices with respect to the transport of materials. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

you have put so many children and elderly in harms way? Thank you for your time and consideration. Michelle Joffe

2

Response to Comment 69-5:

As stated in Section 5.14 of the DEIS, every effort will be made to minimize service disruptions. The project team will follow the notification requirements of the affected utility companies and the public outreach program, and affected households will be informed if their utility services are disrupted, and any such disruption will not last more than a few hours on any given day. In addition, the project team's outreach program will be used to inform the public.

Response to Comment 69-6:

Section 3.2 of the DEIS identified all the alternatives considered, which included concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 69-7:

Refer to Section 5.4 of the DEIS for a discussion on economic impacts.

Response to Comment 69-8:

Construction of the project is not predicted to affect any school or childcare facility. Section 5.3.1.2 of the DEIS addresses access to community facilities, including schools. Access to Van Ness Elementary School will not be affected by construction of the project. Section 5.3 of the DEIS addresses access to community facilities. Access to the Senior Center will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

ID 70: Johnson

From: Brent Johnson [brent.william.johnson@gmail.com]
Sent: Wednesday, September 25, 2013 6:00 PM
To: contact@virginiaavenuetunnel.com
Cc: Audra Hollifield
Subject: VA Tunnel Project

To Whom It May Concern-

My name is Brent Johnson and my wife Audra Hollifield and I live at 312 I St. SE. We write to endorse the views and issues raised in the Capitol Quarter Homeowners' Association I letter that has been submitted. We urge all involved to read that letter carefully and respond to each issue and question. Thank you. 70-1

Brent Johnson and Audra Hollifield

--
Brent W. Johnson
312 I St. SE
Washington, DC 20003
(650) 814-3615
brent.william.johnson@gmail.com

1

Response to Comment 70-1:

Please see the Captiol Quarter Community Association comment letter for response.

ID 71: Kahn

Gmail - Comments Page 1 of 2

Gmail

Fritz Kahn <xiccgc@gmail.com>

Comments
1 message

Fritz Kahn <xiccgc@gmail.com> Wed, Sep 25, 2013 at 3:57 PM
To: cntact@virginiaavenuetunnel.com

Dear Dr. Hameed:

The Draft Environmental Impact Statement of July 2013, for the Virginia Avenue Tunnel Reconstruction in my opinion is fatally flawed for the following reasons:

First, the DEIS appears to have been prepared without the participation of the Surface Transportation Board, the successor to the Interstate Commerce Commission, charged with the responsibility for the economic regulation of the Nation's railroads. Among other powers, the STB, pursuant to 49 U.S.C. 11102, can order reciprocal switching within a community, such as Washington, DC, and terminal trackage to afford a second railroad to reach the station of another railroad, as, for example, CSX reaching NS at Alexandria, VA, or at Hagerstown, MD. 71-1

Second, the DEIS appears to have been prepared without the participation of Amtrak, the owner of Union Station in Washington, DC, and the Northeast Corridor beyond. Amtrak is a nongovernment corporation subject to the jurisdiction of the STB at least for certain purposes. The double tracked First Street Tunnel, evidently owned by CSX, is used during the morning and evening rush hours by VRE and at various times during the day and night by Amtrak's trains from and to the south. That leaves ample time for Union Station to allow the transit of the few CSX trains with cars originating or terminating in Washington, DC. The use of railroad track for use by Amtrak and/or commuter railroads, on the one hand, and, on the oher, by freight railroads is widespread. CSX itself allows the use of its tracks by VRE and MARC. That may necessitate additional dispatching and yard crews, but those expenses will need to be borne by CSX. That tracks north of Union Station has been electrified is immaterial, as diesel powered trains can operate on those tracks. 71-2

Third, the DEIS appears to have been prepared without its authors' viewing or publishing a map of Washington, DC, showing all of its railroad lines. Such a map would have shown that CSX's Bennington or Benning Yard can be accessed not only by the track or tracks extending beyond the Virginia Avenue Tunnel but evidently also from tracks extending from the Ivy City Yard adjacent to Amtrak's Union Station and from CSX's track or tracks as they leave Washington, DC, at or near New Carrolton. 71-3

Fourth, the DEIS appears to have been prepared without the participation of NS. Most of CSX's trains using the Virginia Avenue Tunnel consist of cars moving beyond Washington, DC, mostly to stations on the National Gateway or beyond. Those cars can be rerouted over the line of NS between Alexandria and Hagerstown. NS may be willing to grant temporary trackage rights to CSX while work is being performed on the Virginia Avenue Tunnel. Although it may be difficult to get NS to consent to two years' trackage rights, it has done so in the past, and other railroads have granted four years' and ten years' temporary trackage rights, all with the approval of the STB. In the absence of NS' consent, such rerouting of the CSX trains might be ordered by the STB using its authority to grant reciprocal switching and/or terminal trackage. 71-4

Fifth, the DEIS appears to have been prepared without CSX having been asked or volunteering how the ten other tunnels along the National Gateway which require enlargement to accommodate double-stack container cars have been or will be worked on. At least four of them are in MD alone, the Graham Tunnel near Magnolia, WV, the Harpers Ferry Tunnel in Sandy Hook, the Catoctin Tunnel in Catoctin and Point of Rocks Tunnel in Point of Rocks. It is highly doubtful that these tunnels were or will be rebuilt by using open trenches as the DEIS appears to favor for the Virginia Avenue Reconstruction. 71-5

https://mail.google.com/mail/u/0/?ui=2&ik=a76f975882&view=pt&search=sent&th=1415... 9/25/2013

Response to Comment 71-1:

Under CEQ regulations, FHWA is the correct federal entity to serve as the “lead agency” for this NEPA process. Other agencies, such as the U.S. Marine Corps and the National Park Service, are serving as “cooperating agencies.” When FHWA published its NEPA notices, first for a scoping process to precede preparation of an Environmental Assessment and then a notice of intent to prepare an Environmental Impact Statement, the STB had opportunities to participate if it wished to. It elected not to participate in the NEPA process. Nevertheless, STB board members were briefed by CSX on this project and have been provided updates when requested. However, any discussion of STB powers to order reciprocal switching or other related measures is not necessary. Section 3.2.1.7 of the DEIS demonstrates why more than three years of re-routing of CSX freight traffic on NS tracks would not accomplish the project’s purpose and need, and therefore why this alternative was not given detailed consideration.

Response to Comment 71-2:

Like the STB, Amtrak also could have served as a cooperating agency under NEPA, but it did not. Unlike Virginia Railway Express, Amtrak elected not to make any comments on the Draft EIS. However, CSX has met with Amtrak officials on many occasions and Amtrak’s familiarity with this project can be reasonably presumed. It should be noted that Amtrak, not CSX, owns the First Street Tunnel mentioned in the comment. That fact has no bearing upon the discussion in Section 3.2.1.7 of the DEIS explaining that a temporary re-routing through Union Station is not practicable, and therefore, that this alternative does not warrant detailed consideration.

Response to Comment 71-3:

The commenter is directed to Figures 3-10, 3-11, and 3-12 for maps showing railroad lines in the region.

Response to Comment 71-4:

As noted above, Section 3.2.1.7 of the DEIS addressed the potential alternative of having CSX re-route its freight traffic onto NS tracks for the entirety of time it would take to reconstruct the Virginia Avenue Tunnel. This alternative posed both serious regulatory and operational challenges, and was eliminated for failing to meet the project’s purpose and need.

Response to Comment 71-5:

The National Gateway Project, Phase I, is a now-completed project by CSX that was given its own scrutiny under NEPA. The Virginia Avenue Tunnel project has independent utility, and stands as a separate undertaking. The method used to rebuild a railroad tunnel depends on the circumstances of the specific location. Therefore, neither the open trench method used to reconstruct the J&L Tunnel in a residential neighborhood of downtown Pittsburgh nor proposed tunnel improvements near Harpers Ferry, W. Va. has any bearing on the ultimate construction method selected for Virginia Avenue.

Sixth, the DEIS appears to have been prepared without considering the use of a boring machine to enlarge the Virginia Avenue Tunnel. Boring machines are widely used, and the DEIS did not determine whether they might be used to enlarge the Virginia Avenue Tunnel in lieu of using the open trenches as the DEIS appears to favor. 71-6

If you require documentation to support my allegations of the DEIS' deficiencies, please let me know, and I shall try to provide it.

Fritz R. Kahn
Fritz R. Kahn, P.C.
1919 M Street, NW (7th fl.)
Washington, DC 20036
Tel.: (202) 263-4152
Fax: (202) 331-8330
e-mail: xiccgc@gmail.com

This message is intended for the addressee. If is midelivered, please mail it to the sender and telephone him to advise him of the misdelivery. Thank you.

Response to Comment 71-6:

Section 3.2.1.8 of the DEIS discusses the alternative of deep-boring construction and explains why that technique is not feasible in this situation.

ID 72: Keating

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family (including my two young children), my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 72-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 72-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 72-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 72-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 72-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 72-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 72-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 72-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 72-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 72-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Anjelina Keating
911 5th St. SE
Washington DC 20003
202-294-4799
keatinganji@gmail.com

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 72-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 72-7 72-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 72-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 72-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 72-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 72-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 72-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 72-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 72-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 72-12

4

Response to Comment 72-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 72-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 72-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 72-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

72-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

72-13

Response to Comment 72-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

72-14

Response to Comment 72-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

72-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 72-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 72-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 72-17

6

Response to Comment 72-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 72-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 72-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 72-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 72-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 72-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 72-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 72-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 72-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 72-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 72-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 72-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 72-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 72-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 72-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 72-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 72-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 72-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 72-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 72-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 72-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 72-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 72-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 72-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 72-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 72-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 72-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 72-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 72-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 72-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 72-28:

Emergency access will be maintained.

Response to Comment 72-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 72-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 72-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 72-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner.

Response to Comment 72-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 72-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 72-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 72-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 72-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 72-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 72-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 72-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 72-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 72-42

9

Response to Comment 72-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 72-36:

Please see response to Comment 21-30.

Response to Comment 72-37:

Please see response to Comment 21-30.

Response to Comment 72-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 72-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 72-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 72-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 72-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 72-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 72-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 72-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 72-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 72-42

9

Response to Comment 72-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 72-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 72-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 73: Kingery-Schwartz

From: Anne Kingery-Schwartz [aekingery@gmail.com]
Sent: Wednesday, September 25, 2013 9:34 AM
To: contact@virginiaavenuetunnel.com
Subject: Tunnel Project Protest

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW
Suite 701
Washington, DC 20005

Dear Sir,

I am writing in protest of the proposed open tunnel running through the heart of the historic Capitol Hill neighborhood. Capitol Hill is home to a vibrant community with a number of young families with infants and toddlers. We play in the parks (including Garfield park, which is adjacent to the proposed trench), we are members of Results Gym, we walk to Yards Park and Nationals Stadium. The proposed project would cut a gash in the middle of this area--breaking its cohesive nature, adding tons of pollution (both noise and gaseous) to the air, and creating a hazard for people of all ages, but especially our children. 73-1

I am sure there is another route CSX could use to send their double-decker container trains south. Why does it need to be through the city--mere blocks from the US Capitol and this special neighborhood? Please consider this perspective when examining the project. 73-2

Sincerely,
Anne

Anne Kingery-Schwartz
516 A Street NE
aekingery@gmail.com
202 355 8664

1

Response to Comment 73-1:

Construction-period air pollutant emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that the expected levels of emissions during construction would be well within the acceptable ranges in terms of cancer, chronic non-cancer, and acute health risks. For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria at nearby residences, such as Capper Senior Apartments and Capitol Quarters. Therefore, extensive mitigation measures would be implemented as described in the DEIS.

Response to Comment 73-2:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

ID 74: Kirrane, Brian

From: Brian Kirrane [bpkirrane@gmail.com]
Sent: Wednesday, September 25, 2013 11:43 PM
To: contact@virginiaavenuetunnel.com
Subject: Comments - CSX VA Avenue Tunnel Reconstruction

Good Evening FHWA, DDOT, and CSX -

First, I support the general project and the broader economic benefits of the tunnel's expansion. However, I hope that you take the comments from community members seriously as we all recognize this project has zero direct benefit on residents of the Capitol Hill and Navy Yard neighborhoods and will significantly benefit the revenues/profits of CSX. More informed community members than I will address issues of whether or not the DEIS actually conforms with NEPAL regulations. Overall, I believe you have treated your responsibilities to being responsive to the community with a level of arrogance that should be tempered given the immense direct negative impacts the project will have on neighbors - many of which are young families. 74-1

I do have one recommendation as it relates to the traffic component. Please consider traffic diversion alternatives - both entering and leaving Capitol Hill. LEAVING - signs along Penn Ave. eastbound could direct motorists to 11th Street for both east 695 access. Additionally, wayfinding signs could be placed on Penn Ave. westbound to direct motorists to Washington Ave. for east 695 & north/south 395 access. Signs could be placed along M Street SE to direct people to the South Capitol Street access points for 395/695. This would alleviate some motorists using the 3rd Street access point which will be pressed by the CSX construction. ENTERING - wayfinding signs could be placed on 395/695 to direct people to access Capitol Hill from the 395 C/D Street exit/Washington Ave. That would alleviate some of the traffic exiting at 6th Street. With so many children living in the construction area, safety would be significantly enhanced by redirecting as much traffic as possible. 74-2

Next, please provide much more detail around the North/South crossings as it relates to pedestrian crossings. With so many children in the are, we need security that children will not b able to access an open trench or other construction elements. 74-3

As previously mentioned, we all recognize there are no direct benefits to residents, but significant negative impacts, we hope CSX goes above and beyond for he community nothing hould be restored to how it was before constructio - it should all be better First, we consider significant traffic calming measures for the northern portion of Virginia Avenue. Since traffic will be two-way in some spots and just the general redirect of traffic to VA Ave North, there will be stress points on the infrastructure and it should be replaced with more than just a road resurfacing. This should, hopefully, involve trees (preferably ones that will grow to have large canopies to help block noise from the freeway), reducing VA Ave to two lanes, and adding bike and pedestrian infrastructure. 74-4

Lastly, while somewhat unrelated to the project, the installation of noise barriers along the residential segments of the SE/SW Freeway wold be very much appreciated.

Thank you,
Brian Kirrane

700 block of 4th Street, SE

1

Response to Comment 74-1:

Section 4.3 of the DEIS contained information about the effects to population and neighborhoods surrounding Virginia Avenue Tunnel. Section 4.4 of the DEIS contained information about the general economic conditions, including major employment areas.

Response to Comment 74-2:

Although the MOT plan was developed in August 2012, the basic plan elements remain valid at this time. The MOT plan will be refined and updated as the project moves forward.

Response to Comment 74-3:

As described in Section 3.3.1.4 of the DEIS, all cross streets from 3rd to 8th Streets would remain open. The 6th Street off-ramp would remain open throughout construction, except when 5th/6th Street temporary crossing is installed and removed. Alternative 3 is the Preferred Alternative, and does not require open trench except for approximately 230 feet immediately east of the west portal.

Response to Comment 74-4:

CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

ID 75: Kirrane, Tara

From: Tara Kirrane [tara.kirrane@gmail.com]
Sent: Wednesday, September 25, 2013 11:00 PM
To: contact@virginiaavenuetunnel.com
Cc: faisal.hameed@dc.gov; michael.hicks@dc.gov
Subject: Comments on Virginia ave tunnel

I want to focus on traffic and community benefits as this entire projects serves only one private company, CSX.

Please consider traffic diversion alternatives - both entering and leaving Capitol Hill. LEAVING - Wayfinding signs along Penn Ave. eastbound could direct motorists to 11th street for both east and west 695 access. Additionally, wayfinding signs could be placed on Penn Ave. westbound to direct motorists to Washington Ave. for east 695 & north/south 395 access. Additionally, wayfinding signs could be placed along M Street SE to direct people to the South Capitol Street access points for 395/695. This would alleviate some motorists using the 3rd Street access point which will be pressed by the CSX construction. ENTERING - wayfinding signs could be placed on 395/695 to direct people to access Capitol Hill from the 395 D Street exit/Washington Ave. That would alleviate some of the traffic exiting at 6th Street. 75-1

I would like a 'road diet' or traffic calming measures for the northern portion of Virginia Avenue. Since traffic will be two-way in some spots and just the general redirect of traffic to VA Ave North, there will be stress point on the infrastructure and it should be replaced with more than just a road resurfacing. This should, hopefully, involve trees (preferably ones that will grow to have large canopies to help block noise from the freeway), reducing VA Ave to two lanes, and adding bike and pedestrian infrastructure. the unnecessary 695 'fly-by' to 395 North would be completely removed providing that much more space on the northern border of the freeway for a sidewalk and trees. 75-2

I would also like to see noise barriers placed on both sides of the residential neighborhoods along freeway.

Thank you for your time.

Regards,

Tara Kirrane
720 4th st SE
Washington dc, 20003
202.841.4654

1

Response to Comment 75-1:

Thank you for providing your comment. Your comment has been noted. Although the MOT plan was developed in August 2012, the basic plan elements remain valid at this time. The MOT plan will be refined and updated as the project moves forward.

Response to Comment 75-2:

CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

ID 76: Koprucu

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

25 September 2013

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 76-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 76-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 76-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 76-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 76-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 76-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 76-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 76-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 76-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 76-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Sincerely,

Feza Koprucu
308 I ST SE
Washington, DC 20003

//s//

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 76-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 76-7 76-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 76-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 76-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 76-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 76-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 76-9

Response to Comment 76-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 76-10

Response to Comment 76-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 76-11

Response to Comment 76-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 76-12

Response to Comment 76-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

4

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

76-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

76-13

Response to Comment 76-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

76-14

Response to Comment 76-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

76-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

76-15

Response to Comment 76-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

76-16

Response to Comment 76-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

76-17

Response to Comment 76-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 76-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 76-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 76-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 76-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 76-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 76-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 76-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 76-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 76-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 76-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 76-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 76-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 76-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 76-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 76-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 76-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 76-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 76-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 76-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 76-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 76-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 76-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 76-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 76-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 76-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 76-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 76-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 76-28:

Emergency access will be maintained.

Response to Comment 76-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 76-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 76-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 76-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 76-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 76-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 76-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 76-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 76-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 76-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 76-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 76-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 76-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 76-42

9

Response to Comment 76-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 76-36:

Please see response to Comment 21-30.

Response to Comment 76-37:

Please see response to Comment 21-30.

Response to Comment 76-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 76-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 76-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 76-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 76-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 76-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 76-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 76-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 76-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 76-42

9

Response to Comment 76-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 76-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 76-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 77: Lancaster

THE LANCASTERS
337 L STREET, SE
WASHINGTON, DC 20003

September 25, 2013

VIA ELECTRONIC MAIL

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

To Whom it May Concern:

We write this letter on behalf of our family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

We are deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of our family, neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 77-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 77-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 77-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 77-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 77-5

1

Response to Comment 77-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 77-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 77-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 77-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 77-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, we endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote, despite the efforts by CSX and its cronies to invalidate those comments. Those comments are attached to this letter.

Sincerely,

Aaron and Jennifer Lancaster

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 77-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 77-7 77-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 77-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 77-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 77-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 77-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 77-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 77-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 77-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 77-12

4

Response to Comment 77-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 77-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 77-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 77-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 77-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 77-13

Response to Comment 77-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

77-14

Response to Comment 77-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

77-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

77-15

Response to Comment 77-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

77-16

Response to Comment 77-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

77-17

Response to Comment 77-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 77-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 77-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 77-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 77-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 77-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 77-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 77-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 77-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 77-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 77-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 77-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 77-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 77-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 77-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 77-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 77-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 77-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 77-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 77-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 77-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 77-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 77-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 77-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 77-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 77-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 77-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 77-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 77-28:

Emergency access will be maintained.

Response to Comment 77-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 77-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 77-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 77-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 77-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 77-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 77-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 77-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 77-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 77-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 77-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 77-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 77-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 77-42

9

Response to Comment 77-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 77-36:

Please see response to Comment 21-30.

Response to Comment 77-37:

Please see response to Comment 21-30.

Response to Comment 77-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 77-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 77-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 77-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 77-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 77-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 77-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 77-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 77-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 77-42

9

Response to Comment 77-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 77-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 77-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 78: Lard

From: Todd Lard [todd.lard@gmail.com]
Sent: Tuesday, October 01, 2013 12:03 PM
To: contact@virginiaavenuetunnel.com
Subject: Traffic Study

I realize that the formal comment period has closed, but I strongly suggest you reconsider the reliability of the traffic study in the wake of the heightened security at the Washington Navy Yard resulting from the recent shootings. The extra security at the entry points to the Navy Yard has created extreme traffic backups on Virginia Avenue and along the numbered streets leading to the Navy Yard. This traffic did not exist at the time the traffic study was completed, which renders it dated. Given the significant changes the extra security has caused, I ask that you update the traffic study to more accurately reflect current traffic patterns. 78-1

Thank you,
Todd lard

1

Response to Comment 78-1:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The MOT plan will be refined and updated as the project moves forward.

ID 79: Latham

From: Elizabeth Latham [elizabethlatham@yahoo.com]
Sent: Wednesday, September 25, 2013 3:31 PM
To: Contact@virginiaavenuetunnel.com
Cc: Michael.hicks@dot.gov; Faisal.hameed@dc.gov; Elizabeth Latham
Subject: Problems with VA Ave Project

As a resident of Capitol Hill, I have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

I am concerned about:

* project noise, reduced parking, and increased construction- related traffic congestion, affecting surface roads and 395 highway ramps--which are already causing lots of trafic problems in my neighborhood 79-1
* the short-term and long-term impact of this project, which will increase freight traffic on the Hill significantly, on air quality and air pollution on Capitol Hill, which puts my child and my 101 year old neighbor at risk (not to mention me!) 79-2
* The environmental impact of removing over 100 mature trees from the area 79-3

I am also worried about

* public safety issues regarding the possibility of CSX derailments, the transportation of dangerous cargo, and terrorism vulnerabilities that increased train traffic brings to our politically sensitive and densely populated neighborhood--I don't know why we want to have double decker trains allowed at all! 79-4
* Open trench construction, the barrier that this type of construction creates between the amenities, businesses, and institutions in the Navy Yard area, and the dangers it may present to small children 79-5
* Loss of house values on the Hill due to the impact of this multi-year construction project 79-6

There have got to be better ways of doing infrastructure rennovation and CSX should be required to come up with community friendly solutions.

Elizabeth Latham

1

Response to Comment 79-1:

As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. Alternative 3 was selected as the Preferred Alternative and does not utilize pile driving. The contractor will enforce the parking requirements among the construction workers. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations. Although the MOT plan was developed in August 2012, the basic plan elements remain valid at this time. The MOT plan will be refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction.

Response to Comment 79-2:

Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, any of the Build Alternatives will allow CSX to accommodate this growth more efficiently, eliminating emissions associated with stopping and starting to pass through the single tracked tunnel and reducing potential emissions with double stack technology. As described in Section 5.5 of the DEIS, construction and post-construction phase emissions under each of the Build Alternatives are predicted to be well under the General Conformity Rule's de minimus emission thresholds. In addition, Section 5.5 of the DEIS disclosed that the Build Alternatives would have no potential for mobile source air toxics effects.

Response to Comment 79-3:

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process.

Response to Comment 79-5:

Concerning the comment about open trench construction, Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. North-south access and homeowner and business access will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

From: Elizabeth Latham [elizabethlatham@yahoo.com]
Sent: Wednesday, September 25, 2013 3:31 PM
To: Contact@virginiaavenuetunnel.com
Cc: Michael.hicks@dot.gov; Faisal.hameed@dc.gov; Elizabeth Latham
Subject: Problems with VA Ave Project

As a resident of Capitol Hill, I have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

I am concerned about:

* project noise, reduced parking, and increased construction- related traffic congestion, affecting surface roads and 395 highway ramps--which are already causing lots of trafic problems in my neighborhood 79-1
* the short-term and long-term impact of this project, which will increase freight traffic on the Hill significantly, on air quality and air pollution on Capitol Hill, which puts my child and my 101 year old neighbor at risk (not to mention me!) 79-2
* The environmental impact of removing over 100 mature trees from the area 79-3

I am also worried about

* public safety issues regarding the possibility of CSX derailments, the transportation of dangerous cargo, and terrorism vulnerabilities that increased train traffic brings to our politically sensitive and densely populated neighborhood--I don't know why we want to have double decker trains allowed at all! 79-4
* Open trench construction, the barrier that this type of construction creates between the amenities, businesses, and institutions in the Navy Yard area, and the dangers it may present to small children 79-5
* Loss of house values on the Hill due to the impact of this multi-year construction project 79-6

There have got to be better ways of doing infrastructure rennovation and CSX should be required to come up with community friendly solutions.

Elizabeth Latham

1

Response to Comment 79-4:

The presence of a new tunnel will not alter current CSX practices with respect to the transport of materials. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 79-6:

Construction-period mitigation measures are proposed throughout the DEIS. Monetary compensation to affected residents is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

ID 80: Lee

Comment on Draft Environment Impact Statement
Re: Virginia Avenue Tunnel Project by CSX
Lee Family
801 4th Street SE
Washington DC

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

Re: Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement & Section 4(f) Evaluation

No response required for this section of comment

Dear Mr. Hicks and Dr. Hameed:

Thank you for the opportunity to provide comments in response to the Draft Environmental Impact Statement (DEIS) for the CSX reconstruction of the Virginia Avenue Tunnel. This three- to six-year project will have significant impacts on our family and our neighborhood throughout the period of construction and potentially afterward. Therefore, it is critical that we address the missing components of the DEIS effectively. We rely upon the Federal Highway Administration (FHWA), the District Department of Transportation (DDOT), and of course CSX, to work with our family and our immediate community to do so.

We find the DEIS, as presented, fails to provide adequate details necessary for informed public input in seven critical areas:

1. Reasonable Alternatives
2. CSX Right of Way
3. Private Land Use and Limits of Disturbance (LOD)
4. Vibration Risks
5. Noise and Human Disturbance
6. Air Quality
7. Human Environment Requires Further Consideration

This places us in jeopardy of not being able to reasonably work toward real mitigation issues for our 23-month-old son and daughter, ourselves, or the community. Based upon this DEIS, we must support a No Build alternative.

We urge FHWA and DDOT to issue a Supplemental EIS or an equivalent document with the addition of necessary details and explanations for public comment. We request that a Final EIS not be released simultaneously with a Final Record of Decision; please allow time within the process for public input into any relevant data. We urge the agencies and CSX to take a hard look at these missing points of data and provide accurate depictions of this project to the public.

Here are the issues we request be given a more thorough review and supplemented with more detailed and appropriate information:

Issue 1: Reasonable Alternatives: Re-Routing Not Appropriately Evaluated

"Agencies are obligated to evaluate all reasonable alternatives or a range of reasonable alternatives in enough detail so that a reader can compare and contrast the environmental effects of the various alternatives." (A Citizen's Guide to the NEPA, Page 16, under Draft EIS)

The DEIS fails to carry forward any reasonable re-routing option as originally presented under concepts 7A, 7B, as well as concept 8 through 11. The DEIS only provides a cursory remark that Concept 7, for example, receives a "no" for meeting the Purpose & Need Criteria #5 and #6 for CSX.

The DEIS contains no adequate explanation for disregarding concepts 7A, 7B, or a variance of re-routing build concepts (temporary re-route, partial temporary re-route, etc.) in order for the public to adequately compare environmental (human and physical) affects, safety measures, project costs, and/or length of time for the intended construction periods. 80-1

- On the environmental front, re-routing trains during construction periods can help limit the disruption of contaminated soils that will be airborne as a result of ongoing construction activity.
- In regards to safety, a re-route option also could greatly reduce the chance of human error or mechanical error-related accidents associated with moving double-stack trains through an active and tightly quartered construction space, not to mention any open trench. The open trench option takes place in two of the three build alternatives.
- On project costs, the public is not given any comparisons to adequately determine differences between the build Alternatives 2, 3, or 4. 80-2
- Finally, length of time—a critical element to the short- and long-term health for this neighborhood—should be rigorously analyzed to determine if indeed a shorter construction period would be possible. Currently estimates note that construction could be from 3.5 years to 5.5 years. If temporary tracks are not necessary under Alternative 2, does this then reduce the timeframe of 42 months? 80-3

Response to Comment 80-1:

Section 3.2 of the DEIS provided the reasons why the reroute alternatives were eliminated from consideration in the EIS process, including Concept 7.

Response to Comment 80-2:

Section 3.3.1.7 of the DEIS provided cost information about Alternatives 2, 3 and 4.

Response to Comment 80-3:

The construction timeframes as presented in the FEIS take into consideration applicable DC regulations on work hours and construction activities. CSX wants to finish the project as soon as possible and understands the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

On page 3-17, the DEIS states that: "Although rerouting is common railroad practice under emergence conditions that are usually short in duration, negotiating a 2 plus-year operating agreement would be very difficult." The DEIS shows no cause for what would be difficult and in fact shows that Northern Southern (NS) was not consulted. It is our understanding based upon discussion with industry experts that CSX regularly enters into agreements for track sharing.

Re-routing during period of any build alternative is a reasonable alternative that requires more study and more detailed analysis on the part of the agencies and CSX. Until details are provided on this seemingly very reasonable alternative that would limit the disruption of exposed and contaminated soils, limit the effects on the environment, and provide better quality of life standards for those living in the vicinity and beyond the LOD, the NEPA process has failed to "evaluate all reasonable alternatives." 80-4

Issue 2: Right of Way: Critical Information and Detail Not Provided to Public

Per the DEIS, it is understood that CSX seeks to expand its right of way authority and take public land. We strongly urge the agencies to provide adequate information related to:

1) what is the existing right of way (ROW) for CSX's Virginia Avenue Tunnel;
2) who or what entity gives CSX authority to expand its ROW along Virginia Avenue to expand its ROW supposedly from 7 to 25 feet south of the existing tunnel; and
3) how the public provide sufficient input into this decision which likely relates to the presented Alternatives 2, 3, and 4. 80-5

Issue 3: Private Land vs. LOD: Inaccurate or Unclear Measurements?

"Because all three Build Alternatives described in this Draft EIS contemplate that the reconstructed tunnel would only be located within CSX- owned or public property, rather than intruding into or under any private property, no additional detail beyond those already presented here is warranted." (Chapter 3, Page 4)

The DEIS states the above and notes that no public property will be temporarily or permanently affected. The DEIS furthermore states the LOD would not "be expanded into private property during final design."[1] We appreciate this strong statement for it helps to protect my family's property, which extends toward Virginia Avenue SE by approximately 16 feet from the footprint of our house (back corner). However, we believe that the DEIS does not take a sufficient analysis of the project's needs (location of second temporary or permanent tunnel under Alternatives 2 or 3) and the accuracy of the distances associated with the LOD, existing and potentially future train tracks, and private property lines. In other words, we strongly urge FHWA and DDOT, in close coordination with CSX, to re-analyze these design measurements and to clarify them in public form. 80-6

According to the DEIS, the closest the train tracks in Alternative 2 or 3 will come to our home is potentially 33 feet. Per the DEIS, the closest barrier wall would be

[1] DEIS Chapter 3, Page 3-32

Response to Comment 80-4:

Section 3.2 of the DEIS provided the reasons why the reroute alternatives were eliminated from consideration in the EIS process, including Concept 7.

Response to Comment 80-5:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 80-6:

Please see Construction Phasing exhibits in Appendix M of the FEIS that clarify LOD, fencing and temporary access to homes. None of the Build Alternatives requires the acquisition of private property, no private property will be occupied during construction, and there will be no building within the damage and annoyance vibration lines of the new tunnel. Emergency access will be maintained. All affected residents of Capitol Quarters will be provided with temporary driveway access during construction. These driveways will be accessible to emergency response vehicles. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. As related to the Virginia Avenue Tunnel reconstruction project, all residents and businesses located in the Southeast and Capitol Hill communities will have access to a dedicated Virginia Avenue Tunnel claims process to address unforeseen impacts on homes or businesses. The claims process created by CSX to address property damage issues related to construction activities will also be available to resolve claims and disputes arising from this property mitigation program.

situated 20 feet away.[2] The LOD would then need to assume that a driveway allowing access to residents' garages in the alleyway parallel to Virginia Avenue SE (square 0797) and a pedestrian walkway for access to the front doors of residents' homes on the Virginia Avenue Courtyard would need to fit in approximately 20 feet of space.

The DEIS provides faulty data and incomplete assessments from the limit of disturbance to the safety barrier, construction access, and finally the rebuild of both a temporary tunnel and the final one in all alternatives. Our home is one of the closest homes to the planned construction areas. Being able to include two lanes of traffic, pedestrian access, and safety walls and barrier inside a 20 feet area that will allow for both residential and emergency vehicle access defies logic and is near impossible.

As mentioned, the hand-drawn traffic drawings[3] in Appendix J show a pedestrian access lane that will also need to fit in the remaining 20 feet, so that brings the math to approximately 15 feet. Finally, given that interior drive of the townhouse complex will be continued and unregulated access to Virginia Avenue, temporary access driveways to 3rd and 4th Streets will be required during the construction phase.[4] These driveways will create pinch points in the construction zone. The only way this can occur is if the driveway passes through the remaining 15 feet between our home (801 4th St SE) and the beginning construction zone safety barriers. Please note, that in that 15 feet of space from the edge of my home also includes my personal property in which an additional 3-4 feet would be eliminated from possible use will bring the narrow space to around 10-12 feet in width enough for a car, but not an emergency vehicle. There is not enough clearance for a fire truck that is 8 feet across that will have less than 1.5 feet of clearance on either side of the vehicle in the temporary access road to make the more than 120 degree turn into the alleyway. 80-6

Computer renderings in Section 5.13.1 on page 5-52, a temporary-access driveway for the homes on Square 0797 would run right along the edge of our home in addition to being completely on our property. This rendering is obviously not drawn to scale depict a scene where cars are the same height as our fence (only 3 feet high). A full size vehicle would not fit in lanes, especially not an emergency vehicle.

[2] 20 Feet Calculation based on Figure 3-1 and Figure 3.5 Chapter 3 Page 8 and 12. (33 feet to inner wall of tunnel - 3 foot wall sourced from CSX – 10 feet construction access = **20 feet**)

[3] Appendix J Figure A-1 and A-2: Driveways #2 Entrance to be relocated on to 4th Street SE. Page 5-1.

[4] "Certain properties currently have direct driveway access from Virginia Avenue SE within the LOD. Special provisions would be made during construction to keep access open on these properties for owners, users, and fire and emergency response vehicles." Section 3.3.1.4. Other documents and plans provided by CSX to other residents of Virginia Avenue have shown a rough sketch of the planned redirection, and such plans were not made part of the DEIS – likely because such plans show that a direct property taking will occur.

Yet the LOD depictions in the DEIS display an LOD that appears to run along our property line. [5]

The LOD line extends south at the northeast corner along 4th street and runs near the edge of our home structure. In verbal conversations with Parsons about this issue, Steve Plano confirmed that the LOD will extend through the yard in front of my house and up to the edge of our property line mere feet from our home. This is an unacceptable result and health and safety risk, which the Agencies and CSX have simply ignored. At the very least, the resulting effect on my home would constitute a clear nuisance. Ultimately, the Agencies and CSX failed to take a hard look at the impact the project would have on our property line, and when the DEIS states that no private property will be taken, this is a false assertion resulting from an attempt to cut corners in formulating the DEIS. 80-6

We speak only for our own property lines and situation. However, we must strongly urge that FHWA and DDOT take a hard look at these distance estimates and provide detailed explanation and images for the location of tracks, existing homes, utility lines, etc. along the route of Virginia Avenue from 2nd to 9th Streets. Most importantly, the homes on Virginia Avenue between 3rd and 5th street and the DCHA senior living space at the corner of 5th Street deserve further review, analysis, and public transparency.

The unfortunate point here is that we should not be playing guessing games with these numbers that will significantly impact our environment, our quality of life, and the integrity of our home's structure. This is detail that we strongly urge FHWA and DDOT, in coordination with CSX, to provide as soon as possible. The DEIS must have a supplement to show how the temporary access driveways are anticipated work within the proposed LOD and still provide adequate work area for the tunnel. The obvious result requires the entire construction footprint to be shifted at least 20 feet north of the currently proposed build alternative.

Issue 4: Contaminants: Air Quality Concerns Deserve More Scrutiny

"Construction activities have the potential to affect ambient air quality levels primarily within 200 to 300 feet of these activities, as pollutants disperse beyond the point of emissions." (DEIS, Chapter 5, Page 5-16)

Our family's home at 801 4th Street is determined to be classified in a "medium risk" category per the DEIS Appendix G Report, "Modified Phase I Environmental Site Assessment." (Appendix G, Page 49) The risk appears to be that soil and/or groundwater are already negatively impacted and that construction at or near this site will most likely impact air quality and/or ground water quality. The DEIS does not provide detail on how construction in any of the build alternatives (2, 3, and 4) shall protect the physical and human environment from these emissions. Mitigation 80-7

Response to Comment 80-7:

The information about the former use of the property your residence now sits upon is meant to inform the contractor about the possible presence of hazardous materials that could affect the health and safety of both construction workers and the public. The only asbestos removal that the project is aware of is the asbestos in the tunnel, which will be removed prior to its demolition, will be conducted by a qualified firm, and will not in any way affect public health.

[5] Appendix C – Limit of Disturbance of Build Alternatives, LIMIT OF DISTURBANCE - ALT. 2 & 3 - Sheet 3 of 6 & LIMIT OF DISTURBANCE - ALT. 4 – Sheet 3 of 6

In addition to the contaminants found in soil samples near or on our family's land, the CSX project must contend with 8,000 square feet of asbestos containing paper. What level of environmental concern does it hold for our neighborhood within 200 to 300 feet of activities or possibly beyond?

Of course, mitigations are proposed but they discuss removal of these elements from the construction site, for example. We expect that a detailed list of mitigations, containing industry's highest standards for human and physical environment concerns be shared with the public in more detail. These are issues that warrant additional information. 80-7

Issue 5: Vibrations

The DEIS did not take a hard look at the vibration impacts to the closest homes along Virginia avenue. The DEIS fail to provide accurate information within the Vibration Analysis Report, Appendix F for there is conflicting data within the same report. The concluding statement of the report states: "According to vibration impact analysis, ground-borne vibrations are not expected to exceed FTA criteria for the train operations under any of the Project "Build" alternatives; therefore, vibration mitigation is not necessary." This statement is misleading, incorrect, and based upon errors and misalignment of measurements. It also makes a conclusion only for train operations and ignores the construction vibration effects on the surrounding homes. 80-8

The entire vibration study is based on data that does not show up anywhere in the report leading to the conclusion that it is false data. As a result, the entire vibration study must be redone from the start utilizing accurate construction maps, property maps, and exact measurements. The only conclusion that could be made based on the figures provided in the vibration study is that it was done sloppily and failed to meet the hard look that the homes between 3rd and 4th Street on Virginia Avenue needed. It is our recommendation that a new engineering firm be contracted for the study and that the parameters of the study be reviewed. The new study should, at a minimum, include the overall P&N argued by CSX is that they require double-stacked trains, higher speeds (40 Mph), and two rail lines. 80-9

1) Can vibration be predicted or not?

   a) The DEIS is not even on the same page whether there will be a vibration impact to existing structures. For example, in Appendix F, Page 21, the DEIS states there will be no vibration impact to existing structures. However, on Page V of the Executive Summary of Appendix F, the DEIS states that "overall vibration levels from each construction phase cannot be predicted." How can the DEIS be sure that no impact will be felt if the impact cannot be predicted? This is the first piece of evidence that the DEIS reflects a mere cursory review of the vibration impact. 80-10

6

Response to Comment 80-8:

The vibration analysis was conducted in accordance with Federal Transit Administration (FTA) procedures. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 80-9:

The vibration analysis, including field measurements, calculations and modeling was conducted in accordance with FTA requirements and procedures. As shown in Section 4 of the vibration report in the DEIS, vibration modeling was calibrated using actual field measurements taken at various locations along and near Virginia Avenue SE. Data from the vibration measurements was utilized to calculate the soil vibration transferability characteristics and tunnel vibration reduction effects. Results of the vibration measurements were also used to characterize existing vibration from train pass-by and other sources at the nearby sensitive receptors. Future train vibration levels were then predicted based on the location of the future tracks, train speeds, and distances from the nearby sensitive receptors to the track centerline. The placement of the probes is relative to the distance to the center line of tracks and not to building locations. The study presented in the DEIS incorporated a speed limit of 40 miles per hour and two tracks. Double-stack intermodal container freight trains do not produce higher vibration levels than other types of freight trains. In addition, train lengths would affect the duration of the vibration, not intensity, and therefore would not increase the potential of structural damage. Refer to Section 5.2 of the vibration technical report for more information.

Response to Comment 80-10:

The construction vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. The DEIS construction vibration analysis provided a level of confidence that vibration from different construction activities would not be expected to cause building damage. The vibration technical report has been modified to clarify construction related vibration discussions. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

2) The measurements included in the report for distances to the construction area, train tracks, and conditions before and after construction are completely inaccurate.

a) The vibration study fails to account for the area of construction that is only 20 feet[6] from the edge of our home (801 4th Street SE) which is one of the closest buildings highlighted in the report on Virginia Avenue. The report goes on to claim that "Virginia Avenue to Alternative 3's edge of track is 44 feet distance, vibration impacts to buildings or to human annoyance due to train operations are not predicted under any of the Build Alternatives."[7] 80-11

b) The entire vibration study references that the closest building to the edge of the inside track post construction is 44 feet. This was faulty information provided to the engineers of the vibration study and this figure only shows up in the vibration report and nowhere else in the DEIS. Assuming the data for construction is correct in Figure 3-1 and Figure 3.5 it shows the distance to the inner edge of the inside wall of the tunnel as 33 feet. As a result, the inner rail is likely to be near that measurement possibly inside of 36 feet. Without actual measurements that are accurate in the report, any conclusion based on the 44 foot measurement cannot be justified and fails to meet any scientific and engineering rigor. 80-12

c) The Vibration Analysis Report states that two probes were located in the grassy area near the capitol quarter townhomes. Is stated that the 1st probe was 40 feet from the track and the second probe was 73 feet from the nearest track which was "the same distance as the closest building to the edge of track, but still in public space."[8] In looking at the overview map with the site locations Site 1 was placed at a property line the same distance from the track as my own property.[9] The Chapter 3 concept drawings have already stated that the property lines are 33 feet from the inside edge of the tunnel. Being off a distance of 40 feet in a vibration study like this (where every foot matters) should require re-performance of the entire study because it immediately calls into question all the facts and figures presented in the Vibration Analysis Report - Table 5-4. One must assume now that the entire study was performed an extremely cursory fashion. 80-13

d) The above are just a few examples of the convoluted and inconsistent facts provided in the DEIS. The burden in the DEIS should not be on the public to decipher, guess, and make assumptions about the inconsistent facts presented in a DEIS document.

Response to Comment 80-11:

The construction area or limit of disturbance are not the same as the track location for Alternative 3.

Response to Comment 80-12:

The location of the railroad track is used in the vibration studies because that is the source of vibration closest to the buildings. When referencing the location of the tunnel structure, the distance to the inside wall is utilized. See revised Section 5.7.3 of the FEIS. The distance between the center line of the southernmost track and the nearest building was revised to 42 feet. The nearest building is still outside the threshold of human annoyance limit.

Response to Comment 80-13:

Vibration measurements were conducted to calculate the soil vibration transferability characteristics. The placement of the probes is relative to the distance to the tracks and not to building locations.

[6] 20 Feet Calculation based on Figure 3-1 and Figure 3.5 Chapter 3 Page 8 and 12. (33 feet to inner wall of tunnel - 3 foot wall sourced from CSX – 10 feet construction access = **20 feet**)
[7] Chapter 5 Environment Consequences Page 35
[8] Appendix F Vibration Analysis Report – Section 4-2 Page 9
[9] Appendix F Vibration Analysis Report – Report Appendix A – Figure 1

3) During construction, train operations and continuous construction phases will exceed the limits for vibration resulting in building damage and the inability for residents to stay in their homes during construction.

a) However, the DEIS also highlights a variety of construction equipment being used in the area[10] including a roller, four hoe rams, drill rigs, and 25 dump trucks to list a few. According to the DEIS vibration study[11] construction activities will exceed the distance to potential vibration human annoyance in every case in the construction zone making our home unlivable during these times according to information and distances provided in the DEIS. In addition, many construction activities are well within the "Distance to Potential Vibration Building Damage" for multiple construction vehicles including the rollers, sheet drivers, hoe rams, dump trucks, and drilling. 80-14

Response to Comment 80-14:

Refer to the vibration technical report for the vibration levels of the various pieces of equipment and distances. Construction activities that cause annoyance will occur at various times for short durations during daylight hours. See section 5.7.4 of the DEIS for more information on mitigation measures related to construction vibration producing activities.

b) For example, Table 5-2 of Appendix F states that the use of the vibratory compactor/roller will cause building damage at 33 feet. The DEIS fails to describe where this piece of machinery will be used. Will it be used at or along the outer wall of the tunnel under Alternative 3? If so, then it will cause damage to my property at 801 4th Street SE, which the DEIS claims will be 33 feet from the inside wall of the tunnel. Furthermore, the little footnote underneath the table states: "Note: PPV are for single equipment but if more than one equipment is operating at the same time, PPV would be higher." When will multiple pieces of equipment be used? How often? How far away? Given the scale of this project, it defies logic to think that multiple pieces of heavy machinery will not be used at all times. Therefore, it is clear that there is a high likelihood of building damage caused by the construction project. 80-15

Response to Comment 80-15:

Among the mitigation measures provided in Section 5.7 of the DEIS, is a phasing plan that will be used so that high vibration generating activities do not occur at the same place and time near buildings.

c) The mitigation strategies[12] that each resident possibly affected by vibration would receive a free inspection prior to construction and that construction would be limited to daytime hours is not a mitigation strategy in any way. My children are home full time as they are only 23 months old, my wife is a stay at home mother, and I work from home every day. It is clear that the majority of the construction activities are far beyond the threshold of human annoyance. In addition, it is likely that damage could occur to our home while we are in it which is a major safety concern. One would only need to imagine a variety of items in my house from books to televisions becoming unsecure and falling on my children, my wife, or myself during construction. The report masks the dangers inherit in the damage that could occur to my 80-16

Response to Comment 80-16:

Apprehension about project construction rendering homes unlivable is not supported by the evidence in the DEIS. There will be no building within the damage and annoyance vibration lines of the new tunnel, and no building damages are anticipated due to construction vibration. As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. As described in Section 5.7 of the DEIS, although there are buildings near the limits of disturbance (LOD), they are not close enough to be affected by vibration that could cause building damage. Nevertheless, additional vibration monitoring will be conducted, and protocols of the vibration monitoring program implemented during construction will address any future potential vibration concerns. Refer to section 5.7.4 of the FEIS for more information on the vibration monitoring program.

[10] Appendix D – Air Quality Technical Report – Table 7 on page 30
[11] Appendix F Vibration Analysis Report – Table ES-2 Construction Equipment Vibration Impact Distances on Page vi
[12] Vibration Analysis Report – Section 6.1 Construction Vibration Mitigation - Page 27

home during construction while we are there. It is likely damage will occur according to the DEIS and it is even more likely that the home will be unlivable during the entire project as a result. 80-16

d) The DEIS states that there will be no building damage caused by this project, either during or after construction, but this suggests otherwise. At the very least, it fails to provide sufficient evidence to show that it took a hard look at this issue 80-17

4) Post-construction train operations will cause unacceptable vibration levels indefinitely.

a) The report's conclusion that "Vibration impacts are not anticipated due to future, post-construction train operations because the closest building to any of the project alignment alternatives is 44 feet from edge of track"[13] is misleading and contradicts earlier examples that the edge of the final track is only 33 feet away from the closest homes on Virginia Avenue to include ours at 801 4th Street SE. [14] This would make our home sit inside the 36 foot distance that would result in unlivable conditions for residents.[15] 80-18

b) In looking at Table 5-4 of Appendix F, one can see measured vibration levels for passing trains today (the "before") and the projected vibration levels for trains passing through a newly constructed tunnel (the "after") at various measurement sites along the LOD. But this jarring amount of data lacks key information and otherwise contains factual inaccuracies. For example:

i) Assuming that some of the vibration study is correct, the DEIS fails to account for the "deltas" between the measured vibration figures and the projected vibration figures. For example, at "Site 2" where a train with 120 cars is traveling at 19 mph, the study measured an existing vibration effect of 0.013ppv.[16] The projected calculation is 0.063, which carries a 0.050 difference. The DEIS fails to mention, however, what a 0.050 difference means. On its face, one must assume that this constitutes a 500% increase in the vibration impact. Therefore, if one were standing at Site 2 and it felt a subtle vibration at a passing train now, then once the tunnel is completed, that same person standing at the same spot would feel five times the vibration impact. A five-fold increase absolutely means 80-19

Response to Comment 80-17:

Vibration modeling in accordance with FTA procedures was conducted to determine if the project during and after construction could result in vibration that cause building damage and human annoyance. The analysis conducted indicates that no building damage is predicted to occur. Refer to the vibration technical report for more information.

Response to Comment 80-18:

The construction area or limit of disturbance are not the same as the track location for Alternative 3. The location of the railroad track is used in the vibration studies because that is the source of vibration closest to the buildings. When referencing the location of the tunnel structure, the distance to the inside wall is utilized. See revised Section 5.7.3 of the FEIS. The distance between the center line of the southernmost track and the nearest building was revised to 42 feet. The nearest building is still outside the threshold of human annoyance limit.

Response to Comment 80-19:

The difference between measured and calculated values presented in table 5-4 show the amount of vibration absorption that is provided by the existing tunnel.

[13] Appendix F Vibration Analysis Report – Page v
[14] Figure 3-1 and Figure 3.5 Page 8 and 12
[15] Appendix F Vibration Analysis Report – Table ES-1 Impact Distances for Existing and Future Ground-Born Vibration Train Pass By in the Tunnel
[16] Appendix F Vibration Analysis Report Table 5-4 - Measured Vibrations Levels verses Calculated Vibrations for Building Sites near the Tunnel

that the vibration impact will be extremely significant, contrary to the white-washed description that the DEIS states about not causing annoyance or damage. Therefore, instead of taking a "hard look" at vibration impacts, the DEIS has categorically failed to provide even a minimum threshold of thoughtful analysis of the vibration impact resulting from the project. 80-19

ii) Finally, the assumptions of the "vibration source" in Table 5-4 appear to be intentionally vague and misleading. In making the comparison between the "before" and "after," the vibration report only considers single-stacked trains on one rail line. The whole P&N argued by CSX is that they require double-stacked trains and two rail lines. Therefore, Table 5-4 does not provide an apples to apples comparison. Instead, the report should be redone to show the impact of, for example, (i) a 120 car double stacked train, as opposed to a single stacked train, and (ii) two double stacked trains passing in opposite directions at the same time. Because of the vibration report's misleading analysis, people like me at not allowed to fully comprehend the nature of the vibration impact. More importantly, the failure of the report to consider all impacts reflects how poorly it was performed. Therefore, the entire vibration report should be re-performed to account for the reality of what is happening post-construction rather than the misleading data provided in the DEIS. 80-20

Response to Comment 80-20:

Please see response to Comment 80-19. Your concern about the vibration effects of the new tunnel under Alternative 3 (the Preferred Alternative) is acknowledged. As described in Section 5.7 of the DEIS, trains passing through the new tunnel under the Preferred Alternative are not predicted to cause vibration impacts at any nearby structure. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel.

5) Post-construction tunnel versus open trench impact distances lack explanation.

a) From Appendix F, Table 5-5, the DEIS states:

i) The minimum distance to keep vibrations below human annoyance threshold for train pass by in tunnel (Alternatives 2-4) = 36 feet.

ii) The minimum distance to keep vibrations below potential building damage threshold for train pass by in tunnel (Alternatives 2-4) = 20 feet.

b) The DEIS fails to address whether the vibrations expected for a train operating in a temporary runaround trench (open top) is comparable to that in a closed tunnel. Also, how is it possible that all three build alternatives have the same vibration threshold distances when the track in each alternative will be in a different location? The answer is clear – the Agencies and CSX performed a cursory and sloppy review of the vibration impact this project will have on the nearest structures. Therefore, the DEIS did not provide a hard look analysis of the vibration impacts related to the project. 80-21

Response to Comment 80-21:

Please refer to the vibration technical report. Vibration threshold impact distances are measured from track locations.

Issue 5: Noise

"Predicted noise levels would exceed the criteria at three of the residential receptors (R-2, R-3, and

R-4) representing Capitol Quarter and Capper Senior Apartments…In general, noise construction of the Project would be a nuisance to any nearby land uses, but is usually limited to daylight hours when most human activity occurs. In addition, construction noise is also intermittent and depends on the type of operation, location, and function of the equipment as well as the equipment usage cycle." (DEIS, Chapter 5, Page 5-52)

The DEIS does not contain adequate information—and in some cases—uses misleading assumptions for the parameters of the Noise Assessment Report, Appendix E. This study does not take into account any aggregate effects of active construction, train noise, I-695 or construction traffic, with the loss of a mature tree canopy studied. The DEIS fails to account that, in unison, these effects will magnify. For example, the loss of the tree canopy along the 300 block of Virginia Avenue will turn the block into a noise bowl—with echoes of construction and trains being reflected back on the homes. 80-22

In some parts, the study utilizes categories with the highest rating including a locomotive with eight (8) cars. Yet, in other sections of the report, namely the vibration study, they use a locomotive with 120 cars. Nowhere in the noise study does it show what the effect of an open trench would be along with the ambient noise conditions for a 120 car train. 80-23

Additionally, the study notes trains will be travelling at 25mph and that the Ldn will be raised by only 1-2 dB. Given the physical nature of a potential open trench and how it will act to channel noise upwards, towards the living quarters of the nearest homes, the noise from the average train will be significantly more than what is forecasted in the DEIS because it will be a direct effect. 80-24

Furthermore, rather than the presumed 25mph (Appendix E), the purpose and need statement declared a "requirement" that the trains in the temporary tracks move at 40 mph, which is, in fact, considerably faster than they move through the tunnel currently. 80-25 Finally, the noise assumption declares that the trains would be moving in a trench 25 feet deep, when no such depth has been provided by CSX in any of their trench modeling – CSX designs for 21 feet and given that they plan to run double-stack cars through, the tops of the cars will actually be above grade, causing even more wind/noise disturbance to the properties. 80-26

Issue 6: Human Interest vs. Traffic Interests

"It is important to note that human beings are part of the environment…the EIS should discuss all of these effects (Citizen's Guide, Page 17, CEQ NEPA Regulations, 40 C.F.R. 1508.14)

In each of the build alternatives carried forward through the NEPA process, they each start construction of Phase I from the West side of the LOD (2nd Street first) and move East. 80-27 The urban blocks that contain the most daily and nightly human activity, which falls within inches of the LOD along Virginia Avenue, are found from 2nd Street through 6th Street. The DEIS misstates that human activity effect on these 80-28

Response to Comment 80-22:

The trees presently along Virginia Avenue do not reduce noise. Tree zones need to be at least 100 feet wide in order to perceptibly reduce noise levels. The noise prediction model was calibrated using actual ambient noise conditions and the cumulative effects of multiple noise sources, such as traffic from I-695.

Response to Comment 80-23:

The noise report in Appendix E (page 13) showed that the noise analysis assumed 3 locomotives and 120 rail cars for the "build alternatives" noise assessment.

Response to Comment 80-24:

The noise report in Appendix E (pages 13 -17) took into account that freight trains would be operating in open trench as indicated on page 14. The noise analysis have shown that none of the three "build' alternatives are expected to perceptibly or adversely increase existing noise levels.

Response to Comment 80-25:

The purpose and need does not state the speed at which trains would be moving on the temporary tracks. Trains on temporary track/trench will be running at speeds no greater than 25 mph. The temporary open trench will be installed such that the top of the train will never protrude above the existing grade. Please see section 5.15.1.1 Construction Impacts for train speeds during construction.

Response to Comment 80-26:

The noise report in Appendix E (pages 13 -17) took into account that freight trains would be operating in open trench as indicated on page 14. The noise analysis have shown that none of the three "build' alternatives are expected to perceptibly or adversely increase existing noise levels. As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

Response to Comment 80-27:

CSX is planning to use a number of construction crews along different locations along the corridor, which would expedite timetables.

Response to Comment 80-28:

Under the Phase 1 MOT, the entire length of Virginia Avenue SE from 2nd to 9th Streets, as well as east of 9th Street SE, would be blocked off for construction. Phase 1 allows a single lane of traffic exiting the 6th Street off-ramp to stay on Virginia Avenue up to 8th Street (all lanes under Alternative 4).

blocks and does not account for the fact that the entire construction period will negatively impact the Phase I portion of Virginia Avenue. 80-28

Additionally, the public never received any detail or explanation as to why each of the build alternatives must begin with Phase I in the western entrance of the tunnel and move through Phase II in the eastern portal. We understand that the goal is to not close 6th Street/Navy Yard exit from I-695 but this goal must be mitigated with the necessary goals to provide the least disturbance and highest safety and health standards to people. 80-29

We strongly urge a harder look be given to these construction plans for any of the build alternatives discussed. These DC city blocks where residents, senior citizens, and DC government workers live up to and within two-feet of the LOD, must be given priority consideration for the least disruption during the life of this project and any post-construction phase.

Lee Family Endorsements & Support

We endorse letters submitted into the record from:

1. Committee of 100 for the Federal City
2. Sierra Club
3. Capitol Hill Restoration Society
4. Capitol Quarter HOA Phase I
5. Capitol Quarter HOA Phase 2
6. Attachment I: Comments per ANC 6D's special meeting on September 22

As a family, we had anxiously awaited the Draft Environmental Impact Statement (DEIS) in order to obtain the information we need to safeguard our family and our home. We thank the agencies for the effort they have put into this document and into safeguarding our community. We do, however, strongly urge that FHWA and DDOT provide a new public document draft or a Supplemental EIS to provide clear and necessary answers to the questions that have been posed by us and other members of the public.

Sincerely,

Robert and Melissa Lee

Lee Family
801 4th Street SE
Washington DC 20003

Response to Comment 80-29:

The importance of maintaining safety and traffic flow around the construction area is understood and will be addressed in detail in the Maintenance Of Traffic (MOT) plan that will be approved by DDOT.

Attachment 1

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[17] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[18] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 80-30

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**

[17] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[18] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

Response to Comment 80-30:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

- The vibration study says that there will be no impact to existing structures during construction[19] yet it also states that it does not have sufficient information to predict overall vibration levels.[20] The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 80-31 80-32

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 80-33

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 80-34

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 80-35

[19] Appendix F, Page 21

[20] Appendix F, Executive Summary, Page V: ..."because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

14

Response to Comment 80-31:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 80-32:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 80-33:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 80-34:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 80-35:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

80-36

Response to Comment 80-36:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

80-37

Response to Comment 80-37:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;

80-38

Response to Comment 80-38:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

80-38

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Sincerely,

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

80-39

16

Response to Comment 80-39:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 80-40

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 80-41

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 80-42

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 80-43

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 80-44

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 80-45

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 80-46

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 80-47

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 80-48

Lee Comments Re: CSX Virginia Avenue Tunnel Project 1

Response to Comment 80-40:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 80-41:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 80-42:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 80-43:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 80-44:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 80-45:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 80-46:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 80-47:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 80-48:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 80-49

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 80-50

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 80-51

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 80-52

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 80-53

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 80-54

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 80-55

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 80-56

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 80-57

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 80-58

Attachment II

18

Response to Comment 80-49:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 80-50:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 80-51:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 80-52:

Emergency access will be maintained.

Response to Comment 80-53:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 80-54:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 80-55:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 80-56:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner.

Response to Comment 80-57:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 80-58:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 80-59

2. Have District officials been informed about alternative routing that is being used for these cargoes? 80-60

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 80-61

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 80-62

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 80-63

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 80-64

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 80-65

Response to Comment 80-59:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 80-60:

Please see response to Comment 21-30.

Response to Comment 80-61:

Please see response to Comment 21-30.

Response to Comment 80-62:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 80-63:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 80-64:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently? 80-65

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 80-66

20

Response to Comment 80-65:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 80-66:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 81: McBee

September 25, 2013

Mr. Joseph C. Lawson
Division Administrator
Federal Highway Administration
1990 K Street NW, Suite 510
Washington, DC 20006-1103

Mr. Faisal Hameed, Chief
Project Development, Environment &
Sustainability Planning
District Department of Transportation
55 M Street SE, Suite 400
Washington DC 20003

VIA E-MAIL: christopher.lawson@dot.gov; faisal.hameed@dc.gov

RE: Responses to the Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement

Dear Messrs. Lawson and Hameed:

This letter is not from ANC6D. This letter represents' comments from the individual Single Member District (SMD) representatives for ANC6D02, Ed Kaminski; ANC6D03, Ron McBee; and ANC6D06, Rhonda Hamilton on the Draft Environmental Impact Statement (DEIS) in ANC6D. It "does not" represent the Commission.

No response required for this section of comment

Background:

CSX Corporation has proposed to modernize and adapt its 108-year-old rail tunnel (Virginia Avenue Tunnel - VAT) in order to allow for the addition of another track and to accommodate double-stacked trains in response to the new construction of the Panama Canal allowing larger cargo shipping vessels. The project is currently under review via the federal National Environmental Policy Act (NEPA) and a Draft Environmental Impact Statement (DEIS) has been completed for comment.

Single Member District Perspective:

- We as SMD representatives are primarily interested in ensuring that the significant health, safety and quality of life is paramount in the final plan and implementation of the VAT construction. That concerns expressed by various members of the Near Southeast community are given great weight and consideration by the local agencies with authority over permitting, construction standards and other official deliberations, actions and/or decisions relevant to the reconstruction and related activities.
- The VAT reconstruction is a major infrastructure undertaking that is primarily located within the boundaries of ANC6D that will create a temporary inconvenience to the

surrounding area, including but not limited to people, residences, businesses, schools, churches, historic structures and recreational facilities for three to five years.

- We as SMD representatives are recognize the current structural deficiencies/issues of this 104 year old tunnel and the possible safety/repair issues to the community by not acting now, we do not at this time have a particular recommendation about which of the three rebuild options in the DEIS should be undertaken.
- We as SMD representatives are urge all city agencies responsible for decisions related to the tunnel reconstruction to provide adequate and timely opportunities for broad public involvement in project activities, to establish and maintain open channels of communication with all impacted stakeholders, and to give due consideration to reasonable requests for accommodations that will protect the people, structures, services, and quality of life in our ANC6D area but as well those communities and residents along the Limits of Disturbance (LOD) for all 3 build alternatives under consideration.
- We as SMD representatives support an ongoing, inclusive, factual, transparent and respectful dialogue between all parties with an interest in the tunnel reconstruction, including but not limited to citizens, businesses, CSX, their agents, federal agencies, and all city agencies, with the goal of achieving solutions that have positive short-term and long-term impacts on and benefits to the community at large.
- We as SMD representatives support community benefits to make the affected communities and residents whole from the construction impact and that these are properly vetted to assure not only those in ANC6D are included but as well along the Limits of Disturbance (LOD) for all 3 build alternatives under consideration.

Selection of Option:

We as SMD representatives are do not at this time have a particular recommendation about which of the three rebuild options in the DEIS should be undertaken, we do have criteria for consideration in making the final selection, which may result in a combining of the options:

We as SMD representatives would prefer an FEIS (Final Environmental Impact Statement) alternative option whose construction:

- enables freight trains to operate along a covered track during construction;
- takes the shortest time to complete but without compromising quality of life issues as stated;
- work duration is least disruptive in the MOT Phase 1 and 2;
- work noise and vibration construction impacts are the least; and
- LOD footprint is the smallest.

and, results in a reconstructed VAT that:

- has no or the least possible noise or vibration impacts from trains;
- has a barrier between the tracks;
- also has one east portal;
- closest to the center line of the existing tunnel or a distance as far as possible from existing residential homes; and

81-1

Response to Comment 81-1:

The selection of the Preferred Alternative reflects the effort to capture as many of these elements as possible. Alternative 3 was selected to be the Preferred Alternative, and addresses a majority of these concerns. Regardless of what Build Alternative is selected, no single Preferred Alternative is capable of capturing all the elements the commenter has considered.

- has state of the art safety and security features including monitoring devices for vibration, etc. 81-1

Pre-construction or Construction Management Plan:

The following is not inclusive but must have the following elements:

1. **Maintenance of Traffic, Bicycle and Pedestrian Egress:**

During the construction phase, safety is primary but quality of life for maintaining traffic, bicycle and pedestrian egress is critical for the residents, retail, businesses, military and for the patrons of National Park. The Traffic Operations and Parking Plan (TOPP) for Nationals Park needs to be modified yearly or as needed to respond to the VAT construction phase. No home owner or business will be denied access to their front or primary entrance. Additionally those with garages will be provided temporary parking, if their access is lost during construction. 81-2

It is primary that north – south streets be connected at all times to keep in place the normal traffic patterns.

Response to Comment 81-2:

Thank you for providing your comment. Your comment has been noted. North-south access and homeowner and business access will be maintained as the commenter indicates. The MOT plan will be refined and updated as the project moves forward.

2. **Migation:**

CSX will seek to mitigate any adverse impact on the surrounding neighborhood resulting from construction activity. 81-3

Response to Comment 81-3:

Please see Section S-9 of the FEIS for a summary of mitigation measures.

3. **Pre and Post-Construction Surveys, Damage and Insurance**

A. Prior to commencement of the excavation work on the project, CSX will offer and seek consent from all property owners in the immediate vicinity of the VAT to have their property and all improvements on their property thoroughly surveyed by an independent professional. The surveys will include video evidence of the condition of each surveyed property. After work on the site, a final survey of each property (with video evidence) will be undertaken by the same independent professional. The surveys are intended to provide the parties a reference point from which to determine the effect, if any, that excavation and construction activity on the VAT had on neighboring properties. The surveys will be performed at CSX's sole cost and expense. Each survey report shall be provided to CSX and to the appropriate property owner. 81-4

Response to Comment 81-4:

Please see Section 5.7.4 of the FEIS for more information on home inspections and the claims process.

B. Damage: In the event that it is determined damage is sustained due to activities attributable to the CSX's VAT excavation or construction process of the proposed new VAT, CSX will pay for all verifiable damage. In order to mitigate the damage, the CSX shall pay or cause to be paid the damages within 90 days. Affected property owners will have up to one year after the completion of VAT to file claims. CSX will be obligated to 81-5

Response to Comment 81-5:

Please see Section 5.7.4 of the FEIS for more information on home inspections and the claims process.

3

restore the affected building to the condition that existed prior to commencement of construction as documented in the Pre-Construction Survey.

C. Insurance: CSX will identify the property owners as an additional insured on its construction insurance policy. Additionally CSX will provide one contact for coordinating damage claims from its contractor(s), subcontractor(s), and/or vendors at the expense of CSX.

81-5

4. Communication:

CSX shall designate a representative to be the key contact during the period of construction. They will have a local office and will be accessible during all business hours. At any time construction activity is occurring on the Property, the Representative or his/her designee shall be available on-site or by telephone to receive communications from the surrounding community. The name and work telephone number of the Representative or his/her appointed designee shall be conspicuously posted on the Property and shall be readily available to members of the community. In addition, a name and telephone number of a person designated by CSX to contact in case of emergency during hours in which no construction activity is occurring shall be readily available to members of the community. CSX will also maintain a robust Web site with construction camera view. CSX will also use other venues as text alerts, etc. to assure the widest communication possible regarding traffic, construction and/or public meetings.

CSX will issue monthly reports giving progress status, updates, and modifications for the VAT project. Quarterly public meeting will be held the first year and semi-annually thereafter to update and provide face to face venues for community dialogue.

The Representative and his/her designee will be able to answer questions and receive comments about the site activities, address any concerns members of the community might have throughout the construction process, and have authority to remedy promptly violations of the Construction Plan and enforce its provisions. The Representative, designee and emergency contact shall:

(i) Receive notice of violations of this Plan;

(ii) Respond as soon as possible, to the person who has reported the violation, and to ANC6D and ANC6B; and

(iii) Act to remedy the violation as soon as possible, including the immediate halting of construction.

(iv) Develop a single point for damage claims and resolution. These will be processed within a reasonable period of no later than 90 days.

81-6

Response to Comment 81-6:

The commenter's recommendations that community outreach should continue through the duration of construction is appropriate. The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

4

5. CSX Personnel and Vendors:

CSX shall require that all of their personnel and vendors, including supply and service vendors, will comply with all applicable District of Columbia Municipal Regulations applicable to hours of work, noise, dirt, trash, and public health and safety. The following is a discussion of construction-related issues and shall be binding on CSX, its general contractor and all subcontractors.

a. Permits. CSX will secure all permits that are required to complete the Project. All plans and permits will be on-site as required under the DC Construction Code.

b. Site Management.

(i) CSX will erect and maintain construction fencing and barricades in order to screen and secure the site during the construction process. CSX and its contractors will work with community members and the Department of Consumer and Regulatory Affairs to maintain temporary storm water management systems throughout the Project's construction until such time as the permanent facilities are constructed, approved and functioning such that there shall be no adverse water impacts on the adjacent neighborhood.

(ii) A minimum amount of lighting, directed away from residential properties, will be provided on the Property at night. These lights will be sufficient to provide necessary security and to comply with federal and municipal safety standards. Security personnel will be provided 24/7 for the site.

(iii) CSX will employee a vendor to solely execute a robust rodent control program during the life of the construction activities. All food waste and edible used materials as soap, etc. will be properly deposed of each day and taken from the site to assist in preventing rodent and other infestation.

(iv) CSX will monitor and keep to a minimum dust during construction, using water to dampen the soil to minimize dust.

(v) Construction materials will not be stored in areas next to residences or hinder local traffic patterns.

81-7

Response to Comment 81-7:

The project will comply with all applicable federal and District of Columbia requirements. The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. Security lighting will be required, but will not directed toward adjacent buildings. Section 5.10 was revised in the FEIS to include more information about the rodent control program that will be implemented prior to the start of construction. The program will include other pests, such as cockroaches.

6. Construction Traffic and Control Plan:

All ingress and egress for construction purposes will be from prior identified construction entrances. At each construction entrance, a flagman, as required, will be positioned to direct the flow of construction traffic and to maintain the public's safety. CSX will assure water access to clean wheels from tracking mud and other debris onto the street and assure water collect of such activity.

81-8

Response to Comment 81-8:

The importance of maintaining safety and traffic flow and cleanliness around the construction area is understood and will be addressed in detail in the Maintenance Of Traffic (MOT) plan that will be approved by DDOT.

7. Construction Parking:

On street parking of construction workers shall be prohibited. Any available on-site parking will only be for full-time employees of the general contractor. All other construction workers will be required to park off-site at public parking lots. A list of public parking lots will be provided to CSX's general contractor. The general contractor will coordinate off-site parking with its subcontractors to eliminate parking by construction personnel on adjacent residential streets. CSX will include a statement in its contract with the general contractor that parking by construction personnel and subcontractors in at-grade, open spaces, in near Southeast is prohibited.

81-9

Response to Comment 81-9:

The contractor will enforce the parking requirements among the construction workers. Please see revised Section 5.15.4 of the FEIS for more information on construction activities.

8. Cleanliness:

CSX will remove rubbish and construction debris continuously during the construction period during the normal construction workday. In addition, CSX will monitor and police the construction site daily or more often as required to ensure cleanliness. CSX will also undertake a program of pest control to ensure that no increase in pest activity occurs during the construction period. All excavation or back fill trucks will be covered before proceeding from the construction site onto city streets. Waste and debris will be removed from the property on an as needed basis.

81-10

Response to Comment 81-10:

Thank you for providing your comment. Your comment has been noted. These concerns are addressed in the DEIS.

9. Work Hours:

The normal construction work week will be Monday through Friday from 7:00 a.m. until 7:00 p.m., and Saturday from 8:00 a.m. until 5:00 p.m. All work hours will comply with DCRA guidelines. No construction activity will occur on Sundays. All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the property only during the foregoing hours. There will be no queuing of construction related vehicles or arrival of workers prior to stated work hours.

CSX will make good faith efforts to limit work that could disturb the residents of the adjacent neighborhoods to weekdays, except where limitations on work during the week require work on Saturdays to meet the requirements of construction teams for a 40 hour work week.

81-11

Response to Comment 81-11:

Please see revised Section 3.5.6 of the FEIS for more information on construction work hours.

Employment:

Ward 6 and ANC6D has the highest number and population of DCHA facilities. CSX will afford these residents and others job seeking residents an opportunity for jobs and create a workforce intermediary initiative plan.

- District Office of Employment Services' (DOES) First Source Agreement will be executed by CSX and copies, including final report, will be filed with ANC6D and ANC6B as well as posted on its VAT Website.

81-12

Response to Comment 81-12:

FHWA and DDOT will ensure that CSX complies and adheres to all applicable obligations dealing with local employment including First Source and Certified Business Enterprises (CBE).

6

- CSX will provide a list of construction jobs and their phasing, if any, for the project six months prior to the start of construction to the SW Family Enhancement Center, STRIVE DC and DOES.
- CSX will sign a MOU with ANC6D/ Community Benefits Coordinating Council supporting employment for residents of zip code 20024 and 20003.
- CSX will also commit to working with the Earth Conservation and Living Classrooms, both 501©3 organizations, that work with 18 to 24 year olds at risk, for apprentice ship and other work force development activities during the life of the project.

81-12

Traffic and the MOT Plan:

We find the MOT somewhat confusing to differentiate clearly for the best interest of our residents. This area needs further clarification and mitigation upon selection of the final construction option. Also we anticipate changes may occur during the construction process but these notifications must be given notice more than the process DDOT uses for traffic advisories. The draft final MOT Plan needs to be vetted by the community and stakeholders before being finalized.

81-13

Response to Comment 81-13:

Although the MOT plan was developed in August 2012, the basic plan elements remain valid at this time. The MOT plan will be refined and updated as the project moves forward. For purposes of NEPA, the MOT plan demonstrated that mobility and access to all properties can be maintained during construction. The project team will work with DDOT to continue to monitor and adjust the MOT plan which will be reviewed and updated throughout the construction process. Changes to the MOT would be communicated through the public outreach program.

Historic Elements:

We as SMD representatives clearly directs CSX to protect any and all historic buildings within the LOD, if necessary, to restore any damage caused during the construction period as pledged. As the present historic tunnel will be destroyed during construction, ANC6D asks that the old west end entrance be restored, perhaps as a sculptural element, in a park or green area adjacent or in the Virginia Avenue Park.

81-14

Response to Comment 81-14:

Please see Section 5.11.4 of the FEIS for the Section 106 MOA.

Post-Construction Restoration:

We as SMD representatives recommend that the Virginia Avenue Park be restored and updated as DC's Department of Parks and Recreation has restored 32 parks across the city. This includes the public's involvement with the plan and creation of play area for all generations and may include such elements as community gardens or Dog Park. Additionally the park should connect to Garfield Park as well as include land adjacent made available upon the 11th Street Bridge construction. Special note should be made to include the residents from the Capper 1 Senior Building in the planning process.

Also the Virginia Avenue segment should include a separate bike path and as well restoration of the skate park. Additionally this segment will include the reconnecting of Virginia Avenue by Garfield Park, currently used by the Architect of the Capitol, for pedestrian and bicycle egress.

81-15

Response to Comment 81-15:

The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Community Benefits:

Residents of ANC6D and ANC6B will be under great duress during the construction phase of the project, which may last beyond five years. Many feel this burden now as we discuss the impact and look at what might be unintended consequences from the project at different steps. We as

81-16

Response to Comment 81-16:

Thank you for providing your comment. Your comment has been noted.

7

SMD representatives appreciates the support CSX has given to the completion of the water feature at Canal Park and movie night coordinated by the Capitol Riverfront BID.

It is not apparent to us as SMD representatives or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue and CSX, to the extent possible, to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process, with large community input, parallel with the EIS process to deliver the following benefits: 81-17

1. Reconstruction of Virginia Avenue Park as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting (see discussion above regarding DPR participation);
2. Replacement and sustain maintenance, till they are acclimated (generally one year per inch caliper), of trees in number and appropriate size to compensate for trees removed by VAT construction;
3. Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
4. Construction of separated bicycle track along the rebuilt Virginia Avenue SE roadway;
5. Funding of artistic and safety improvement to underpasses beneath the Southeast and Southwest Freeway through the Arts and Humanities Council with local input;
6. Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE as a Park;
7. Creation of public recreation facilities connecting Garfield Park, Virginia Avenue Park and the land left vacant by the 11th Street Bridge project in the LOD (see discussion above);
8. Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
9. Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

Please consider our comments as SMD representatives in Advisory Neighborhood Commission 6D.

Sincerely,

for Ed Kaminski

Ed Kaminski
ANC6D02

8

Response to Comment 81-17:

The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process. Details of this plan will be subject to community and stakeholder input, and agency reviews. Please see Section S-9 of the FEIS for a summary of mitigation measures.

Ron McBee
ANC6D03

Rhonda Hamilton
ANC6D06

cc: Councilmember Tommy Wells
Councilmember Mary M. Cheh, Chair, Committee on Transportation and the Environment
Mr. Stephen Flippin, Director, Federal Affairs, CSX Corporation
Mr. Michael Stevens, Executive Director, Capitol Riverfront BID
Commissioner Kirsten Oldenburg, Chair, ANC6B Transportation Committee

No response required for this section of comment

9

ID 82: McCarty

From: Maggie McCarty [maggiemmcc@gmail.com]
Sent: Wednesday, September 25, 2013 11:29 AM
To: contact@virginiaavenuetunnel.com
Subject: Comments on Virginia Avenue Tunnel EIS

To whom it may concern,

I submit these comments in response to the draft EIS statement that has been released for CSX's Virginia Avenue Tunnel project.

I was very disappointed to see that the EIS dismissed all rerouting options in favor of open trench, dual track construction. Recent dangerous and disruptive freight rail derailments in the greater Washington DC area only serve to highlight the risks posed by having a heavy rail line so close to such important community assets (homes, parks, sidewalks), regional assets (highway, new economic development projects), and national assets (Capitol power plant, Capitol complex, Marine Barracks, Navy Yard, DOT). These risks should not be minimized and should be fully evaluated as a part of this process. Doing so, I believe, makes strong arguments in favor of a rerouting option. 82-1

If a rerouting option is ultimately rejected, I am very concerned about the open trench construction being proposed. In addition to the overall safety and security concerns I've already raised, I am also concerned about the social and economic impact to both the fragile, developing, mixed-income community south of the freeway and the established community north of the freeway. I expect this trench will limit mobility between the two communities, damaging the development projects underway to the south and isolating the new community to the south from the resources to the north, especially for those community members without cars (seniors, families with limited resources). I'm also concerned about the habitability of the homes near the trench, my own included. I am currently pregnant with twins, and I am very concerned about the environmental contamination several years of open trench construction could bring. I am not naive enough to think that being near a highway makes for great air quality, but I am cognizant that a project like this is not going to make the quality of that air any better and will likely make it worse. Further, I am concerned about the impact of vermin and noise and light pollution on the community. 82-2 82-3

Given these concerns, if the construction is to go forward, I would ask that all efforts be made to (1) cover the trench, (2) limit the number, speed, and signalling of trains coming through during construction, (3) require that construction be done in phases so that any one section of the community is impacted for the most limited time possible and (4) require an aggressively short timeline for construction and institute strict penalties for violating the timeline. If this has to happen, please do not let it be Washington's own "Big Dig." 82-4

This project has no benefit for the city or the community and instead asks us to make a very large sacrifice to increase the profitability of an already very profitable company. I would ask that the city and federal overseers of this project not allow that sacrifice to be eagerly nor lightly.

Thank you for the opportunity to provide comments.

Sincerely,

Margaret M. McCarty
400 Block K St SE
Washington, DC 20003

1

Response to Comment 82-1:

The DEIS considered the concept of rerouting freight outside the Monumental Core and eliminated it as an alternative for this proposed action. As described in Section 3.2, rerouting concepts were considered, but eliminated from further consideration. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 82-2:

Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. Temporary bridge decks will be installed at every intersection on Virginia Avenue SE from 3rd to 8th for pedestrian, cyclists and autos to allow north-south movements for each of the modes. These crossings will also be accessible to those who are wheelchair dependent. The construction impact analyses for air quality in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that expected levels of emissions during construction would be well within the accepted ranges in terms of chronic and acute health risks. Apprehension about project construction rendering homes uninhabitable is not supported by the evidence in the DEIS. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

From: Maggie McCarty [maggiemmcc@gmail.com]
Sent: Wednesday, September 25, 2013 11:29 AM
To: contact@virginiaavenuetunnel.com
Subject: Comments on Virginia Avenue Tunnel EIS

To whom it may concern,

I submit these comments in response to the draft EIS statement that has been released for CSX's Virginia Avenue Tunnel project.

I was very disappointed to see that the EIS dismissed all rerouting options in favor of open trench, dual track construction. Recent dangerous and disruptive freight rail derailments in the greater Washington DC area only serve to highlight the risks posed by having a heavy rail line so close to such important community assets (homes, parks, sidewalks), regional assets (highway, new economic development projects), and national assets (Capitol power plant, Capitol complex, Marine Barracks, Navy Yard, DOT). These risks should not be minimized and should be fully evaluated as a part of this process. Doing so, I believe, makes strong arguments in favor of a rerouting option. 82-1

If a rerouting option is ultimately rejected, I am very concerned about the open trench construction being proposed. In addition to the overall safety and security concerns I've already raised, I am also concerned about the social and economic impact to both the fragile, developing, mixed-income community south of the freeway and the established community north of the freeway. I expect this trench will limit mobility between the two communities, damaging the development projects underway to the south and isolating the new community to the south from the resources to the north, especially for those community members without cars (seniors, families with limited resources). I'm also concerned about the habitability of the homes near the trench, my own included. I am currently pregnant with twins, and I am very concerned about the environmental contamination several years of open trench construction could bring. I am not naive enough to think that being near a highway makes for great air quality, but I am cognizant that a project like this is not going to make the quality of that air any better and will likely make it worse. Further, I am concerned about the impact of vermin and noise and light pollution on the community. 82-2 82-3

Given these concerns, if the construction is to go forward, I would ask that all efforts be made to (1) cover the trench, (2) limit the number, speed, and signalling of trains coming through during construction, (3) require that construction be done in phases so that any one section of the community is impacted for the most limited time possible and (4) require an aggressively short timeline for construction and institute strict penalties for violating the timeline. If this has to happen, please do not let it be Washington's own "Big Dig." 82-4

This project has no benefit for the city or the community and instead asks us to make a very large sacrifice to increase the profitability of an already very profitable company. I would ask that the city and federal overseers of this project not allow that sacrifice to be eagerly nor lightly.

Thank you for the opportunity to provide comments.

Sincerely,

Margaret M. McCarty
400 Block K St SE
Washington, DC 20003

1

Response to Comment 82-3:

The construction impact analyses for noise disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria for nearby residences, such as Capper Senior Apartments and Capitol Quarters. Extensive mitigation measures would be implemented as described in Section 5.6 of the DEIS. Section 5.10 was revised in the FEIS to include more information about the rodent control program that will be implemented prior to the start of construction. The program will include other pests, such as cockroaches. Security lighting will be required, but will not directed toward adjacent buildings.

Response to Comment 82-4:

Trains on temporary track/trench will be running at speeds no greater than 25 mph. The temporary open trench will be installed such that the top of the train will never protrude above the existing grade. The construction timeframes as presented in the FEIS take into consideration applicable DC regulations on work hours and construction activities. CSX is planning to use a number of construction crews along different locations along the corridor, which would expedite timetables. CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and use of appropriate contracting mechanisms to support that goal.

ID 83: McGill

From: Joe McGill [jjoemcgill@gmail.com]
Sent: Wednesday, September 25, 2013 9:08 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: Virginia Ave Tunnel Project

Good Evening,

I would like to express my concern over the CXS' proposed Virginia Ave tunnel project. I fear that this project could have a severe negative impact on our neighborhood. 83-1 My wife and I live near Canal Park. I walk to work, and we regularly walk through the skate park to Garfield Park. We also walk to church and to just about everywhere else we go. Having a large open-pit construction project running through the entire neighborhood for up to five years could create a negative environment due to noise, pollution, and safety issues. 83-2

Thank you for your consideration,

Joe McGill

1

Response to Comment 83-1:

Refer to Section 5.3 of the FEIS for a discussion on neighborhood impacts. Temporary bridge decks will be installed at every intersection on Virginia Avenue SE from 3rd to 8th for pedestrian, cyclists and autos to allow north-south movements for each of the modes. These crossings will also be accessible to those who are wheelchair dependent.

Response to Comment 83-2:

Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. The construction impact analyses for air quality and noise in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that expected levels of emissions during construction would be well within the accepted ranges in terms of chronic and acute health risks. For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria for nearby residences, such as Capper Senior Apartments and Capitol Quarters. Extensive mitigation measures would be implemented as described in Section 5.6 of the DEIS. Security measures will be put in place to prevent unauthorized access, and security lighting would be directed on the project construction area and not on adjacent residents or buildings. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

ID 84: McNeill

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 84-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 84-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 84-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 84-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 84-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

Response to Comment 84-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 84-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 84-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 84-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 84-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

The McNeill Family: John, Susan, Tess (2 yrs old) & Alexa (2 yrs old)

1012 4th St. SE

Washington, DC 20003

No response required for this section of comment

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project. The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space. The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 84-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**

  -
  - The vibration study says that there will be no impact to existing structures during construction yet it also states that it does not have sufficient information to predict overall vibration levels. 84-7 The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 84-8

  - The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 84-9

  - The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 84-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public 84-11

Response to Comment 84-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 84-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 84-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 84-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 84-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 84-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 84-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 84-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 84-13

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as: 84-14

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;

Response to Comment 84-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

Response to Comment 84-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

Response to Comment 84-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

84-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship,

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 84-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 84-16

- Noise and vibration mitigation
  - Mimimize the impact of train schedules on residents and businesses. 84-17
  - Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 84-18
  - Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 84-19
  - Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 84-20
- Traffic and Parking mitigation
  - Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 84-21
  - DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 84-22
- Health and Safety mitigation
  - CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 84-23
  - CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 84-24

Response to Comment 84-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 84-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 84-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 84-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 84-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 84-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 84-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 84-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 84-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

- CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 84-25
- CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 84-26
- CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 84-27
- DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 84-28

- Residential and Business Quality of Life mitigation
  - DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 84-39
  - The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 84-30
- Accountability and dialogue
  - The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 84-31
  - CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 84-32
  - CSX should consider incentives for early completion of construction and penalties for delays in construction. 84-33
  - The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 84-34

Attachment II

Response to Comment 84-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 84-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 84-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 84-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 84-28:

Emergency access will be maintained.

Response to Comment 84-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 84-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

- Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 84-35
- Have District officials been informed about alternative routing that is being used for these cargoes? 84-36
- Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 84-37
- Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 84-38
- Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 84-39
- Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 84-40

Response to Comment 84-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 84-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 84-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 84-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 84-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 84-36:

Please see response to Comment 21-30.

Response to Comment 84-37:

Please see response to Comment 21-30.

Response to Comment 84-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia. Please see response to Comment 21-30.

Response to Comment 84-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

DocuSign Envelope ID: 55111CCB-583C-4329-9CB8-6B6F0B5EA6FF

- Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site:
  - Assuming an open-trench situation with chemical releases, which could impact nearby populations? 84-41
  - Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
  -
- Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 84-42

Response to Comment 84-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 84-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 84-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 85: McPhillips

DRAFT ENVIRONMENTAL IMPACT STATEMENT

VIRGINIA AVE TUNNEL PROJECT

PUBLIC COMMENT SUBMISSION

SEPTEMBER 25, 2013

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX")[1] for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the welfare of my family and property as well as the health and safety of the community.

First, even though the DEIS document repeatedly states otherwise, the facts contained in the document outline a construction project that will threaten my property line and render my home unlivable. Second, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. Third, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need, and it does not take a "hard look" to consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project, while maintaining CSX's current level of freight service. Fourth, the DEIS does not even address, much less take a "hard look," at the broader safety and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

[1] Parsons Brinckeroff was paid by CSX to perform this study on the Agencies' behalf. This itself raises an appearance of a conflict of interest and calls the results of the DEIS into question.

1

No response required for this section of comment

1. ISSUES RELATED TO THE TOWNHOME LOCATED AT 800 3RD STREET SE[2]

1.1 The DEIS fails to provide concrete plans or maps to support the assertion that no taking of private property is required. Instead, facts presented in the DEIS suggest otherwise. 85-1

(a) Misleading statements in the DEIS. The DEIS states in several places that no private land will be taken under the three build alternatives. For example, on page 3-32 of Chapter 3, the DEIS states that the "LOD does not include private property, nor would it be expanded into private property during final design." Similar statements are made on pages 3-4 and 3-32 of Chapter 3, and pages 5-3 and 5-4 of Chapter 5. As described in greater detail below, evidence indicates that these statements are false, and my property will be subject to excess condemnation.

(b) A private property taking will occur. The DEIS specifically mentions my house in the starred footnotes of the concepts in Chapter 3 as being the "nearest residence" to the project. In Figure 3-5 of Chapter 3,[3] the DEIS states that the inside edge of the tunnel for Alternative 3 (formerly Concept 5), will be approximately 33 feet from my house. In direct meetings with CSX, they acknowledged that the tunnel wall is 3 feet wide. Therefore, the outside wall of the tunnel will be 30 feet from my house. The concept drawing also states that an additional 10 feet of "temporary construction access" will be required, bringing construction to within 20 feet of my house. The hand-drawn[4] traffic renderings in Appendix J show a pedestrian access lane will also need to fit in the remaining 20 feet, so that brings the math to approximately 15 feet. Finally, given that interior drive of the townhouse complex will lose access to Virginia Avenue, temporary access driveways to 3rd and 4th Streets will be required during the construction phase.[5] The driveway on the 3rd Street side will create pinch points in the construction zone. This driveway will have to fit 85-1

[2] Since many of the issues we face at 800 3rd Street are similar to those faced by the Rob and Melissa Lee, who live at 801 4th Street, I endorse and incorporate by reference the Lee's comments into our own.

[3] Further adding to the confusing and inconsistency in this document, the various concept drawings for Alternative 3 are all different. On page 3-2, it says that Concept 5 is now Alternative 3. However, if you look at the concept drawing of Concept 5, the two new tunnels do not share a center wall. However, in the concept drawing of Alternative 3 in the Executive Summary, the two new tunnels share a center wall. Which is it? How does this affect the dimensions given all over the entire DEIS? Again, rhetorical question because there is no good answer.

[4] Using hand drawings that fail to mark all the property lines for a $200M+ project should itself require Parsons Brinckeroff to be removed from its involvement in this project.

[5] "Certain properties currently have direct driveway access from Virginia Avenue SE within the LOD. Special provisions would be made during construction to keep access open on these properties for owners, users, and fire and emergency response vehicles." Section 3.3.1.4. Other documents and plans provided by CSX to other residents of Virginia Avenue have shown a rough sketch of the planned redirection, and such plans were not made part of the DEIS – likely because such plans show that a direct property taking will occur.

2

Response to Comment 85-1:

Please see Construction Phasing exhibits in Appendix M of the FEIS that clarify LOD, fencing and temporary access to homes. None of the Build Alternatives requires the acquisition of private property, no private property will be occupied during construction, and there will be no building within the damage and annoyance vibration lines of the new tunnel. Emergency access will be maintained. All affected residents of Capitol Quarters will be provided with temporary driveway access during construction. These driveways will be accessible to emergency response vehicles. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. As related to the Virginia Avenue Tunnel reconstruction project, all residents and businesses located in the Southeast and Capitol Hill communities will have access to a dedicated Virginia Avenue Tunnel claims process to address unforeseen impacts on homes or businesses. The claims process created by CSX to address property damage issues related to construction activities will also be available to resolve claims and disputes arising from this property mitigation program.

through the remaining 15 feet between my house and the construction access. Currently, the access driveway is approximately 25 feet, so either (i) the driveway will need to be narrowed (in which case, garbage/recycling trucks, emergency vehicles, etc. will not be able to fit, much less make the sharp 90 degree turn caused by the redirection; or (ii) my property line will be crossed and excess condemnation will occur. Of course, these measurements do not consider the fact that my property (Lot 891) extends at least 14 feet north of the actual building structure. Finally, since the DEIS does not provide any construction specifications, one must take the following information provided in the DEIS as valid on its face – the computer rendering of the construction impact in Section 5.13.1 in fact shows the driveway crossing my property. The DEIS must be re-written to show how the temporary access driveways that are anticipated work within the proposed LOD and still provide adequate work area for the tunnel. Clearly, to ameliorate the problem identified above, the entire project's construction footprint must be shifted at least 20 feet north of the currently proposed build alternatives. 85-1

(c) LOD formulation was cursory at best.

(i) Furthermore, in the overhead imagery of the Limit of Disturbance plans in Appendix J, the red lines depict the limit of disturbance (LOD) for the project. These high level red lines do not provide facts or evidence for how the LOD offset from the proposed tunnel location was established and whether phasing or construction methods would necessitate any adjustments. Having said that, in subsequent verbal conversations with the Agencies and the members of the CSX project team, the Agencies confirmed that this LOD is an exact depiction of the LOD based on engineering analysis. Why was this engineering analysis not provided in the DEIS? It should have been and because it did not, the DEIS only took a cursory look at what the LOD impacts would be. 85-2

(ii) The LOD lines appear to overlap with the northern edge of my property line (thin black line). Furthermore, the red line of the LOD in front of my house cuts through my kitchen and my master bedroom. If this red line represents the exact boundaries of the LOD (as the Agencies, CSX, and its representatives specifically told me) then there will be an excess condemnation of my property that the DEIS has stated flatly would not occur. In fact, when I mentioned these facts in person to the Agencies and CSX representatives, they appeared shocked as if they had never even considered the effect the LOD would have on my property line. If the Agencies are shocked at this stage of the project, then it is clear that they have not taken a hard look at the effect this project will have on my home, much less other parts of the surrounding area.

Response to Comment 85-2:

Please see response to Comment 85-1.

3

(iii) Finally, the LOD line extends south at the northwest corner of my lot and runs along the edge of my home structure. In verbal conversations with Parsons about this issue, Steve Plano confirmed that the LOD will extend through the yard in front of my house and up to the edge of the structure of my home. Since this is the case, the DEIS should have, but did not, address how I would still have access to my own home. A homeowner being unable to access his own house is an unacceptable result, which the Agencies and CSX have cavalierly ignored. Because of the LOD extending to my actual building structure, the resulting effect on my home would at the very least constitute a clear nuisance, not to mention a constructive taking of my property. Ultimately, the Agencies and CSX failed to take a hard look at the impact the project would have on my property line, and when the DEIS states that no private property will be taken, this is a false assertion resulting from an attempt to cut corners in formulating the DEIS. 85-2

1.2 The DEIS failed to take a hard look at the vibration impacts the project will have on my property and the surrounding community. 85-3

(a) Can vibration be predicted or not? The DEIS is not even on the same page with itself whether there will be a vibration impact to existing structures. For example, in Appendix F, Page 21, the DEIS states there will be no vibration impact to existing structures. However, on Page V of the Executive Summary of Appendix F, the DEIS states that "overall vibration levels from each construction phase cannot be predicted." How can the DEIS be sure that no impact will be felt if the impact cannot be predicted? This is the first piece of evidence that the DEIS reflects a mere cursory review of the vibration impact.

(b) Post-construction train operations will cause unacceptable vibration levels indefinitely.

(i) Table S-1 states that "train operations are not predicted to cause human annoyance or building damage," but the DEIS's own vibration report suggests otherwise.

(ii) In looking at Table 5-4 of Appendix F, one can see measured vibration levels for passing trains today (the "before") and the projected vibration levels for trains passing through a newly constructed tunnel (the "after") at various measurement sites along the LOD. But this jarring amount of data lacks key information and otherwise contains factual inaccuracies. For example: 85-3

(1) In the table, "Site 1" states that it is 73 feet from the nearest track. In looking at the overview map with the site locations on page 43 of the PDF, Site 1 was placed at a

4

Response to Comment 85-3:

The vibration analysis, including field measurements, calculations and modeling was conducted in accordance with FTA requirements and procedures. As shown in Section 4 of the vibration report in the DEIS, vibration modeling was calibrated using actual field measurements taken at various locations along and near Virginia Avenue SE. Data from the vibration measurements was utilized to calculate the soil vibration transferability characteristics and tunnel vibration reduction effects. Results of the vibration measurements were also used to characterize existing vibration from train pass-by and other sources at the nearby sensitive receptors. Future train vibration levels were then predicted based on the location of the future tracks, train speeds, and distances from the nearby sensitive receptors to the track centerline. The placement of the probes is relative to the distance to the center line of tracks and not to building locations. The study presented in the DEIS incorporated a speed limit of 40 miles per hour and two tracks. Double-stack intermodal container freight trains do not produce higher vibration levels than other types of freight trains. The construction vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. The DEIS construction vibration analysis provided a level of confidence that vibration from different construction activities would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS. The vibration technical report has been modified to clarify construction related vibration discussions. Refer to the vibration technical report for the vibration levels of the various pieces of equipment and distances. Among the mitigation measures provided in Section 5.7 of the DEIS, is a phasing plan that will be used so that high vibration generating activities do not occur at the same place and time near buildings. Construction activities that cause annoyance will occur at various times for short durations during daylight hours. See section 5.7.4 of the DEIS for more information on mitigation measures related to construction vibration producing activities. The construction area or limit of disturbance are not the same as the track location for Alternative 3. The location of the southernmost railroad track is used in the vibration studies because that is the source of vibration closest to the buildings. When referencing the location of the tunnel structure, the distance to the inside wall is utilized. See revised Section 5.7.3 of the FEIS. The distance between the center line of the southernmost track and the nearest building was revised to 42 feet. The nearest building is still outside the threshold of human annoyance limit.

property line the same distance from the track as my own property (i.e., at the same property line position of the house behind my own). The Chapter 3 concept drawings have already stated that the property lines are 33 feet from the inside edge of the tunnel. Being off a distance of 40 feet in a vibration study like this (where every foot matters) should require re-performance of the entire study because it immediately calls into question all the facts and figures presented in Table 5-4. One must assume now that the entire study was performed an extremely cursory fashion.

(2) Assuming arguendo that at least *some* of the vibration study is correct, the DEIS fails to explain the "deltas" between the measured vibration figures and the projected vibration figures. For example, at "Site 2" where a train with 120 cars is traveling at 19 mph, the study measured an existing vibration effect of 0.013ppv. The projected calculation is 0.063ppv, which carries a 0.050ppv difference. The DEIS fails to mention, however, what a 0.050ppv difference *means*. Without further explanation, one must assume that this difference constitutes a 500% increase in the vibration impact. Therefore, if one were standing at Site 2 and felt a subtle vibration at a passing train now, then once the tunnel is completed, that same person standing at the same spot would feel *five times* the vibration impact. A five-fold increase absolutely means that the vibration impact will be extremely significant, contrary to the white-washed description in the DEIS about not causing annoyance or damage. Therefore, instead of taking a "hard look" at vibration impacts, the DEIS has categorically failed to provide even a minimum threshold of thoughtful analysis of the vibration impact resulting from the project. 85-3

(3) Finally, the assumptions of the "vibration source" in Table 5-4 appear to be intentionally vague and misleading. In making the comparison between the "before" and "after," the vibration report only considers single-stacked trains on one rail line. The whole P&N argued by CSX is that it requires double-stacked trains and two rail lines. Therefore, Table 5-4 does not provide an apples to apples comparison. Instead, the report should be redone to show the impact of, for example, (i) a 120 car *double stacked* train, as opposed to a single stacked train, as well as (ii) *two* double stacked trains passing in opposite directions *at the same time*. Because of the vibration report's misleading analysis, the public cannot possibly comprehend the nature

5

of the vibration impact fully. More importantly, the failure of the report to consider all impacts reflects how poorly it was performed. Therefore, the entire vibration report should be re-performed to account for the reality of what is happening post-construction rather than the misleading, white-washed data provided in the DEIS.

(c) Construction vibration impacts will cause structural damage.

(i) Table 5-2 of Appendix F states that the use of the vibratory compactor/roller will cause building damage at 33 feet. The DEIS fails to describe *where* this piece of machinery will be used. Will it be used at or along the outer wall of the tunnel under Alternative 3? If so, then it will cause damage to my property at 800 3rd Street SE, which the DEIS claims will be 33 feet from the inside wall of the tunnel. Furthermore, the little footnote underneath the table states: "Note: PPV are for single equipment but if more than one equipment is operating at the same time, PPV would be higher." When will multiple pieces of equipment be used? How often? How far away? Given the scale of this project, it defies logic to think that multiple pieces of heavy machinery will be used *at all times*. Therefore, it is clear that there is a high likelihood of building damage caused by the construction project.

85-3

(ii) Section 5.4.3 of Chapter states: "Using the distance information in Table 5-15 and knowing the distance between the closest buildings along Virginia Avenue to Alternative 3's edge of track is 44 feet distance, vibration impacts to buildings or to human annoyance due to train operations are not predicted under any of the Build Alternatives." This 44 feet distance assertion is not supported elsewhere in the document. Again, the Chapter 3 concept drawing shows that the inside edge of the tunnel is 33 feet away from my structure. The tunnel in this concept is 18 feet wide, so the center line would be 42 feet away from my structure, so adjusting a few more feet to the south to account for the edge of track, means the dimension is probably more like 38 or 39 feet. Which is it – 38ft, 39ft, 42ft, 44ft or something else? Like many other questions posed in these comments, this is a rhetorical question because there is no answer because the facts are missing and/or inconsistent. When a double tracked, double stacked railroad threatens the structural integrity of the roof over your head, every foot counts. The DEIS did not take a hard look at these facts and should be rewritten to reconcile the inconsistencies and add the missing information.

(iii) Table S-1 of the DEIS states that there will be no building damage caused by this project, either during or after construction, but this

suggests otherwise. At the very least, it fails to provide sufficient evidence to show that the Agencies and CSX took a hard look at this issue. Therefore, the facts in the DEIS admit that building damage will occur which contradicts other written statements made in the document. Therefore, the Agencies and CSX should be required to sit down with the owners of those structures that will be damaged so that mitigation and compensation can be discussed and mutually agreed. 85-3

(d) Post-construction tunnel versus open trench impact distances lack explanation.

(i) From Appendix F, Table 5-5, the DEIS states:

(1) The minimum distance to keep vibrations below human annoyance threshold for train pass by *in tunnel* (Alternatives 2-4) = 36 feet.

(2) The minimum distance to keep vibrations below potential building damage threshold for train pass by *in tunnel* (Alternatives 2-4) = 20 feet.

(ii) The DEIS fails to address whether the vibrations expected for a train operating in a temporary runaround trench (open top) is comparable to that in a closed tunnel. Also, how is it possible that all three build alternatives have the same vibration threshold distances when the track in each alternative will be in a different location? The answer is clear – the Agencies and CSX performed a cursory and sloppy review of the vibration impact this project will have on the nearest structures. Therefore, the DEIS did not provide a hard look analysis of the vibration impacts related to each build alternative and capriciously lumped all the stats together into the "build alternatives."[6] 85-4

(e) More missing information. Appendix F is missing considerable information to allow the public to fully understand and react to the project's vibration impacts, including but not limited to:

(i) The DEIS mentions the tunnel modifications will facilitate double stacked containers on rail cars. The DEIS vibration report does not, however, indicate whether this represents an increase in the gross rail car weight. Added weight results in greater vibration impacts – again the impact assessment cut corners. This is a key

[6] This actually begs the question if it is this easy to lump all the facts and data into the "build alternatives" then what choice is there at all? The real choice is between two alternatives, which does not meet NEPA requirements to take a hard look at all reasonable alternatives.

7

Response to Comment 85-4:

Refer to the vibration technical report. Vibration threshold impact distances are measured from track locations. Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal.

fact that is missing from the DEIS, further showing why the DEIS is a result of cutting corners and cursory analysis.

(ii) Because the DEIS vibration report did not provide facts regarding the vibration impacts of trains exceeding 20 mph, the Agencies must prohibit trains from exceeding 20mph during and after construction. Faster speed increases the magnitude of ground vibrations, and the DEIS's failure to provide information about such faster speeds means the Agencies may not allow faster speed limits in the VAT. 85-4

(f) More inconsistent facts.[7] In the DEIS, the following inconsistent facts are presented:[8]

(i) Figure 3-1 (Alternative 2): temporary runaround trench *33 feet* from my home (track is assumed to be at least a few feet further from the wall); new south track centerline 7.5 feet south (edge of tunnel about 51 feet away).

(ii) Appendix F summarizes the described offsets, which vary from Chapter 3 above:

(1) The vibration report indicates that the closest structure to proposed south train tunnel = 44 feet[9] (Appendix F, Section 5.2-bottom of page 10)

(2) Also, in the fourth paragraph of Section 4.2 of Appendix F, it states that the edge of the exiting track is 73 feet from the closest building in the Capitol Quarter townhouses (which again, is mine). Section 1.2 describes Alternative 3 to locate the center wall of the double tunnel to 25 feet south of the existing tunnel centerline, which would be (73 - 25=) 48 feet from the closest townhouse. Some different dimension for the distance from the center wall to the southernmost rail would need to then be subtracted from that number to give the distance from the nearest townhouse to the closest rail. 85-5

(iii) The above are just a few examples of the convoluted and inconsistent facts provided in the DEIS. The burden in the DEIS should not be on the public to decipher, guess, and make

[7] I also endorse and incorporate by reference the elements of the Capitol Quarter Phase 1 HOA comments that point out and describe factual inconsistencies and other missing information.

[8] Note that the figures noted above indicate offset dimensions from side of southernmost tunnels to my home at corner of Virginia Avenue SE and 3rd Street SE.

[9] But again, the math does not add up with this number.

8

Response to Comment 85-5:

Please see Construction Phasing exhibits in Appendix M of the FEIS that clarify LOD, fencing and temporary access to homes. No private property will be occupied during construction.

assumptions about the inconsistent facts presented in a DEIS document. Without accurate facts, the public cannot provide meaningful comments, and the Agencies certainly do not have a basis on which to select a final alternative. NEPA requires a hard look at such impacts, and this DEIS clearly withholds all relevant information related to such impacts.

(g) Mitigation. The DEIS states that vibration will be mitigated by "monitoring" the levels of vibration. During in-person meetings with the Agencies, CSX and CSX's representatives, I was told repeatedly that the key measure to mitigate the effects of potential vibration impacts was vibration "monitoring." How does monitoring actually *reduce* the vibration itself? It doesn't. Rather, monitoring only provides the information but does not provide a means by which the vibration would be reduced to acceptable and legal levels. When I specifically asked the Agencies to explain concrete ways vibration would be mitigated, the Agency response was, "It is up to you to come up with good mitigation ideas and propose them in your public comments." I'll state this again – the federal and local governments want one of their own citizens (who has no engineering background of any kind) to be in charge of "coming up with" the measures to mitigate the serious and dangerous vibration impacts this project will have on his family's home. Am I supposed to perform my own DEIS too? This DEIS categorically fails to provide the level of detail required by the courts and by Congress to address the measures that will mitigate the impact on the affected environment for the VAT project. 85-6

2. THE DEIS FAILS TO ADDRESS THE AUTHORITY PERMITTING CSX TO EXPAND THE VAT'S CURRENT FOOTPRINT AND RIGHT OF WAY

2.1 Lack of transparency regarding expansion of right of way.

(a) Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[10] What we do know is that the currently proposed build alternatives shift the existing tunnel centerline between 7 and 25 feet south from occupied space, while the actual tunnel footprint appears to expand the right of way up to as much as 50 feet.[11] 85-7

[10] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[11] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. Because these measurements are framed in terms of the "center line" only, it is unclear how far the actual tunnel footprint is being expanded to accommodate the second track proposed by each

9

Response to Comment 85-6:

If later vibration analyses find the potential for damage to adjacent buildings or unacceptable human annoyance from certain construction activities, additional mitigation measures as approved by the appropriate agencies will be employed if proposed measures are found to be inadequate. The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 85-7:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

(b) The Agencies must be transparent about the interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The Agencies are required to provide transparency on these matters and to share the process by which the public or other agencies may participate in or appeal a final decision on the granting of additional right of way. 85-7

2.2 Public park between 3rd Street SE and 4th Street SE was ignored under Section 4(f).

(a) Section 4(f) requires consideration of parks and recreational areas of national, state, or local significance that are both publicly owned and open to the public. Lot 0897 is a public park owned by the District of Columbia Housing Authority.[12] The DEIS failed to analyze the public park under Section 4(f). While the DEIS failed to provide more exact details of the footprint(s) of the proposed alternatives, Appendix C of the DEIS suggests in the red bordered outline of the Limit of Disturbance (LOD) that at least a portion of the park would fall within the LOD and therefore, the DEIS failed to provide Section 4(f) considerations. 85-8

(b) The FHWA's own Section 4(f) requirements and guidance are quoted below[13]:

(i) "In situations where FHWA has determined that Section 4(f) does not apply, the project file should contain sufficient information to demonstrate the basis for that determination." The DEIS does not contain any information demonstrating why Section 4(f) does not apply. 85-8

(ii) "[I]f a governmental body has a permanent proprietary interest in the land (such as a permanent easement, or in some circumstances, a long-term lease), FHWA will determine on a case-by-case basis whether the particular property should be considered publicly owned and, thus, if Section 4(f) applies." DCHA owns Lot 0897, but the DEIS failed to provide any information for FHWA to make an informed analysis about whether Section 4(f) applies. 85-8

Response to Comment 85-8:

The "courtyard" (both within the public right-of-way and on private property) is not a Section 4(f) resource. First, the property must be publicly owned, which would eliminate the portion of the "courtyard" within the property of Capitol Quarter. Second, the agency with jurisdiction over the property must designate the property as a park or recreational resource. DDOT has not designated the portion of the "courtyard" as a park or recreational resource.

proposed alternative – reasonable estimates show that the tunnel footprint will shift up to 50 feet. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[12] See http://maps.dcoz.dc.gov/

[13] http://www.environment.fhwa.dot.gov/4f/4fpolicy.asp#part1

10

(iii) "A publicly owned park, recreational area or wildlife or waterfowl refuge must be a significant resource for Section 4(f) to apply (See 23 CFR 774.11(c) and Question 1A). *Resources which meet the definitions above are presumed to be significant unless the official with jurisdiction over the site concludes that the entire site is not significant*. The FHWA will make an independent evaluation to assure that the official's finding of significance or non-significance is reasonable. *In situations where FHWA's determination contradicts and overrides that of the official with jurisdiction, the reason for FHWA's determination should be documented in the project file and discussed in the environmental documentation for the proposed action*." Again, the DEIS failed to address the significance of Lot 0897, therefore, the presumption should be that this park is significant.

(iv) Furthermore, FHWA policy requires that "Section 4(f) properties should be identified as early as practicable in the planning and project development process in order that complete avoidance of the protected resources can be given full and fair consideration (See 23 CFR 774.9(a))."

(c) In violation of Section 4(f), the DEIS has failed to show that the project will not adversely affect Lot 0897 (nor has there been a meaningful notice and comment process on the matter), nor have the Agencies sought or received approval from DCHA whether Lot 0897 may be used for the project. If FHWA ignores the law as well as its own policy and fails to identify all public parks affected by the planned project, then it will be acting arbitrarily and capriciously. 85-8

(d) Finally, I endorse and incorporate by reference the public comments by the C100 with respect to its commentary on the DEIS's failure to properly address all Section 4(f) issues required by law.

3. A VALID PURPOSE AND NEED HAS NOT BEEN ESTABLISHED AND ALL REASONABLE ALTERNATIVES HAVE NOT BEEN CONSIDERED

3.1 Purpose and Need: Chapter 2 of the DEIS shall be rewritten in its entirety because it fails to meet NEPA requirements.

(a) The Agencies may not (i) consider the alternatives presented in the current draft of the DEIS, or (ii) issue a Record of Decision until the purpose and need ("P&N") statement in Chapter 2 is re-written to address the numerous problems identified by every public comment made on the record pertaining to the flawed P&N, including those made by the Committee of 100 on the Federal City ("C100"). The guidance on 85-9

Response to Comment 85-9:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel. Refer to Chapter 2 for additional information on the Purpose and Need.

FHWA's own website[14] supports this position: "Without a well-defined, well-established and well-justified purpose and need, it will be difficult to determine which alternatives are reasonable, prudent and practicable, and it may be impossible to dismiss the no-build alternative." If the FHWA ignores its own guidance, then it will be acting arbitrarily and capriciously.

(b) Overall, the P&N is framed much too narrowly, and in doing so, both overstate the challenges posed by the existing VAT and invalidate the conclusions that are drawn from a successful project. For example, the P&N states that the VAT is the single chokepoint for the eastern seaboard, but the 2009 Mid-Atlantic Rail Operations (MAROPS) analysis (cited in the DEIS), and the National Capitol Planning Commission referenced in the C100 comments, the only way to alleviate the chokepoint in DC is to go around it. And the MAROPS study notes that a successfully widened and deepened VAT does not eliminate the delays in the area, which are primarily caused by the Howard Street Tunnel in Baltimore not the VAT. For example, the Howard Street tunnel's throughput delays trains by 20 minutes compared to the VAT's 5 minutes. Furthermore, rather than reconstructing the Howard Street Tunnel to address the single-stack train issue, CSX plans simply to de-stack the northbound trains and re-stack the southbound ones. The DEIS fails to consider why the Howard Street Tunnel does not require reconstruction to meet this purpose and need, while the VAT does require reconstruction.[15] Therefore, reconstructing the VAT does not meet the P&N of eliminating delays along the east coast. 85-9

(c) Furthermore, the P&N offers a gross overstatement when it says on page S-3 (and in other places), "as an aging piece of infrastructure nearing the end of its useful life, the tunnel is increasingly subject to inspection and preventative maintenance for safe rail operations. These frequent inspections and preventive maintenance activities are difficult to conduct without compromising normal rail operations." Page 1-3 of the DEIS itself contradicts this statement: "In 1985…a 150-foot section of tunnel roof was repaired between 4th and 5th Streets SE, and an additional 300 feet of tunnel was strengthened because it exhibited signs of movement caused by external forces. These repairs involved reinforcement of the sidewalls and replacement of the original brick arch with a new flat roof."[16] Clearly, much of the tunnel had been rebuilt less than 30 years

[14] http://environment.fhwa.dot.gov/projdev/tdmneed.asp

[15] Not to mention that the Howard Street Tunnel experienced a catastrophic derailment by CSX in only 2001. (See: http://ntl.bts.gov/lib/jpodocs/repts_te/13754.html). CSX has not proposed that the Howard Street Tunnel requires reconstruction despite a stronger argument for P&N there as opposed to the VAT.

[16] Furthermore, the Howard Street Tunnel in Baltimore is just as old as the VAT, but CSX has publicly declared as recently as two years ago that this tunnel is "safe." (See: http://www.baltimoresun.com/news/maryland/bs-md-

12

ago and does not require a complete reconstruction as misleadingly described. Furthermore, the assertion that "frequent inspections and preventative maintenance" being "difficult" is not a valid P&N argument: (i) mere "difficulty" does not meet the requirements that the P&N statement be "well-defined, well-established and well-justified"; and (ii) even a brand new tunnel should warrant "frequent inspections and preventative maintenance" in order to ensure the utmost health, safety, and security for the affected environment (especially an affected environment that includes the U.S. Capitol Building). 85-9

(d) Finally, I endorse and incorporate by reference the following comments made on the record that relate to the problems with the P&N statement:

(i) Public comments by the C100;

(ii) Public comments by the Capitol Quarter Homeowners Association for Phase 1; 85-9

(iii) Public comments by Andrew Shields; and

(iv) Other public comments made on the record that address the failure of the DEIS to formulate a well-defined, well-established and well-justified purpose and need.

3.2 Reasonable Alternatives: Chapter 3 of the DEIS shall be rewritten in its entirety because it fails to consider all reasonable alternatives required under NEPA.

(a) Requirement to Consider All Reasonable Alternatives.

(i) NEPA's promulgating rules require the Agencies to: "[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated."[17] The Council on Environment Quality's Memorandum to Agencies: Forty Most Asked Questions Concerning NEPA document ("CEQ NEPA Guidance") further clarifies that "the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the 85-10

howard-street-tunnel-20110716,0,7370136,full.story). Why is one century-old tunnel safe, when another one is not?

[17] 40 CFR 1502.14(a)

13

Response to Comment 85-10:

Refer to Chapter 3 for details on the alternatives screening process. Chapter 5 discloses impacts for each of the alternatives carried forward.

applicant."[18] The DEIS lacks the rigor required by NEPA and fails to explore and evaluate objectively all reasonable alternatives for the VAT project. Furthermore, the concepts eliminated from consideration were done so on an arbitrary and capricious basis.

(ii) Furthermore, NEPA's rules state that the EIS process, "should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public."[19] The DEIS has not presented alternatives that present a "clear basis for choice." Rather, the three build options proposed by the DEIS are three very slight variations of the exact same choice – reconstructing the VAT with active trains running alongside the construction zone to the south, which is dangerously close to residences and businesses. 85-10

(b) Concept 7 and Other Rerouting Concepts are Reasonable Alternatives Arbitrarily Eliminated.

(i) Restatement of P&N. As noted above, Chapter 2 of the DEIS articulates that the P&N consists of the following three objectives: (i) "address the structural and operational deficiencies of the century-old Virginia Avenue Tunnel"; (ii) "accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015"; and (iii) "ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility." 85-11

(ii) Rerouting Meets the P&N. Despite the fact that Chapter 2 requires redrafting because of inherent flaws within the stated P&N, if one were to assume arguendo that the P&N is adequate, then numerous concepts that meet such P&N criteria were arbitrarily ignored and not brought forward as "Alternatives" in this DEIS. For example Concept 7, which involved the temporary rerouting of trains during construction, meets all three criteria above. Specifically, Concept 7:

(1) Addresses VAT Deficiencies. Rerouting does not prohibit CSX from reconstructing the VAT – rather, Concept 7 and other rerouting concepts allow reconstruction of the VAT

Response to Comment 85-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

[18] http://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf. The Memorandum was sent to all agencies, but as of the writing of this letter, the FHWA website's link to this document was a dead link, so the Energy Department's reference is listed here.

[19] 40 CFR 1502.14

14

to address the tunnel's stated deficiencies. In fact, rerouting will allow reconstruction in a manner that is frankly safer, since there will not be active trains running through the tunnel during construction.

(2) Meets the Panama Canal Expansion Demands. Concept 7 and other rerouting concepts allow construction to occur more quickly, which again is possible since there will not be active trains running through the tunnel during construction. If the purpose of the project is to meet the projected 2015 timeframe for the Panama Canal, then a rerouting alternative would seemingly allow quicker construction – much quicker than the 30-60 month timeframes proposed by the current "active tunnel" alternatives.

(3) Allows Freight Traffic to Continue Uninterrupted. As noted in subsection (iii) below, obtaining temporary trackage rights on Norfolk Southern lines would prevent any interruption to CSX's freight operations. 85-11

(iii) Obtaining Trackage Rights for Rerouting is Reasonable. A reason the DEIS gives for eliminating any rerouting option is that obtaining trackage rights for up to two years' time would be "difficult."[20] However, the DEIS could not possibly know if it would be difficult without even exploring the option. In fact, the DEIS reveals that Norfolk Southern Railway ("NS") has not even been consulted in the DEIS's preparation. NS would certainly be able to grant CSX trackage rights between Alexandria and Hagerstown for Capitol Gateway traffic not originating or terminating in the District.[21] Attached as Schedule B is a series of Surface Transportation Board decisions approving NS's grant of temporary trackage rights in different instances for 2 years, 4 years, and 10 years. Furthermore, as recently as 2004, NS and CSX interchanged approximately 1.5 million rail cars in one year alone.[22] Therefore, the reason given in the DEIS for the elimination of a rerouting option (e.g., Concept 7) is not based on

[20] Page 3-17 of Chapter 3.

[21] Besides, the Common Carrier Obligation (i.e., a railroad "may not decline to provide common carrier service merely because doing so might be inconvenient or unprofitable, or somehow disruptive to others") that CSX cites extensively in the DEIS would also apply to NS, which must agree to provide [illegible] onable request.

[22] "NSR and CSX interchanged approximately 1.5 million rail cars in 2004, or about one in every nine cars, empty or loaded, handled by CSX. Out of 518,000 hazmat loads that Mr. Osborne stated was moved by CSX in that year, 21,000 were interchanged with NSR according to Mr. Gibson, or one in twenty-five." See the Shuman declaration in the CSX v. DC litigation at pages 10-11 (#26).

15

facts, and the elimination of a rerouting option was completely arbitrary and capricious.

(iv) Rerouting Would Reduce the Overall Timeframe for the Project. Another reason the DEIS gives for eliminating any rerouting option is that such an option would not be "implemented in a time frame that accommodates the near term anticipated increase in freight traffic."[23] However, the DEIS itself states that undertaking a massive construction project alongside active rail lines (as opposed to rerouting) *actually causes the project to take longer than otherwise required*.[24] If passing trains are removed through temporary rerouting, then the project would be conducted much more quickly and safely.[25] Therefore, the elimination of a rerouting option based on timing considerations defies logic and was completely arbitrary and capricious. 85-11

(c) Other Reasonable Alternatives Were Arbitrarily Excluded from the DEIS. In addition to the reasonable rerouting alternatives identified above, the DEIS failed to consider a wide spectrum of additional alternatives that have been identified by the C100 since the beginning of this DEIS process. Such alternatives should have been outlined and considered as part of this DEIS. I will not restate those alternatives here, but I endorse and incorporate by reference those comments from the C100 on the public record that relate to all reasonable alternatives that should have been considered, but were not considered, by the DEIS.

(d) Endorsement. Finally, I endorse and incorporate by reference the following comments made on the record that relate to the problems with the DEIS's failure to address all reasonable alternatives: 85-12

(i) Public comments by the C100;

(ii) Public comments by the Capitol Quarter Homeowners Association for Phase 1;

(iii) Public comments by Claire Schaefer; and

(iv) Other public comments made on the record that address the failure of the DEIS to consider and take a "hard look" at all reasonable alternatives.

Response to Comment 85-12:

Alternative 3 has been selected as the Preferred Alternative. Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. The courts have recognized that the number of variables or the number of variations in proposed alternatives for certain projects could almost approach infinity. For that reason, only those meeting purpose and need require detailed consideration in the EIS.

[23] Table 3-1 of Chapter 3.

[24] "[C]onstruction activities are anticipated to be slowed along the entire length of the Alternative 4's construction zone because of the close proximity between active rail operations and construction work areas." Section 3.3.1.6 of Chapter 3.

[25] "[B]ecause of the close proximity between active rail operations and construction work areas….additional safety regulations and safe work zone practices would need to be implemented…" Section 3.3.1.6 of Chapter 3.

16

(e) Conclusion. At least one reasonable rerouting option should have been carried forward from the "concept" stage to the "alternative" stage of the process, so that it could have been given a full and thorough review and provide a good basis for comparison against the currently proposed "active tunnel" options. Concept 7 is one of such reasonable alternatives because it meets all the stated requirements in the proposed purpose and need (although, the P&N must still be redrafted) and because it has the least impact on the surrounding environment, both short term and long term.

4. ALL THREE BUILD ALTERNATIVES THREATEN THE HEALTH AND SAFETY OF THE COMMUNITY

4.1 The DEIS fails to address the risk to health and safety of the surrounding environment that will be caused by the three build alternatives outlined in the DEIS. Therefore, the DEIS shall be rewritten and/or supplemented to provide a robust plan to eliminate these legitimate concerns.

(a) The entire community, including the Advisory Neighborhood Commissions, have expressed deep concern that both construction to expand the tunnel and the subsequent increase in rail traffic – especially the transport of hazardous materials – would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. 85-13

(b) Section 101 of NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences."[26] This DEIS does not meet the minimum threshold of addressing and mitigating these health and safety risks.

(c) Furthermore, as noted in Section 3.1(c) above, the DEIS overstates that the danger that no-build option would result in "emergency repairs." The DEIS does not provide any explanation for why it believes the VAT is unsafe. On the contrary, the DEIS does provide specific detail showing that recent repairs in the 1980's have rendered the tunnel safe. It is clear that undertaking the project brings much more risk to health and safety to the affected environment (including the U.S. Capitol and U.S. Congressional Offices) than the no-build option. Therefore, when the Agencies review the alternatives with respect to the issue of health and safety, the build alternatives carry much more risk than the no-build alternative. It is incumbent on the Agencies to elect the no-build 85-14

[26] http://www.fws.gov/r9esnepa/RelatedLegislativeAuthorities/nepa1969.PDF

17

Response to Comment 85-13:

The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public.If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

The construction impact analyses for air quality disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that the expected levels of emissions during construction would be well within the acceptable ranges in terms of cancer, chronic non-cancer, and acute health risks. Mitigation measures would be implemented as described in the DEIS and FEIS.

Response to Comment 85-14:

The physical conditions of the tunnel described in Section 2.1.3 of the DEIS were based on information obtained through engineering inspections. The evidence of distress is an early indicator that the tunnel needs to be replaced. The evidence does not suggest there is an immediate danger that any section of tunnel would collapse. Adopting Alternative 1 will result in an increased risk of structural failure over time. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1.

alternative, which again is the safest and least risky alternative, over the construction alternatives.

(d) Finally, because the community has commented extensively on the health and safety dangers posed by the build alternatives of this project, I do not feel the need to restate those concerns in this document. Therefore, I endorse and incorporate by reference all the comments on the public record that address the health and safety concerns identified by the community pertaining to the build alternatives presented in the DEIS (including the public comments from C100, which discuss in detail the failure of the DEIS to take a hard look at safety and security issues as well as environmental issues, such as air quality). Because of these legitimate concerns, the Agencies may not support any build alternative that requires an open trench during construction nor shall the Agencies support a plan that places a second, permanent tunnel just steps away from existing residences, historic resources, and public spaces. Of course, a "hybrid" alternative where a closed tunnel is constructed in the footprint of the existing tunnel (which could be made possible by temporary re-routing) ameliorates many of the legitimate and reasoned concerns identified by the community at large. 85-13

(e) Therefore, unless a more reasonable rerouting alternative is considered, the best choice for Agency consideration, which provides the greatest overall health, safety and security protections to the individuals and businesses in the affected environment, is the no-build alternative. 85-14

4.2 The high health and safety risks posed by the build alternatives for this project demand a robust claims process.

(a) The Agencies must require CSX to establish and maintain a process by which the general public would be able to apply for and receive compensation for damages suffered in connection with the VAT project. The DEIS fails to provide such a detailed process.

(b) The DEIS should be rewritten to provide a more robust and detailed process.[27] Such a claims process shall not in any way be construed as a waiver of any rights to seek damages available under applicable law, and any funds paid through this process shall not be construed as an exclusive remedy. The claims process shall be simple and straightforward and include the following: 85-15

(i) The burden shall be on CSX to prove that such damages were not attributable to CSX or its contractors.

[27] Before the DEIS was even published, the community had been repeatedly told that the DEIS would contain such a detailed process, but it does not.

18

Response to Comment 85-15:

CSX is committed to supporting a fair and equitable process for resolving claims related to this project. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

(ii) If CSX is unable to resolve a claim within 30 days of application, CSX shall pay the full amount of damages claimed in the application.

(iii) There may not be a "statute of limitations" within which an applicant is to file a claim. 85-15

(iv) The claims process shall be managed by an independent third party.

(v) The claims process shall include a process for appeal to an objective third party adjudicating body (e.g., an administrative law judge, DC superior court, or federal court).

5. THE DEIS FAILS TO PROVIDE CONCRETE MEASURES TO MITIGATE THE ADVERSE ENVIRONMENTAL IMPACTS CREATED BY THE PROJECT

5.1 NEPA requires concrete mitigation measures.

(a) NEPA promulgating rules require the DEIS to "include appropriate mitigation measures" to address the adverse impacts resulting from the planned action.[28]

(b) The CEQ NEPA Guidance document further clarifies what mitigation measures are required: "The measures must include such things as design alternatives that would decrease pollution emissions, construction impacts, esthetic intrusion, as well as relocation assistance, possible land use controls that could be enacted, and other possible efforts. Mitigation measures must be considered even for impacts that by themselves would not be considered 'significant.'"[29] 85-16

Response to Comment 85-16:

Please refer to Chapter 5 of the FEIS for mitigation measures for unavoidable adverse affects.

5.2 The DEIS fails to provide concrete measures mitigating the adverse impact posed by the VAT project.

(a) In numerous places, the DEIS states that CSX will use "best practices…where feasible" to mitigate the severely adverse effects caused by the project. This language provides *no commitment at all from CSX*. CSX will ignore these measures and simply argue that a certain measure "was not feasible." Regarding "best practices," in most cases, the DEIS simply regurgitates the minimum standard required of federal or local law. This does not constitute "best practices," rather it constitutes "minimum practices," and such failure to take a hard look at mitigation measures fails to meet NEPA requirements. 85-17

Response to Comment 85-17:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project and included proposed mitigation measures to address the potential impacts of the project. Please refer to Chapter 5 of the FEIS for mitigation measures for unavoidable adverse affects.

[28] 40 CFR 1502.14(f)

[29] Question 19a. in the CEQ NEPA Guidance: http://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf

19

(b) Furthermore, many of the mitigation measures proposed by the DEIS are frankly offensive. For example, to mitigate dust, CSX has committed to using "relatively new equipment." What does relatively new mean? How does this mitigate dust? This "mitigation measure" is meaningless to those who will be breathing in the dust and fumes from this project for *multiple years*.

(c) In the noise mitigation section, it makes a similar statement that CSX will use "best practices" like "properly maintaining equipment" to prevent noise. CSX should properly maintain its equipment for this project *regardless* of whether it limits noise, and therefore, this does not constitute an appropriate mitigation measure.

(d) Regarding vibration mitigation, the DEIS states that CSX will use "vibration control best practices as reasonably practical and feasible." The DEIS could not have formulated language that provided any less of a commitment from CSX. Under this standard, CSX will *never* be required to perform any vibration mitigation measures if it determines that a situation is "not reasonably practical and feasible" – which will occur in every single instance. Furthermore, the DEIS states that these "best practices" include "monitoring of vibration." Monitoring does not mitigate vibration, rather it just captures what the vibration is. Where is the commitment to actually *reduce vibration*? To continue, the DEIS states that CSX will "maintain all motorized equipment in a state of good repair to limit wear induced vibration". Again, CSX should maintain its equipment in a state of good repair *regardless* of whether that reduces vibration – this is not an appropriate "mitigation measure" required under the law. 85-17

(e) The above are only a small fraction of the deficiencies contained in the DEIS "mitigation measures" section. I could discuss ad infinitum why every single "mitigation measure" proposed by the DEIS does not actually *mitigate* the impact it purports to address. The broader question, however, is why I even need to do this in the first place. The Agencies and CSX never actually a "hard look" at all the reasonable mitigation measures, as they are required to do by law. Therefore, I request that all mitigation language be rewritten in the DEIS in order for the Agencies and CSX to comply with NEPA laws and regulations.

5.3 Non-exhaustive list of examples of mitigation efforts that should be in the DEIS:

(a) Damage. In addition to the claims process, prior to commencement of the excavation work on the project, CSX will offer and seek consent from all property owners in the immediate vicinity of the VAT to have their property and all improvements on their property thoroughly surveyed by an independent third party professional engineering firm. The surveys 85-18

20

Response to Comment 85-18:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. As described throughout the DEIS, one key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations. The project team is committed to operate a public outreach program to share information about the project and construction activities. See revised Section 3.5.6 of the FEIS for more information on construction work hours. All construction work will be in accordance with applicable work hour requirements or approvals. Security measures will be put in place within the construction area, please see response to Comment 85-13 for more information on security measures.

will include video evidence of the condition of each surveyed property. After work on the site, a final survey of each property (with video evidence) will be undertaken by the same independent professional. The surveys are intended to provide the parties a reference point from which to determine the effect that excavation and construction activity on the VAT will have on neighboring properties. The surveys will be performed at CSX's sole cost and expense. Each survey report shall be provided to CSX and to the appropriate property owner.

(b) Insurance: CSX will identify the property owners as an additional insured on its construction insurance policy. Additionally, CSX will provide one contact for coordinating damage claims from its contractor(s), subcontractor(s), and/or vendors at the expense of CSX.

(c) Traffic. During the construction phase, safety is primary but quality of life for maintaining traffic, bicycle and pedestrian egress is critical for the residents, retail, businesses, military and for the patrons of National Park. The Traffic Operations and Parking Plan (TOPP) for Nationals Park needs to be modified yearly or as needed to respond to the VAT construction phase. No home owner or business will be denied access to their front or primary entrance, which is currently anticipated by the LOD map. Additionally those with garages will be provided temporary parking at no cost to them, if their access is lost during construction. It is primary that north – south streets be connected at all times to keep in place the normal traffic patterns. 85-18

(d) Communication. CSX shall designate a representative to be the key contact during the period of construction. They will have a local office and will be accessible during extended business hours. At any time construction activity is occurring, the representative or his/her designee shall be available on-site or by telephone to receive communications from the surrounding community. The name and work telephone number of the representative or his/her appointed designee shall be conspicuously posted (including online) in advance and shall be readily available to members of the community. In addition, a name and telephone number of a person designated by CSX to contact in case of emergency during hours in which no construction activity is occurring shall be readily available to members of the community. CSX will also maintain a robust Web site with construction camera view. CSX will also use other venues as text alerts, etc. to assure the widest communication possible regarding traffic, construction and/or public meetings. CSX will issue monthly reports giving progress status, updates, and modifications for the VAT project. Quarterly public meeting will be held the first year and semi-annually thereafter to update and provide face to face venues for community dialogue. The CSX representative and his/her designee will be able to answer questions and receive comments about the site activities, address any concerns members of the community might have throughout the

construction process, and have authority to remedy promptly violations of the construction plan and enforce its provisions. The representative, designee and emergency contact shall receive notice of violations of this plan, response as soon as possible, and act to remedy the violation as soon as possible, including the immediate halting of construction.

(e) CSX Personnel. CSX shall require that all of their personnel and vendors, including supply and service vendors, will comply with all applicable District of Columbia Municipal Regulations applicable to hours of work, noise, dirt, trash, and public health and safety. The following is a discussion of construction-related issues and shall be binding on CSX, its general contractor and all subcontractors.

(f) Permits. CSX will secure all permits that are required to complete the Project. All plans and permits will be on-site as required under the DC Construction Code.

(g) Site Management. CSX will erect and maintain construction fencing and barricades in order to screen and secure the site during the construction process. Under the direction of community members and the Department of Consumer and Regulatory Affairs, CSX and its contractors will maintain temporary storm water management systems throughout the project's construction until such time as the permanent facilities are constructed, approved and functioning such that there shall be no adverse water impacts on the adjacent neighborhood. Substantial safety lighting, directed away from residential properties, will be provided on the property at night. These lights will be sufficient to provide necessary security and to comply with federal and municipal safety standards. Extra security personnel will be provided 24/7 for the site. CSX will employee a vendor to solely execute a robust rodent control program during the life of the construction activities. All food waste and edible used materials as soap, etc. will be properly deposed of each day and taken from the site to assist in preventing rodent and other infestation. CSX will monitor and keep to a minimum dust during construction, using water to dampen the soil to minimize dust. Construction materials will not be stored in areas next to residences or hinder local traffic patterns. 85-18

(h) Construction Hours. All work hours will comply with DCRA guidelines, and CSX will never request an exception permit to exceed these guidelines (e.g., no construction activity will occur on Sundays). All trucks for delivery of materials, construction or otherwise, will arrive, depart and operate on the property only during the foregoing hours. There will be no queuing of construction related vehicles or arrival of workers prior to stated work hours. All vehicles will be powered off when not in immediate use.

6. CONCLUSION

(a) The Agencies are required by law to respond to all public comments on the record.[30] The DEIS has not sufficiently responded to all public comments on the record to date, as numerous public requests for more information have been ignored and legitimate deficiencies have not been corrected in the DEIS process. Therefore, the DEIS must be revised and/or significantly supplemented not only to address the comments provided in this letter, but also to address appropriately all prior public comments on the record to date that are consistent with these comments.

(b) As described above, the DEIS process to date has lacked the rigor and "hard look" requirements under federal law. Because of its failure to provide accurate and thorough information, the DEIS not only limits the public's ability to make an informed choice regarding the alternatives presented in the document, but it also does a disservice to the Agencies making the decision with respect to how to proceed.[31]

(c) Therefore, the law requires the DEIS to be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

(d) Until this occurs, the Agencies and the public at large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

85-19

Response to Comment 85-19:

The NEPA process has been appropriately followed.

[30] "The final EIS shall …. discuss substantive comments received on the draft EIS and responses thereto, [and] summarize public involvement." Sec. 771.125(a)(1)

[31] The local ANC 6D approved a letter with a 4-2 vote on Sunday, September 22nd advocating a consistent argument. This letter is attached as Schedule A.

23

Schedule A

ANC 6D Approved Comments

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[32] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[33] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 85-20

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.** 85-21
  - The vibration study says that there will be no impact to existing structures during construction[34] yet it also states that it does not have sufficient information to predict

[32] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[33] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[34] Appendix F, Page 21

24

Response to Comment 85-20:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 85-21:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

overall vibration levels.[35] The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 85-22

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.,* Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 85-23

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 85-24

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 85-25

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this** 85-26

[35] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

25

Response to Comment 85-22:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 85-23:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 85-24:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 85-25:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 85-26:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

project? We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 85-26

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 85-27

Response to Comment 85-27:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);

85-28

Response to Comment 85-28:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

26

- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE; 85-28
- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 85-29

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

27

Response to Comment 85-29:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 85-30

1) Noise and vibration mitigation

   a) Minimize the impact of train schedules on residents and businesses. 85-31

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 85-32

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 85-33

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 85-34

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 85-35

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 85-36

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 85-37

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 85-38

   c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 85-39

   d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 85-40

   e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 85-41

28

Response to Comment 85-30:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 85-31:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 85-32:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 85-33:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 85-34:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 85-35:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 85-36:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 85-37:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 85-30

1) Noise and vibration mitigation

   a) Minimize the impact of train schedules on residents and businesses. 85-31

   b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 85-32

   c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 85-33

   d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 85-34

2) Traffic and Parking mitigation

   a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 85-35

   b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 85-36

3) Health and Safety mitigation

   a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 85-37

   b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 85-38

   c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 85-39

   d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 85-40

   e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 85-41

28

Response to Comment 85-38:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 85-39:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 85-40:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 85-41:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 85-42

4) Residential and Business Quality of Life mitigation

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 85-43

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 85-44

5) Accountability and dialogue

a) The Agencies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 85-45

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 85-46

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 85-47

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 85-48

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East

29

Response to Comment 85-42:

Emergency access will be maintained.

Response to Comment 85-43:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 85-44:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 85-45:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 85-46:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 85-47:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 85-48:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 85-49:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

1. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 85-49

2. Have District officials been informed about alternative routing that is being used for these cargoes? 85-50

3. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 85-51

4. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 85-52

5. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 85-53

6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 85-54

7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 85-55
   a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
   b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

8. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 85-56

30

Response to Comment 85-50:

Please see response to Comment 21-30.

Response to Comment 85-51:

Please see response to Comment 21-30.

Response to Comment 85-52:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 85-53:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 85-54:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 85-55:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 85-56:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

Schedule B

Trackage Rights Decisions

No response required for this section of comment

42912
EB

SERVICE DATE – MARCH 19, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35715 (Sub-No. 1)

NORFOLK SOUTHERN RAILWAY COMPANY—TEMPORARY TRACKAGE RIGHTS EXEMPTION—GRAND TRUNK WESTERN RAILROAD COMPANY AND WISCONSIN CENTRAL LTD.

Digest:[1] This decision authorizes the expiration of certain Board approved rights by one carrier to operate over the lines of another carrier, even though such rights typically continue indefinitely.

Decided: March 13, 2013

By petition filed on January 28, 2013, Norfolk Southern Railway Company (NSR) requests that the Board partially revoke the class exemption to permit the trackage rights arrangement exempted in Docket No. FD 35715[2] to expire 24 months after the commencement

[1] The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

[2] In that docket, on January 28, 2013, NSR filed a verified notice of exemption under the Board's class exemption procedures at 49 C.F.R. § 1180.2(d)(7). The notice addressed an agreement in which Grand Trunk Western Railroad Company and Wisconsin Central Ltd. (collectively, CN) granted temporary overhead trackage rights to NSR over the CN rail lines located: (1) between CN's connection with NSR at or near milepost 99.5 in South Bend, Ind., and at or near milepost 36.1 in Griffith, Ind., on CN's South Bend Subdivision, a distance of approximately 63.4 miles; and (2) between milepost 36.1 in Griffith and CN's Kirk Yard at or near milepost 45.4 in Gary on CN's Matteson Subdivision, a distance of approximately 9.3 miles. See Norfolk S. Ry.—Temporary Trackage Rights Exemption—Grand Trunk W. R.R., FD 35715 (STB served Feb. 13, 2013). NSR states that this notice was not filed under the Board's class exemption for temporary trackage rights at 49 C.F.R. § 1180.2(d)(8) because the agreement contemplates that the temporary trackage rights will be in effect for more than one year. See 49 C.F.R. § 1180.2(d)(8) ("Acquisition of temporary trackage rights by a rail carrier over lines owned or operated by any other rail carrier or carriers that are . . . scheduled to expire on a specific date not to exceed 1 year from the effective date of the exemption."). At that time, NSR also filed for the instant partial revocation of the class exemption in this proceeding. In the February 13, 2013 notice, the Board stated that it would address that request in a subsequent decision, which it is doing here.

No response required for this section of comment

date of the agreement, or the date that the Gary City Track Connection, which is located at or near Gary, Ind., is completed and in use, whichever comes first.

NSR states that the purpose of the trackage rights arrangement is to allow NSR to interchange with CN at CN's Kirk Yard in Gary during the construction of the Gary City Track Connection.

DISCUSSION AND CONCLUSION

Although NSR and CN have expressly agreed on the duration of the proposed temporary trackage rights arrangement, trackage rights approved under the class exemption at 49 C.F.R. § 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. Occasionally, trackage rights exemptions have been granted for a limited time period rather than in perpetuity. See Union Pac. R.R.—Temporary Trackage Rights Exemption—BNSF Ry., FD 34554 (Sub-No. 17) (STB served Nov. 14, 2012).

Under 49 U.S.C. § 10502, the Board may exempt a person, class of persons, or a transaction or service, in whole or in part, when it finds that (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101, and (2) either the transaction or service is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

NSR's temporary trackage rights were already authorized under the class exemption at 49 C.F.R. § 1180.2(d)(7). See R.R. Consolidation Procedures—Trackage Rights Exemption, 1 I.C.C. 2d 270 (1985). Granting partial revocation in these circumstances will promote the rail transportation policy by eliminating the need to file a second pleading seeking discontinuance when the agreement expires, thereby promoting rail transportation policy goals at 49 U.S.C. § 10101(2), (4), (5), (7) and (15).[3] Moreover, limiting the term of the trackage rights is consistent with the limited scope of the transaction previously exempted, and will have no adverse impact on shippers on the line, because the trackage rights that are the subject of the exemption are solely to allow NSR to interchange with CN at CN's Kirk Yard in Gary during the construction of the Gary City Track Connection. Therefore, we will grant the petition and permit the trackage rights exempted in Docket No. FD 35715 to expire 24 months after the commencement date of the agreement, or the date that the Gary City Track Connection is completed and in use, whichever comes first.

In order to provide the statutorily mandated protection to any employee adversely affected by the discontinuance of trackage rights, we will impose the employee protective conditions set forth in Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho (Oregon Short Line), 360 I.C.C. 91 (1979).

[3] In contrast, exemptions for temporary trackage rights of one year or less do not require a subsequent filing for discontinuance. See 49 C.F.R. § 1180.2(d)(8).

No response required for this section of comment

Docket No. FD 35715 (Sub-No. 1)

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition for partial revocation is granted.

2. Under 49 U.S.C. § 10502, the trackage rights described in Docket No. FD 35715 are exempted, as discussed above, to permit the trackage rights to expire 24 months after the commencement date of the agreement, or the date that the Gary City Track Connection is completed and in use, whichever comes first, subject to the employee protective conditions set forth in Oregon Short Line, 360 I.C.C. 91 (1979).

3. Notice will be published in the Federal Register on March 19, 2013.

4. This decision is effective on April 18, 2013. Petitions to stay must be filed by March 29, 2013. Petitions for reconsideration must be filed by April 8, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

3

No response required for this section of comment

42910 SERVICE DATE – FEBRUARY 13, 2013

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35715]

Norfolk Southern Railway Company—Temporary Trackage Rights Exemption—Grand Trunk Western Railroad Company and Wisconsin Central Ltd.

Pursuant to a temporary trackage rights agreement dated January 24, 2013, Grand Trunk Western Railroad Company and Wisconsin Central Ltd. (collectively, CN) have agreed to grant temporary overhead trackage rights[1] to Norfolk Southern Railway Company (NSR) over the CN rail lines located: (1) between CN's connection with NSR at or near milepost 99.5 in South Bend, Ind., and at or near milepost 36.1 in Griffith, Ind., on CN's South Bend Subdivision, a distance of approximately 63.4 miles; and

[1] NSR states that this notice was not filed under the Board's class exemption for temporary trackage rights at 49 C.F.R. § 1180.2(d)(8) because the agreement contemplates that the temporary trackage rights will be in effect for more than one year. See 49 C.F.R. § 1180.2(d)(8) ("Acquisition of temporary trackage rights by a rail carrier over lines owned or operated by any other rail carrier or carriers that are . . . scheduled to expire on a specific date not to exceed 1 year from the effective date of the exemption.") Therefore, NSR concurrently filed a petition for partial revocation of this exemption in Norfolk Southern Railway Company—Temporary Trackage Rights Exemption—Grand Trunk Western Railroad Company & Wisconsin Central Ltd., Docket No. FD 35715 (Sub-No. 1), wherein NSR requests that the Board permit the proposed trackage rights arrangement described in the present proceeding to expire 24 months after the commencement date of the agreement, or the date that the Gary City Track Connection, at or near Gary, Ind., is completed and in use, whichever comes first. That petition will be addressed by the Board in a separate decision.

No response required for this section of comment

42978
EB

SERVICE DATE – MAY 22, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35719 (Sub-No. 1)

GRAINBELT CORPORATION—TRACKAGE RIGHTS EXEMPTION—BNSF RAILWAY COMPANY AND STILLWATER CENTRAL RAILROAD COMPANY

Digest:[1] This decision authorizes the expiration of certain Board approved rights by one carrier to operate over the lines of another carrier, even though such rights typically continue indefinitely.

Decided: May 16, 2013

By petition filed on February 28, 2013, Grainbelt Corporation (GNBC) requests that the Board partially revoke a class exemption to permit the amended trackage rights arrangements between grantee GNBC and grantors BNSF Railway Company (BNSF) and Stillwater Central Railroad Company (SLWC) exempted in Grainbelt Corporation—Trackage Rights Exemption—BNSF Railway Company and Stillwater Center Railroad Company, Docket No. FD 35719, served and published in the Federal Register on March 15, 2013 (78 FR 16,570), to expire on February 1, 2023.

In the notice of exemption, BNSF and SLWC each agreed to grant amended trackage rights to GNBC, which together allow GNBC to provide local service to a grain shuttle facility in Headrick, Okla. Specifically, BNSF has amended its trackage rights to permit local service over the connecting line between the connection with SLWC east of Long, Okla. (milepost 668.73), and Altus, Okla. (milepost 688.00), and SLWC has amended its trackage rights to permit local service between Snyder Yard (milepost 664.00) and its connection with BNSF east of Long (milepost 668.73).

Prior to the amended trackage rights arrangement exempted in Docket No. FD 35719, GNBC already held overhead trackage rights granted by the predecessor of BNSF between Snyder Yard (milepost 664.00) and Quanah, Tex. (milepost 723.30), under which GNBC has the right to interchange at Quanah with BNSF and Union Pacific Railroad Company. BNSF subsequently sold a portion of the subject trackage to SLWC. The original trackage rights were supplemented in 2009 to allow GNBC to operate between Snyder and Altus, with the right to perform limited local service at Long. See Grainbelt Corp.—Trackage Rights Exemption—

[1] The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

No response required for this section of comment

BNSF Ry. and Stillwater Cent. R.R., FD 35332 (STB served Dec. 17, 2009). GNBC also requests that the Board extend the expiration date of these supplemental trackage rights, previously set for 2019 by the Board,[2] to February 1, 2023, so that the supplemental and amended trackage rights will expire simultaneously.

DISCUSSION AND CONCLUSION

Although the parties have expressly agreed on the duration of the amended trackage rights arrangements, trackage rights approved under the class exemption at 49 C.F.R. § 1180.2(d)(7) typically remain effective indefinitely, regardless of any contract provisions. Occasionally, trackage rights exemptions have been granted for a limited time period rather than in perpetuity. See, e.g., Norfolk S. Ry.—Temporary Trackage Rights Exemption—Grand Trunk W. R.R. and Wisconsin Cent. Ltd., FD 35715 (Sub-No. 1) (STB served Mar. 19, 2013); Union Pac. R.R.—Trackage Rights Exemption—The Burlington N. & Santa Fe Ry., FD 34242 (Sub-No. 1) (STB served Oct. 7, 2002).

Under 49 U.S.C. § 10502, the Board may exempt a person, class of persons, or a transaction or service, in whole or in part, when it finds that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either the transaction or service is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

GNBC's amended trackage rights have already been authorized under the class exemption at 49 C.F.R. § 1180.2(d)(7).[3] See R.R. Consolidation Procedures—Trackage Rights Exemption, 1 I.C.C.2d 270 (1985). Granting partial revocation in these circumstances would promote the rail transportation policy by eliminating the need to file a second pleading seeking discontinuance when the agreements expire, thereby promoting the rail transportation policy goals at 49 U.S.C. § 10101(2), (4), (5), (7), and (15). Moreover, limiting the term of the trackage rights is consistent with the limited scope of the transaction previously exempted and would not result in an abuse of market power. This is because the amended trackage rights that are the subject of the exemption are being granted solely to allow GNBC to provide local service between the grain shippers located on GNBC and the grain shuttle facility located at Headrick in single line service. Therefore, we will grant the petition and permit the amended trackage rights exempted in Docket No. FD 35719 to expire on February 1, 2023. We will also grant GNBC's request that the Board extend the date to February 1, 2023, for expiration of the supplemental trackage rights previously granted in Docket No. FD 35332 and set to expire in 2019 in Docket No. FD 35332 (Sub-No. 1), so that the supplemental and amended trackage rights will expire simultaneously.

[2] See Grainbelt Corp.—Trackage Rights Exemption—BNSF Ry. and Stillwater Cent. R.R., FD 35332 (Sub-No. 1) (STB served Mar. 12, 2010).

[3] GNBC points out that, although the trackage rights are only temporary, because the rights include more than just overhead trackage rights and will remain in effect for more than one year, they do not qualify for the Board's exemption for temporary trackage rights at 49 C.F.R. § 1180.2(d)(8).

No response required for this section of comment

Docket No. FD 35719 (Sub-No. 1)

To provide the statutorily mandated protection to any employee adversely affected by the discontinuance of the amended trackage rights, we will impose the employee protective conditions set forth in Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho (Oregon Short Line), 360 I.C.C. 91 (1979).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition for partial revocation is granted.

2. Under 49 U.S.C. § 10502, the trackage rights described in Docket No. FD 35719 are exempted, as discussed above, to permit the trackage rights to expire on February 1, 2023, subject to the employee protective conditions set forth in Oregon Short Line.

3. GNBC's supplemental trackage rights granted in Docket No. FD 35332, previously set to expire in 2019 in Docket No. FD 35332 (Sub-No. 1), are permitted to expire on February 1, 2023, subject to the employee protective conditions set forth in Oregon Short Line.

4. Notice will be published in the Federal Register on May 22, 2013.

5. This decision will be effective on June 21, 2013. Petitions to stay must be filed by June 3, 2013. Petitions for reconsideration must be filed by June 11, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

3

No response required for this section of comment

37396
EB

SERVICE DATE – NOVEMBER 28, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34911 (Sub-No. 1)

MONTANA RAIL LINK, INC.—TRACKAGE RIGHTS EXEMPTION—BNSF RAILWAY COMPANY

Decided: November 17, 2006

By petition filed on September 25, 2006, Montana Rail Link, Inc. (MRL) requests that we partially revoke a class exemption to permit the trackage rights arrangement exempted in Montana Rail Link, Inc.—Trackage Rights Exemption—BNSF Railway Company, STB Finance Docket No. 34911 (STB served Oct. 13, 2006) (MRL Trackage Rights),[1] to expire on or about December 31, 2010.

According to MRL, the trackage rights arrangement exempted in MRL Trackage Rights is necessary because it will allow for the movement of sediment from a shipper's facility at the Clark Fork River between Garrison and Missoula, MT (Milltown Dam Area), near Bonner, MT, to a disposal site at Opportunity Ponds, MT. MRL states that, without Board approval of this petition, it is unlikely that any other arrangement could have been reached that would have allowed it to operate over BNSF's rail lines.

DISCUSSION AND CONCLUSIONS

Although MRL and BNSF have expressly agreed on the term of the proposed trackage rights arrangement, trackage rights approved under the class exemption normally remain effective indefinitely, regardless of any durational contract provisions. The Board has adopted a class exemption for overhead trackage rights of less than 1-year's duration at 49 CFR 1180.2(d)(8). The trackage rights covered by the notice of exemption in MRL Trackage Rights extend for longer than 1 year, however. Thus, the rule at 49 CFR 1180.2(d)(8) does not apply to them. MRL must therefore seek temporary trackage rights by individual petition, as carriers often did before the Board adopted the new rule. See Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company, STB Finance Docket No. 34353 (Sub-No. 1) (STB served June 10, 2003).

[1] MRL concurrently filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the agreement by BNSF Railway Company (BNSF) to grant overhead trackage rights to MRL over BNSF's rail lines extending from approximately milepost 51.07 at or near Garrison, MT, to approximately milepost 21.5, a location south of Warm Springs, MT, a distance of approximately 29.57 miles. See MRL Trackage Rights. The trackage rights operations under the exemption were scheduled to be consummated on or after October 2, 2006.

1

No response required for this section of comment

STB Finance Docket No. 34911 (Sub-No. 1)

Under 49 U.S.C. 10502, we may exempt a person, class of persons, or a transaction or service, in whole or in part, when we find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either the transaction or service is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

MRL's trackage rights have already been authorized under the class exemption at 49 CFR 1180.2(d)(7). See Railroad Consolidation Procedures, 1 I.C.C.2d 270 (1985). Limiting the term of the trackage rights is consistent with the limited scope of the transaction previously exempted, and will have no adverse impact on shippers on the line because the trackage rights that are the subject of the exemption are for overhead traffic only. Therefore, we will grant the petition and permit the trackage rights exempted in MRL Trackage Rights to expire on or about December 31, 2010.

The effect of this decision is to terminate the authorization for trackage rights conferred by our rule at 49 CFR 1180.2(d)(7). As noted, MRL invoked that rule by notice on September 25, 2006. Because we are required to provide protection to any employee adversely affected by the discontinuance of trackage rights, we will impose the employee protective conditions set forth in Oregon Short Line R. Co.–Abandonment–Goshen, 360 I.C.C. 91 (1979).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition for partial revocation is granted.

2. Under 49 U.S.C. 10502, we exempt the trackage rights described in STB Finance Docket No. 34911, as discussed above, to permit them to expire on or about December 31, 2010, subject to the employee protective conditions set forth in Oregon Short Line R. Co.–Abandonment–Goshen, 360 I.C.C. 91 (1979).

3. Notice will be published in the Federal Register on November 28, 2006.

4. This decision is effective on December 28, 2006.

2

No response required for this section of comment

STB Finance Docket No. 34911 (Sub-No. 1)

5. Petitions to stay must be filed by December 8, 2006. Petitions to reopen must be filed by December 18, 2006.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams
Secretary

3

No response required for this section of comment

ID 86: Millar

From: Fred Millar [fmillarfoe@gmail.com]
Sent: Tuesday, August 27, 2013 12:05 PM
To: contact@virginiaavenuetunnel.com
Subject: Comment on VAT Project -- Fred Millar

Follow Up Flag: Follow up
Flag Status: Completed

VAT COMMENTS ON DEIS FINAL Millar 8 27 13

FRED MILLAR

915 S. BUCHANAN ST. No. 29

ARLINGTON VA 22204

TEL: 703-979-9191 e-mail: fmillar@erols.com

No response required for this section of comment

Introduction : Context

I comment as a former DC resident, current resident within 15 miles of the CSX freight line in Arlington VA, and as a longtime DC-based rail hazmat transportation expert and advocate, active in DC and national developments on the issues at local and national levels.

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster is just another preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America. Such a disaster must be prevented in the nation's capital.

Currently, CSX has planned a multi-year project ["VAT Project"] to expand its right of way and carrying capacity through the Virginia Avenue Tunnel [VAT] – mere yards from the U.S. Capitol building. Given CSX's other national network rail line capacity enhancements [including nationally impactful "corridor" projects being developed with a national scope but in piecemeal fashion] and the strategic location of Washington DC as a transit point for both West-to-East and North-to-South CSX rail lines, this CSX project 86-1

1

poses clear transportation risks to the District, including the risks of increased volumes and/or a wider range of as-yet undisclosed hazardous materials [hazmat] cargoes, classified as such because their potential release by accident or terrorist attack poses a hazard to citizens, workers and emergency responders. 86-1

The Draft Environmental Impact Statement [DEIS] for the Virginia Avenue Tunnel expansion project is deficient in many ways related to the potential impacts for increased hazardous materials transportation through the District.

I attach here the transcript from the 5 21 12 DC public hearing on the issues, from

Capital Reporting Company

Virginia Avenue Tunnel Project 05-21-2012

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012 pp. 72-78

with my comments at that hearing, for reiteration and to assert [my new comments on the DEIS are in italics sections below] that the DEIS has not adequately addressed, or even taken account of, most of my comments and those of others who are concerned about the potentials for increased hazmat risks as a result of the VAT project.

MR. MILLAR: Hi. My name is Fred Millar. I

2 initiated the rerouting ordinance in D.C. that would

3 try to force CSX to reroute the most dangerous cargos

4 away from the Nation's Capitol. The last name is M-I-

5 L-L-A-R.

6 I have a couple of hazmat questions.

7 Earlier, we tried to push CSX to reroute the most

8 dangerous cargos. In fact, they were, in effect,

9 bullied into rerouting "voluntarily" some of the cargos

10 around D.C. **It would be useful to know what the routes**

2

Response to Comment 86-1:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials.

11 are that they are using for that.

12 As you know, in the first meeting that you

13 had here -- well, in the second meeting, you did not

14 show, neither the agency, nor CSX brought a map of the

15 real reroute, which is the Norfolk Southern line, 50

16 miles west of D.C. Now you have a couple, but they are

17 very inconspicuous over there. We've never really been

18 presented with that as a real option.

19 Here's my question. I've heard tonight that

20 in the EIS you will have to consider that, in fact.

21 That will be one of the considerations in the EIS, a

22 rerouting onto Norfolk Southern.

Capital Reporting Company

Virginia Avenue Tunnel Project 05-21-2012

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012 73

1 If you've already developed a bunch of

2 arguments about why you can't do that, I would urge to

3 quickly put that onto the web pages in the frequently

4 asked questions and so forth so that the community can

5 start to consider that, please.

This concern [for re-routing hazmat cargoes, either during the construction phase or permanently] was summarily dismissed in the DEIS as impractical, despite the CSX testimony in the 2006 US District Court case on the 2005 DC re-routing ordinance that CSX and Norfolk Southern already interchange cargoes on an utterly routine basis, in fact, "1.5 million times per year". [Later national expert estimates -- pre-Recession -- suggested the national interchange volumes between the 4 major US railroads were perhaps 10 million times per year.]

3

86-2

Response to Comment 86-2:

As described in Section 3.2, rerouting concepts specific to the purpose and need of this project were considered but eliminated from further consideration.

6 Secondly, we would like to know how many

7 cargos are you currently rerouting and which of the

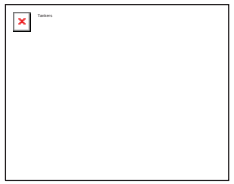
8 ones that you are rerouting and on which lines, whether

9 it's the CSX lines through Cleveland or whether they're

10 the lines through Hagerstown, and so forth, on the

11 Norfolk Southern line.

The DEIS has included no data or analysis of the role of the VAT expansion in expanding the nationwide network of transportation by CSX. Since the VAT is sometimes referred to as one of the last bottlenecks in the CSX network for expansion to double-stacked cargoes, the DEIS must consider the potentials for the VAT project significantly to increase the volumes and/or types of hazmat traffic on a national basis through the District, including standard chemical tank cars and even double-stacked ISO chemical containers as seen in the following currently-used illustration by a vendor: 86-3



12 Then lastly, what are the cargos that you're

13 still bring through here and which will continue to go

14 through D.C. during the construction if any of those

15 options were adopted, the open trench and so forth?

16 What are the impact zones of those cargos?

4

Response to Comment 86-3:

As described in Section 5.15.1 of the DEIS, the FHWA estimated that total U.S. freight shipments would grow by 50 percent over the next 30 years. A large percentage of this growth will be accommodated by freight rail. Within the corridor, freight transportation demand will increase regardless of the project. The Virginia Avenue Tunnel is in fact a bottleneck that inhibits the flow of train traffic. The reconstruction of this tunnel, particularly with two tracks, will provide additional capacity for freight movements. Any of the Build Alternatives will allow CSX to accommodate this future growth more efficiently, and eliminate emissions associated with stopping and starting to pass through the single tracked tunnel and reducing potential emissions with double stack technology. Also, see response to Comment 86-1.

17 In other words, we've been constantly trying to get the

18 railroads to show us what the worst-case scenarios are.

19 If you're rerouting the most dangerous cargos, that's

20 fine, but what are the ones that are remaining -- for

21 example, could it include ethanol that would be going

22 to the Alexandria unloading docks that exist there?

Capital Reporting Company

Virginia Avenue Tunnel Project 05-21-2012

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

74

1 We just want to know what's going on there

2 and what are you impact zones, you know, having a nice

3 map showing, say, the 10 most dangerous cargos would be

4 very helpful. Thank you.

The DEIS, however, despite these assurances of "in-depth discussion", completely disdains any discussion at all of the potential serious impacts of the hazmat cargoes currently transported through the District and comparisons with whatever potential increase might be seen if the VAT proves to be such a powerful improvement in expanding CSX's national market rail service.

As the following minimally useful but non-responsive discussion reveals, the purported rationale for keeping such discussion of hazmat impacts secret is the oft-used and completely illegitimate one of preventing terrorism. Given that under a federal hazmat rail routing law, HR 1, Section 1551, CSX has long been re-routing the three classes of highest security risk hazmat cargoes mentioned below, and reported this only under direct questioning by the District Fire and Police Chiefs, this discussion adds nothing to what some citizens already knew. And given that the individual railcars are clearly placarded and the remaining hazards posed by the various non-re-routed cargoes are summarized in the US DOT Emergency Response Guidebook and various other publicly-available sources, one might fairly suggest that the only purpose of DEIS secrecy on this issue is to keep the at-risk citizens in the dark. 86-4

5

Response to Comment 86-4:

The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

The tragic fruits of maintaining at-risk but uninformed communities were most recently highlighted in the April 17 2013 fertilizer plant explosion in West TX and the July 6 2013 rail car explosions in Lac-Megantic Quebec. The DEIS must consider an increased hazmat accident and terrorism risk facilitated by the new VAT project. 86-4

5 MR. HENSON: As I mentioned earlier, on the

6 diversion routing, that will be more detailed on the

7 DEIS.

8 When the DEIS comes out in the fall, four to

9 six months, give or take, that will be much more clear

10 in that. Chip gave a discussion of that earlier, but

11 the in-depth discussion of that will be in the draft

12 EIS.

13 How many cargos are rerouted? You know, I

14 can't speak towards CSX's dealing with hazardous or

15 what are considered hazardous cargos. That's really

16 not germane to this discussion, but CSX is welcome to

17 comment on their cargos and what they do and don't do.

18 This process is really about the capacity for Virginia

19 Avenue Tunnel and rebuilding that tunnel.

20 MR. MILLAR: Let me just tell you why it's

21 relevant. When we first approached CSX about

22 rerouting, they said we will never reroute any of our

www.CapitalReportingCompany.com © 2012

75

1 hazmat cargos over to that competitor railroad, Norfolk

2 Southern. And then it turns out that once we got into

3 Court with them, their expert had to admit that they

4 actually do interchange cargos 1.5 million times a

5 year.

6 So the question is not a hazmat question, per

7 se. It's a question about a realistic, viable

8 alternative that is already being used and we need to

9 see that vividly.

10 MR. HENSON: Right. Why can't it be used

11 again is the essence of your question.

12 MR. MILLAR: Right.

13 MR. HENSON: Again, I'll defer back to the

14 previous answer that it will be much more clearly

15 articulated in the DEIS.

16 Now, you did mention impact zones of cargo.

17 CSX is welcome to answer that, or not, at this time.

18 MR. BRINKER: Again, Keith Brinker with CSX.

19 Some of the questions that you're asking of a Homeland

20 Security nature and is very sensitive information, is

21 what I'm sure is obvious to the audience and also to

22 you, Mr. Millar.

No response required for this section of comment

Capital Reporting Company

Virginia Avenue Tunnel Project 05-21-2012

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

76

1 We got with us, John Walsh, who is in our

2 Infrastructure Protection Group. John, I'd like you to

3 come up to the podium and answer the question or

4 provide a response, please.

5 MR. WALSH: Hello. My name is John Walsh

6 from the Infrastructure Protection team. Mr. Millar,

7 to answer your question -- or to your point, actually,

8 CSX, at the present time, we do not route toxic by

9 inhalation or poison by inhalation hazard products

10 through the District of Columbia.

11 We do not route explosives through the

12 District of Columbia. We do not route liquid propane

13 gas through the District of Columbia. I'm not quite

14 sure of the answer you're looking for.

15 MR. MILLAR: What about some of the others

16 like, perhaps, ethanol and others that could have quite

17 -- if people are living with two blocks of the line, it

18 seems to me that you guys need to say what are the most

19 dangerous cargos that we are continuing to bring

20 through. I'm only talking about for emergency response

21 purposes.

No response required for this section of comment

8

22 I'm not looking at from the terrorist aspect,

Capital Reporting Company

Virginia Avenue Tunnel Project 05-21-2012

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

77

1 necessarily. That's something that would be relevant,

2 but I'm just saying that people ought to have a sense

3 of what are the remaining hazmat cargos that are still

4 coming through, insofar a lot of those are -- for

5 example, the ones that caused the Howard Street Tunnel

6 fire in Baltimore in 2001 and so forth.

7 I mean, that was not one of the ones that you

8 just mentioned. That was some other kind of

9 combination of chemicals, as I understand it.

10 MR. WALSH: Right. Just to get back to your

11 point again about the TIH or the poison by inhalation

12 hazard cars. For us to identify, I don't think this is

13 the appropriate forum. I'm not a service design or

14 service planning expert. I handle Homeland Security

15 issues. So I can't tell you for a fact where the

16 rerouting occurs.

17 I can tell you for a fact that it does not

18 traverse through the District of Columbia. I think you

19 would appreciate our concern not to advertise where

No response required for this section of comment

20 someone who may have malintent could readily find

21 chlorine cars or hydrous ammonia cars.

22 So that's something that I would welcome you

Capital Reporting Company

Virginia Avenue Tunnel Project 05-21-2012

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

78

1 to address, if you prefer to fill out a comment card

2 and expect to get some sort of further feedback, but at

3 this time, as it pertains to this project, it doesn't

4 pertain to the project because that's currently not

5 traversing through the tunnel.

6 MR. FLIPPIN: Just so you're aware, CSX does

7 work with emergency responders in every community.

8 Those emergency responders do have access to top 10

9 chemicals that would go through any area.

10 Again, with CSX and the District, we do not

11 carry highly poison by inhalation, toxic by inhalation,

12 flammable, or explosives.

13 Again, the emergency responders do have that

14 information. We also help provide them training of how

15 to deal with situations and that's something that CSX

16 does on a regular and routine basis.

17 MR. WALSH: Just to touch on Steve's point,

No response required for this section of comment

18 we produce studies at the request of all the first

19 responders. You can contact our headquarters in

20 Jacksonville. We've got the top commodities going

21 through that area.

22 We do online training for first responders.

Capital Reporting Company

Virginia Avenue Tunnel Project 05-21-2012

(866) 448 - DEPO

www.CapitalReportingCompany.com © 2012

79

1 We do face-to-face training for first responders. Our

2 hazmat team has a safety train that travels our system.

3 We train fire departments. We send out community

4 awareness and resource guides to the 13,000

5 jurisdictions that we operate through, every other

6 year.

7 MR. MILLAR: In Alexandria, when they were

8 talking about the ethanol out floating, the local fire

9 department identified the hazard zones for the

10 residents because they were concerned. It seems like

11 the federal and local agencies ought to be able to do

12 the same thing at least --

Again, the DEIS must consider with data and analysis the issues raised but so far not addressed. CSX seems to think that offering a private correspondence with commenters is a reasonable response. 86-5

11

Response to Comment 86-5:

Please see response to Comment 86-4. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders.

The DEIS must also consider under the topic of hazmat risks the current capabilities of the local emergency responders to deal with a range of scenarios involving a serious release of a range of types of the chemicals currently traversing the District by rail [the crude oil serial railcar explosions July 6 2013 in Lac-Megantic were very sudden and hardly susceptible to any significant emergency response except individuals literally running for the hills] and of those cargoes including intermodal chemicals which might reasonably be predicted to be present once an enlarged VAT enhances the CSX national chemical service potentials. 86-5

The following are questions some community groups have reportedly forwarded to local officials. These are issues the DEIS must consider on the hazmat risk implications of the VAT project.

Specific questions relevant to the VAT DEIS:

1. Have District of Columbia emergency response and elected officials requested and been updated recently by the railroads about exactly which hazmat cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007?
2. Have District of Columbia officials been informed about the alternative routing that is being used for these cargoes?
3. Have District officials asked and been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests. AAR Circular OT-55-I Operations for TIH [poison gas] cargoes suggested member railroads notify local officials if they request information on hazmat cargoes, but explicitly only under agreements that the officials notified will not share the information with the public:

http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf

86-6

4. Is crude oil or "dilbit" -- diluted bitumen from various Western sources -- one of these cargoes the railroads are or can bring through the District?
5. Have District officials asked and been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes?
6. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment?
7. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site:
    a. Assuming an open-trench situation with chemical releases which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

12

--
Fred Millar
915 S. Buchanan St No. 29
Arlington VA 22204
703-979-9191

Response to Comment 86-6:

Please see response to Comment 86-4.Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS.

ID 87: Moore

From: Maureen Moore [maureen_moore@earthlink.net]
Sent: Wednesday, September 25, 2013 6:41 PM
To: contact@virginiaavenuetunnel.com
Subject: adverse impact on Capitol Quarter neighborhood

I am writing to express my deep disgust with the DC government and Federal Highway Administration. I can only hope that when people are killed because of your negligence, the individuals responsible for pushing through this project will be held criminally liable. 87-1

Maureen Moore
330 L St. SE

1

Response to Comment 87-1:

Thank you for providing your comment. Your comment has been noted.

ID 88: Ng

From: Jeff Ng [jeffng65@gmail.com]
Sent: Wednesday, July 24, 2013 10:03 AM
To: contact@virginiaavenuetunnel.com
Subject: Tunnel Comment

Follow Up Flag: Follow up
Flag Status: Completed

We live in the Capitol Quarter neighborhood and vehemently oppose any disruptive rebuild of the Virginia avenue train tunnel. Frankly, the extent of the reconstruction that is proposed is outrageous being so close to homes and a large park, things representing the basic fabric of quality living. 88-1

The surrounding neighborhood is a living and breathing part of the city filled with vibrant activities and people who enjoy being out and about within it. Virginia avenue is not only important as the border between the Capitol Riverfront/Navy Yard neighborhood and Capitol Hill but there are several homes that face the street lined with very mature and important trees. The pedestrian and vehicular traffic between these neighborhoods is important for quality of living and access to businesses and activities. Disrupting this flow would be irresponsible, single minded and would put at risk all that this neighborhood has accomplished in its aggressive redevelopment. 88-2 Because of the redevelopment of this neighborhood and the investment that all the residents and businesses have made in it, a very intrusive and lengthy construction of the train tunnel is no longer relevant and does not benefit any of the local stakeholders. 88-3 Any cost incurred for rerouting trains around the city should not be our concern and is not something we should suffer two+ long years for in order to mitigate. 88-4

We support only the no-build option and will volunteer our efforts to any movement to prevent this tragic reconstruction project from happening. 88-5

Jeff Ng
1109 4th St SE

1

Response to Comment 88-1:

Alternative 3 has been selected as the Preferred Alternative. Regardless of the alternative, freight transportation demand is going to increase. With the Build Alternative, the temporary facilities and new tunnel would provide a greater level of safety and security for freight rail traffic than the existing tunnel. The construction timeframes as presented in the FEIS take into consideration applicable DC regulations on work hours and construction activities. CSX wants to finish the project as soon as possible and values timely project completion and use of appropriate contracting mechanisms to support that goal.

Response to Comment 88-2:

A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. The traffic impact analysis recognized the major changes occurring south of Virginia Avenue and study staff coordinated with the Capitol Riverfront Business Improvement District to ensure that projected growth in the area was taken into consideration. While the traffic counts were performed in the Spring of 2012, developments completed and under construction during construction of the project were accounted for in the traffic impact analysis and the maintenance of traffic plan. As noted in the DEIS, all north-south roadways would maintain connectivity with the exception of very short periods during installation of temporary bridges over the Virginia Avenue Tunnel. Should conditions require it, maintenance of traffic (MOT) plans will be updated going forward to reflect changes.

Response to Comment 88-3:

Refer to Section 5.3 of the FEIS for a discussion on neighborhood impacts. Please see response to Comments 88-1 and 88-2.

Response to Comment 88-4:

As described in Section 3.2, rerouting concepts were considered, but eliminated from further consideration. Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 88-5:

Thank you for providing your comment. Your comment has been noted.

ID 89: Norris

From: jtnhogs [jtnhogs@gmail.com]
Sent: Wednesday, September 25, 2013 7:59 PM
To: Contact@virginiaavenuetunnel.com; Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: Opposing CSX expansion of the Virginia Avenue tunnel

Good afternoon,

I am writing in opposition to the planned expansion of the Virginia Avenue tunnel, an effort that will negatively impact the quality of life for the surrounding community.

First, my residence is within sight of the tunnel, and I am against any action that will negatively affect air quality in the neighborhood to the extent that I will be asked not to open windows at my residence. This will also certainly affect the public's ability to safely enjoy the newly-opened Canal Park, which boasts ice skating and a splash park for recreation in winter and summer respectively. 89-1

Second, I object on grounds of excessive noise pollution, which will be a disruption to peace and quiet to which we are accustomed. 89-2

Third, the impact to neighboring Garfield Park would be completely disruptive to the quality of life of neighborhood children, including my 6-year-old daughter who plays there often. 89-3

Finally, the loss of the public space under the freeway overpass would negatively impact the community, who utilize this space as a public space for artistic expression under permit, and for recreation (skateboarding, bicycling, and basketball). 89-4

Thank you for considering this input.

Best,
Trevor Norris
1000 New Jersey Avenue, SE

1

Response to Comment 89-1:

The construction impact analyses for air quality and noise were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. An analysis of mobile source air toxics found that expected levels of emissions during construction would be well within the accepted ranges in terms of chronic and acute health risks. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring.

Response to Comment 89-2:

The DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria for nearby residences, such as Capper Senior Apartments and Capitol Quarters. Extensive mitigation measures would be implemented as described in Section 5.6 of the DEIS.

Response to Comment 89-3:

Garfield Park will not be affected during construction.

Response to Comment 89-4:

Skateboarding and basketball are unauthorized activities and the current facilities (ramp, rails, and basketball rim) were erected by third parties without the District's authorization. The skateboarding and basketball facilities will not be replaced during construction. At the conclusion of construction, the area under the freeway at 2nd Street SE will be restored and improved for pedestrian access to Garfield Park. Other uses of this area will be determined by DDOT, the owner of the property.

ID 90: O'Reilly

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 90-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 90-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 90-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 90-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 90-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 90-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 90-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 90-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 90-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 90-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Christine O'Reilly

163 Duddington Place, SE

Washington, DC 20003

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 90-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 90-7 90-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 90-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 90-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 90-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 90-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 90-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 90-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 90-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 90-12

4

Response to Comment 90-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 90-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 90-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 90-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 90-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 90-13

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway; 90-14
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

5

Response to Comment 90-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

Response to Comment 90-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

90-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

90-15

Response to Comment 90-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

90-16

Response to Comment 90-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

90-17

Response to Comment 90-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 90-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 90-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 90-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 90-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 90-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 90-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 90-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 90-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 90-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 90-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 90-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 90-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 90-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 90-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 90-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 90-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 90-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 90-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 90-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 90-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 90-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 90-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 90-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 90-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 90-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 90-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 90-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 90-28:

Emergency access will be maintained.

Response to Comment 90-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 90-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 90-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 90-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 90-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 90-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 90-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 90-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 90-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 90-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 90-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 90-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 90-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 90-42

9

Response to Comment 90-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 90-36:

Please see response to Comment 21-30.

Response to Comment 90-37:

Please see response to Comment 21-30.

Response to Comment 90-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 90-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 90-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 90-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 90-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 90-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 90-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 90-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 90-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 90-42

9

Response to Comment 90-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 90-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 90-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 91: Overbay

From: Abigail R. [abrudman@gmail.com]
Sent: Wednesday, September 25, 2013 5:02 PM
To: Contact@virginiaavenuetunnel.com
Cc: dggarber@gmail.com; faisal.hameed@dc.gov; michael.hicks@dot.gov; tommy@tommywells.org; eom@dc.gov; kelly.overbay@gmail.com; Kelly Overbay
Subject: Virginia Avenue Tunnel Project Concerns

To Whom it May Concern:

We are writing you to express concern for our friends, loved ones, home, and neighborhood.

The proposed Virginia Avenue Tunnel Project will bring a major disruption to our area of the city. The DEIS report summarizes the disruption it will bring while making light of the issues that arise. The report mentions noise, parking, and a myriad of other problems that would arise by going forward without providing any useful, relevant information on how the issues would be ameliorated. 91-1

This area of Southeast has gone through a massive transformation in the last decade. With the completion of more businesses, parks, and homes in the neighborhood, it has started to become a lively place, attracting new residents and taxpayers. A massive, disruptive project like this with all of its incumbent issues can do nothing to help the ongoing health and growth of the area. A project of this scope and duration certainly cannot contribute to the health of a young and growing neighborhood; whereas a young and growing neighborhood contributes very much to the health of the city as a whole. 91-1

Please, we urge you to think very hard and carefully before allowing this rebuilding project to go through. We believe it will have a very negative effect on our area with the best of planning, and at the level of "mitigation" outlined in the DEIS report, we hold no hopes for the peace and prosperity of our neighborhood.

Sincerely,

Kelly Overbay and Abigail Rudman
1000 New Jersey Avenue SE #1223
Washington DC 20003

1

Response to Comment 91-1:

Chapter 5 of the FEIS includes descriptions of the potential environmental and social impacts of the proposed Virginia Avenue Tunnel Reconstruction Project. Refer to Section 5.3 of the FEIS for a discussion on neighborhood impacts. Mitigation measures are also presented in this chapter for those potentially unavoidable effects considered to be adverse or negative. The construction timeframes as presented in the FEIS take into consideration applicable DC regulations on work hours and construction activities. CSX wants to finish the project as soon as possible and values timely project completion and use of appropriate contracting mechanisms to support that goal.

ID 92: Price

From: Jonathon Price [jonathon.price@gmail.com]
Sent: Wednesday, September 25, 2013 4:00 PM
To: contact@virginiaavenuetunnel.com
Cc: michael.hicks@dc.gov; faisal.hameed@dc.gov; David Garber
Subject: CSX Virginia Avenue Tunnel Project Concerns

To Whom It May Concern,

I am writing today with regards to the proposed CSX Virginia Avenue Tunnel project and in response to the July 2013 Draft Environmental Impact Statement.

As a resident of Capitol Hill Tower, I have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

In particular, this is a neighborhood that is growing rapidly and finally seeing new developments after a few years of slowdown due the economic crisis.

This project will undoubtedly fundamentally affect the residents currently in the neighborhood, and future development. This project--which does not have a clearly defined end date, but will certainly be several years--will impact all travel to the neighborhood: parking, vehicular access to surface roads, and pedestrian access to parks across several blocks for several years! 92-1

Moreover, there are real issues with the air quality and air pollution this will bring to a neighborhood that is rapidly growing in population--many of whom will live in very close proximity to the proposed project. 92-2

Third, there are numerous environmental concerns, including the removal of over 100 mature trees from the area. 92-3

The idea of an open trench construction seems to be the worst possible option for everything from noise, disruption to residents in the neighborhood, and pollution. 92-4

With all these disruptions, I have serious questions about whether CSX ever considered less disruptive options and reasonable build/routing alternatives such as temporary rerouting of trains as they have done in previous projects. 92-5

For the reasons above, I respectfully request that the project and DEIS be revisited to answer these important health, safety, and quality of life questions from the community and the families who call the Hill home.

Sincerely,
Jonathon Price

1

Response to Comment 92-1:

The construction timeframes as presented in the FEIS take into consideration applicable DC regulations on work hours and construction activities. CSX wants to finish the project as soon as possible and values timely project completion and use of appropriate contracting mechanisms to support that goal. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations. The traffic impact analysis recognized the major changes occurring south of Virginia Avenue and study staff coordinated with the Capitol Riverfront Business Improvement District to ensure that projected growth in the area was taken into consideration. While the traffic counts were performed in the Spring of 2012, developments completed and under construction during construction of the project were accounted for in the traffic impact analysis and the maintenance of traffic plan. As noted in the DEIS, all north-south roadways would maintain connectivity with the exception of very short periods during installation of temporary bridges over the Virginia Avenue Tunnel. Should conditions require it, maintenance of traffic (MOT) plans will be updated going forward to reflect changes.

Response to Comment 92-2:

The construction impact analyses for air quality and noise were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. An analysis of mobile source air toxics found that expected levels of emissions during construction would be well within the accepted ranges in terms of chronic and acute health risks. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring.

Response to Comment 92-3:

Chapter 5 of the FEIS includes descriptions of the potential environmental and social impacts of the proposed Virginia Avenue Tunnel Reconstruction Project. Mitigation measures are also presented in this chapter for those potentially unavoidable effects considered to be adverse or negative. As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. As a point of clarification, the project will implement a tree replacement plan for those trees displaced within the public right-of-way, Virginia Avenue Park and the Marine Corps property. Trees displaced within CSX properties will not be replaced. However, CSX will comply with the Urban Forestry Preservation Act for the displacement of special trees within its property. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties.

Response to Comment 92-5:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

From: Jonathon Price [jonathon.price@gmail.com]
Sent: Wednesday, September 25, 2013 4:00 PM
To: contact@virginiaavenuetunnel.com
Cc: michael.hicks@dc.gov; faisal.hameed@dc.gov; David Garber
Subject: CSX Virginia Avenue Tunnel Project Concerns

To Whom It May Concern,

I am writing today with regards to the proposed CSX Virginia Avenue Tunnel project and in response to the July 2013 Draft Environmental Impact Statement.

As a resident of Capitol Hill Tower, I have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

In particular, this is a neighborhood that is growing rapidly and finally seeing new developments after a few years of slowdown due the economic crisis.

This project will undoubtedly fundamentally affect the residents currently in the neighborhood, and future development. This project--which does not have a clearly defined end date, but will certainly be several years--will impact all travel to the neighborhood: parking, vehicular access to surface roads, and pedestrian access to parks across several blocks for several years! 92-1

Moreover, there are real issues with the air quality and air pollution this will bring to a neighborhood that is rapidly growing in population--many of whom will live in very close proximity to the proposed project. 92-2

Third, there are numerous environmental concerns, including the removal of over 100 mature trees from the area. 92-3

The idea of an open trench construction seems to be the worst possible option for everything from noise, disruption to residents in the neighborhood, and pollution. 92-4

With all these disruptions, I have serious questions about whether CSX ever considered less disruptive options and reasonable build/routing alternatives such as temporary rerouting of trains as they have done in previous projects. 92-5

For the reasons above, I respectfully request that the project and DEIS be revisited to answer these important health, safety, and quality of life questions from the community and the families who call the Hill home.

Sincerely,
Jonathon Price

1

Response to Comment 92-4:

Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. North-south access and homeowner and business access will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. Section 5.5 of the DEIS included measures to control dust emissions from the construction site. This project includes extensive construction related air quality mitigation measures, some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. See revised section 5.5.4 of the FEIS for inclusion of the air monitoring program.

ID 93: Purcell

COMMENT CARD

Public Hearing
Virginia Avenue Tunnel Reconstruction
Draft Environmental Impact Statement & Section 4(f) Evaluation (DEIS)
July 31, 2013
Washington, D.C.

You may return your comment card by placing it one of the Drop Boxes at this meeting

or mail to:

Faisal Hameed, Ph.D., Manager
Project Development & Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
Attn: Virginia Avenue Tunnel DEIS Comments

You may also email any comments to contact@virginiaavenuetunnel.com

Comments must be received by September 25, 2013 in order to be part of the official record.

Name and Address (must provide to receive a written response)

Eliza beth Purcell
1607 E Street, SE
Washington, DC 20003

Date 7/31/2013

How did you hear about this public hearing?

___ Newsletter ___ Newspaper
___ Website ✓ Other

Do you have any comments regarding the project or the DEIS? (Additional space for comments is provided on the back.)

The length and frequency of trains through a rebuilt Va. Avenue Tunnel is key to accurately projecting the post-construction effects of noise and vibration. 93-1

Over

Response to Comment 93-1:

The noise report in Appendix E (pages 13 -17) took into account that freight trains would be operating in open trench as indicated on page 14. The noise analysis have shown that none of the three “build’ alternatives are expected to perceptibly or adversely increase existing noise levels. As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. The vibration analysis, including field measurements, calculations and modeling was conducted in accordance with FTA requirements and procedures. As shown in Section 4 of the vibration report in the DEIS, vibration modeling was calibrated using actual field measurements taken at various locations along and near Virginia Avenue SE. Data from the vibration measurements was utilized to calculate the soil vibration transferability characteristics and tunnel vibration reduction effects. Results of the vibration measurements were also used to characterize existing vibration from train pass-by and other sources at the nearby sensitive receptors. Future train vibration levels were then predicted based on the location of the future tracks, train speeds, and distances from the nearby sensitive receptors to the track centerline. The placement of the probes is relative to the distance to the center line of tracks and not to building locations. The study presented in the DEIS incorporated a speed limit of 40 miles per hour and two tracks. Double-stack intermodal container freight trains do not produce higher vibration levels than other types of freight trains. In addition, train lengths would affect the duration of the vibration, not intensity, and therefore would not increase the potential of structural damage.

The DEIS omits this key data; the FEIS must include these data points and furnish a complete analysis of post-construction noise and vibration 93-1

ID 94: Rall

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 94-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 94-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 94-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 94-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 94-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 94-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 94-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 94-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 94-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 94-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Derek D. Rall

333 L St SE

Washington DC 20003

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 94-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 94-7 94-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 94-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 94-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 94-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 94-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 94-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 94-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 94-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 94-12

4

Response to Comment 94-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 94-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 94-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 94-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

94-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

94-13

Response to Comment 94-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

94-14

Response to Comment 94-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

94-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

94-15

Response to Comment 94-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

94-16

Response to Comment 94-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

94-17

Response to Comment 94-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 94-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 94-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 94-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 94-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 94-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 94-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 94-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 94-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 94-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 94-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 94-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 94-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 94-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 94-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 94-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 94-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 94-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 94-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 94-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 94-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 94-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 94-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 94-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 94-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 94-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 94-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 94-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 94-28:

Emergency access will be maintained.

Response to Comment 94-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 94-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 94-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 94-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 94-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 94-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 94-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 94-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 94-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 94-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 94-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 94-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 94-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 94-42

9

Response to Comment 94-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 94-36:

Please see response to Comment 21-30.

Response to Comment 94-37:

Please see response to Comment 21-30.

Response to Comment 94-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 94-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 94-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 94-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 94-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 94-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 94-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 94-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 94-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 94-42

9

Response to Comment 94-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 94-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 94-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 95: Renzi

From: Mauricio Renzi [mauriciorenzi@yahoo.com]
Sent: Wednesday, September 25, 2013 11:31 PM
To: Contact@virginiaavenuetunnel.com; Michael.hicks@dot.gov; Faisal.hameed@dc.gov
Subject: Comments for CSX Virginia Avenue Tunnel Project

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC. I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option. Furthermore, I endorse and incorporate the comments passed by the ANC 6D on Sunday, September 22nd with a 4-2 vote. 95-1 95-2 95-3 95-4 95-5

I strongly urge you to consider the safety and well-being of those residents, especially their children, whose quality of life will be directly impacted by this project. Imagine if this was your neighborhood, your family, your safety. And then imagine how you would respond to this proposed project.

Sincerely,
Mauricio Renzi
308 K St SE

1

Response to Comment 95-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 95-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 95-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 95-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 95-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

ID 96: Revesz

From: M Revesz [mmrevesz@yahoo.com]
Sent: Wednesday, September 25, 2013 3:32 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov; paulrevesz@gmail.com
Subject: Comment on DEIS for Virginia Avenue Tunnel Reconstruction

To Whom It May Concern,

I am writing to comment on the Draft Environmental Impact Statement (DEIS) for the Virginia Avenue Tunnel Reconstruction project.

After reviewing the DEIS I remain concerned that impacts on the community have not been fully studied. For example, I noted that potential impacts were often not reviewed for areas north of the SE-SW freeway. Although the freeway is a visual barrier, it is not a barrier to all impacts, such as noise, air pollution, and vibration. I request that impacts be more fully studied for those properties north of the freeway. 96-1

I would also like to note the unique characteristics of this area, in that it is heavily residential (including many families with children) and that the majority of buildings to the north of the freeway are historic and would be impacted by vibration and noise in ways that newer buildings would not be-- for example cracks in plaster walls or century old foundations and walls, and original windows that add to the historic nature of the district but are not well insulated against the noise of freight trains passing constantly and the movement of heavy machinery. Special consideration needs to be taken for this very special area, particularly given the length of time being discussed. One consideration I request is expanding the area that is studied for impacts. 96-2

In addition, given the residential nature of the area and the large scale of the construction (and construction equipment needed), I believe construction hours should be limited in order to limit noise and air pollution impacts. Weekend construction should not be allowed, nor should construction before 8am or after 5pm. 96-3
Additionally, I believe special community liaisons are necessary so that if residents have concerns during construction they have a contact who can make an impact. In the past large construction projects have not been good neighbors, and there is no reason that needs to be the case here. 96-4

Thank you for your consideration of my views.

Respectfully,

Marietta Revesz
600 block of G Street SE

1

Response to Comment 96-1:

Impacts were assessed based on the Limit of Disturbance, defined as the area affected by construction and staging for the Project.

Response to Comment 96-2:

As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. As described in Section 5.7 of the DEIS, although there are buildings near the limits of disturbance (LOD), they are not close enough to be affected by vibration that could cause building damage. Nevertheless, additional vibration monitoring will be conducted, and protocols of the vibration monitoring program implemented during construction will address any future potential vibration concerns. Refer to section 5.7.4 of the FEIS for more information on the vibration monitoring program.

Response to Comment 96-3:

Please see revised Section 3.5.6 of the FEIS for more information on construction work hours. All construction work will be in accordance with applicable District work hour requirements or approvals.

Response to Comment 96-4:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

ID 97: Selassie

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

No response required for this section of comment

I am shocked that an open trench expansion of commercial freight rail tunnel that would run right through a residential neighborhood and past many sensitive federal properties is being considered as a viable option. If CSX wants to expand their freight capacity, I do not understand why they can not find non-populated areas and route the line outside of the District Columbia. CSX is a huge corporation. It has the resources to consider less harmful and dangerous alternatives. I understand expanding the current line is expedient but that should not be the only determinant.

My wife and I bought a house in the Capitol Quarter neighborhood so we could be part of an effort to extend Capitol Hill to the waterfront. This is no small effort and involves the coordinated effort of many residents, businesses, and commercial landowners who took a similar leap of faith to undo the terrible effects of having a federal highway separate this part of the city. Now despite the billions of dollars that are being spent as part of the redevelopment effort, CSX proposes to build an open trench for an extended period of time. This new divider would be more intrusive and dangerous than the elevated highway and pose a huge burden for our neighborhood and families like mine. We beg you to find a more sane alternative.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969

1

("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 97-1 97-2 97-3 97-4 97-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Bereket Selassie
423 L ST SE
Washington, DC 20003

2

Response to Comment 97-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 97-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 97-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 97-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 97-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 97-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 97-7 97-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 97-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 97-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 97-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 97-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 97-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 97-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 97-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 97-12

4

Response to Comment 97-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 97-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 97-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 97-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

97-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

97-13

Response to Comment 97-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

97-14

Response to Comment 97-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

97-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

97-15

Response to Comment 97-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

97-16

Response to Comment 97-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

97-17

Response to Comment 97-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

6

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 97-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 97-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 97-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 97-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 97-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 97-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 97-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 97-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 97-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 97-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 97-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 97-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 97-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 97-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 97-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 97-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 97-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 97-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 97-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 97-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 97-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 97-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 97-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 97-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 97-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 97-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 97-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 97-28:

Emergency access will be maintained.

Response to Comment 97-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 97-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 97-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 97-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 97-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 97-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 97-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 97-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 97-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 97-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 97-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 97-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 97-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 97-42

9

Response to Comment 97-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 97-36:

Please see response to Comment 21-30.

Response to Comment 97-37:

Please see response to Comment 21-30.

Response to Comment 97-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 97-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 97-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 97-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 97-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 97-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 97-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 97-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 97-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
    15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 97-42

9

Response to Comment 97-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 97-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 97-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 98: Shapiro Low

From: Cheryl Shapiro Low [psycms@gmail.com]
Sent: Wednesday, September 25, 2013 1:59 PM
To: contact@virginiaavenuetunnel.com; faisal.hameed@dc.gov; michael.hicks@dot.gov
Subject: CSX Virginia Avenue Tunnel Project

As residents of Capitol Hill, we have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

We are aware that groups criticizing portions of the DEIS and the VAT project include the Committee of 100 on the Federal City, Capitol Quarter HOAs, ANC commissioners, the Capitol Hill Restoration Society, and neighbors among others.

We believe that CSX has not adequately addressed the problems of:

* project noise, reduced parking, and increased construction-related traffic congestion, affecting surface roads and 395 highway ramps 98-1
* the short-term and long-term impact of this project, which will increase freight traffic on the Hill significantly, on air quality and air pollution on Capitol Hill, which puts our children, the elderly, and our priceless national monuments at risk 98-2
* public safety issues regarding the possibility of CSX derailments, the transportation of dangerous cargo, and terrorism vulnerabilities that increased train traffic brings to our politically sensitive and densely populated neighborhood 98-3
* Open trench construction, the barrier that this type of construction creates between the amenities, businesses, and institutions in the Navy Yard area, and the dangers it may present to small children 98-4
* The environmental impact of removing over 100 mature trees from the area 98-5
* Loss of house values on the Hill due to the impact of this multi-year construction project 98-6

Additionally, we lack evidence that CSX

* has been actively consulting with local utilities about the possibility of area service interruptions 98-7

* Is seriously considering less disruptive options and reasonable build/routing alternatives such as temporary 98-8

1

Response to Comment 98-1:

As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders. Alternative 3 was selected as the Preferred Alternative and does not utilize pile driving. The contractor will enforce the parking requirements among the construction workers. As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 98-2:

Rebuilding the VA tunnel is being done in anticipation of increased demand for freight rail service. With or without the project, the amount of freight moving through the District will increase. As described in Section 5.15.1, any of the Build Alternatives will allow CSX to accommodate this growth more efficiently, eliminating emissions associated with stopping and starting to pass through the single tracked tunnel and reducing potential emissions with double stack technology. As described in Section 5.5 of the DEIS, construction and post-construction phase emissions under each of the Build Alternatives are predicted to be well under the General Conformity Rule's de minimus emission thresholds. In addition, Section 5.5 of the DEIS disclosed that the Build Alternatives would have no potential for mobile source air toxics effects.

Response to Comment 98-4:

Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. North-south access and homeowner and business access will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

Response to Comment 98-5:

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. CSX, DDOT and FHWA will work together to determine the streetscape of the restored Virginia Avenue SE, and will coordinate with the community during this process.

Response to Comment 98-6:

Construction-period mitigation measures are proposed throughout the DEIS. The question of compensation for construction-period losses in property value is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

From: Cheryl Shapiro Low [psycms@gmail.com]
Sent: Wednesday, September 25, 2013 1:59 PM
To: contact@virginiaavenuetunnel.com; faisal.hameed@dc.gov; michael.hicks@dot.gov
Subject: CSX Virginia Avenue Tunnel Project

As residents of Capitol Hill, we have serious concerns about the proposed CSX Virginia Avenue Tunnel project.

We are aware that groups criticizing portions of the DEIS and the VAT project include the Committee of 100 on the Federal City, Capitol Quarter HOAs, ANC commissioners, the Capitol Hill Restoration Society, and neighbors among others.

We believe that CSX has not adequately addressed the problems of:

* project noise, reduced parking, and increased construction-related traffic congestion, affecting surface roads and 395 highway ramps 98-1
* the short-term and long-term impact of this project, which will increase freight traffic on the Hill significantly, on air quality and air pollution on Capitol Hill, which puts our children, the elderly, and our priceless national monuments at risk 98-2
* public safety issues regarding the possibility of CSX derailments, the transportation of dangerous cargo, and terrorism vulnerabilities that increased train traffic brings to our politically sensitive and densely populated neighborhood 98-3
* Open trench construction, the barrier that this type of construction creates between the amenities, businesses, and institutions in the Navy Yard area, and the dangers it may present to small children 98-4
* The environmental impact of removing over 100 mature trees from the area 98-5
* Loss of house values on the Hill due to the impact of this multi-year construction project 98-6

Additionally, we lack evidence that CSX

* has been actively consulting with local utilities about the possibility of area service interruptions 98-7

* Is seriously considering less disruptive options and reasonable build/routing alternatives such as temporary 98-8

1

Response to Comment 98-3:

The presence of a new tunnel will not alter current CSX practices with respect to the transport of materials. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

rerouting of trains as they have done in previous projects

* Will take action to mitigate the damage a long-term (3-5+ years) project will do to Barracks Row and Navy Yard businesses and revitalization efforts, in which the city and the federal government have invested millions of dollars. 98-9
* is considering the impact their construction will have on the health, transportation efforts, or success of children's schools in this area. There can be no doubt that this project will affect the recruitment efforts of the several charter schools in Navy Yard and the new Van Ness Elementary School, in which DCPS is investing nearly 10 million dollars 98-10
* Is seriously concerned about the health and quality of life of those whose homes are mere feet from their proposed construction, including 160 units of senior public housing 98-11

For this reason, we respectfully request that the project and DEIS be revisited to answer these important health, safety, and quality of life questions from the community and the families who call the Hill home.

Thank you.
Sincerely,
Cheryl Low

2

Response to Comment 98-7:

As stated in Section 5.14 of the DEIS, every effort will be made to minimize service disruptions. The project team will follow the notification requirements of the affected utility companies and the public outreach program, and affected households will be informed if their utility services are disrupted, and any such disruption will not last more than a few hours on any given day. In addition, the project team's outreach program will be used to inform the public.

Response to Comment 98-8:

Section 3.2 of the DEIS identified all the alternatives considered, which included concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 98-9:

Refer to Section 5.4 of the DEIS for a discussion on economic impacts.

Response to Comment 98-10:

Construction of the project is not predicted to affect any school or childcare facility. Therefore, additional mitigation measures are not necessary. Section 5.3.1.2 of the DEIS addresses access to community facilities, including schools. Access to Van Ness Elementary School will not be affected by construction of the project.

Response to Comment 98-11:

Section 5.3 of the DEIS addresses access to community facilities. Access to the Senior Center will be maintained. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

ID 99: Sherry

From: Linda Sherry [linda.sherry@consumer-action.org]
Sent: Wednesday, September 25, 2013 3:08 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: AGAINST: Virginia Ave CSX project

I am writing to state that I think the plans to disrupt our beautiful new neighborhood with the tunnel project is unwise at this time. The EIS has identified so many bullet points of concern that I believe it should be clear that this project is ill advised. I believe you should reroute the entire line away from a major metropolis. 99-1

Sincerely

Linda Sherry
1000 New Jersey Ave SE Apt 511
Washington DC 20003
202-544-3088

1

Response to Comment 99-1:

Section 3.2 of the DEIS identified all the alternatives considered, which included concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

ID 100: Shields (1)

From: Andrew Shields [awshields@gmail.com]
Sent: Wednesday, September 25, 2013 10:48 PM
To: contact@virginiaavenuetunnel.com
Subject: Addendum

In addition to the points I've made previously, I'd like to add one thing about security and safety that seems to have been lost in this entire discussion.

This project will, by definition, have weak points which allow workers to access the rail and the rest of the construction zone. We have already witnessed the horrific effects of coordinated attempts to attack our soil and the horrific effects of *uncoordinated* attacks on our Washington Navy Yard and Fort Hood. We have also witnessed the horrific effects of sheer accidents, such as the Rosedale derailment. 100-1

The Rosedale derailment outside of Baltimore this past June should be a chilling tale as to the effects of a major urban area. Were we to overlay the accident area with the eastern portal of this project, the explosion would have wiped out or severely damaged the Marine Barracks Annex. Furthermore, we would have been faced with an evacuation of the entirety of Capitol Hill, up to H St. NE as we attempted to escape the fumes caused by the explosion and fire. The DEIS does nothing to recognize this inherent threat of increased traffic around these tracks, nor does it recognize the target this presents to those entities who would see this as a golden opportunity to do harm and cause chaos. 100-2

Regards,

Andrew Shields
339 Virginia Ave SE

1

Response to Comment 100-1:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 100-2:

The presence of a new tunnel will not alter current CSX practices with respect to the transport of materials. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project. Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

ID 101: Shields (2)

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

On Purpose and Need

The overarching theme in my initial section, which the Committee of 100 so deftly noted in their submission, is that CSX frames the Purpose and Need (P&N) statement entirely too narrowly and, in doing so, both overstate the challenges posed by the tunnel and invalidate the conclusions that they draw from the completion of a successful project.

CSX declares on VirginiaAvenueTunnel.com that "The purpose of the project is to provide CSX with the ability to operate double-stack intermodal container freight trains on a vital segment of the nation's rail network, and eliminate a chokepoint caused by the Virginia Avenue Tunnel's single track. ... By creating a reconstructed Virginia Avenue Tunnel with a vertical height that will allow CSX to operate double-stack intermodal container freight trains, the railroad will be able to expand its capacity to transport freight ... And, because the new tunnel will re-establish a second set of tracks (the tunnel was originally constructed with two tracks), CSX will eliminate ***the*** chokepoint that currently delays all trains traveling through the Washington region." (emphasis added - "THE" - implying the singular, only such point.)

In the DEIS, P&N Statement, CSX declares as their second point: "Accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015"

Yet an expanded VAT will do neither of these things. If you examine the 2009 Mid-Atlantic Rail Operations (MAROPS) analysis, and the National Capital Planning Commission (NCPC) study, the only 101-1

1

Response to Comment 101-1:

Many east coast ports are anticipating an increase in intermodal container traffic. On the CSX rail network, this intermodal container traffic will generally move from mid-Atlantic ports to the mid-West, not via the Howard Street Tunnel to the Northeast. A CSX proposal to build an intermodal facility in the Baltimore area would not be intended to de-stack northbound intermodal trains or restack southbound intermodal trains. Section 3.2.1.7 demonstrates why more than three years of re-routing of CSX freight traffic on NS tracks would not accomplish the project's purpose and need, and therefore why this alternative was not given detailed consideration. This is a private project that requires permits from FHWA, DDOT and other federal and District agencies. Therefore, expansion of passenger and commuter rail service is outside the scope of this project. However, the EIS should and does address relevant freight rail transportation and public impacts of this project.

The purpose and need does not state the speed at which trains would be moving on the temporary tracks. Trains on temporary track/trench will be running at speeds no greater than 25 mph. Please see FEIS Section 5.15.1.1 Construction Impacts for train speeds during construction.

way to alleviate the chokepoint in DC is to go around it. And the MAROPS study notes that a successfully widened and deepened VAT does NOT eliminate the delays in the area, which are primarily caused by the the Howard Street Tunnel *not* the VAT, with Howard Street tunnel's throughput delays trains by 20 minutes compared to the VAT's five. Furthermore the DEIS fails to note the fact that the Howard tunnel still requires single-stacked trains and because of this limitation, CSX is building another facility in Mount Clare to de-stack the northbound trains and re-stack the southbound ones.

In the P&N they ignore all of this, and stating with a bald-faced lie: "The single railroad track within Virginia Avenue Tunnel represents ***the single greatest*** constraint on rail headway (the frequency of passing trains within a given time period) on CSX's mainline freight rail network." They further declare in their P&N a requirement for a COA permits through-traffic during the project ***at 40 mph*** - observably in excess of their current speeds through the VAT.

In Section 2 of their P&N, CSX delves into forecasting the increase in sea traffic on the eastern seaboard as caused by a widening of the Panama Canal. However they omit a basic geographical flaw: it is illogical for a ship which passes through the Panama Canal and docks at Baltimore to send its rail traffic **south**. Those ships would have already bypassed five major eastern seaboard ports, all of which have major railheads: Jacksonville, Savannah, Charleston, Wilmington and Norfolk. One need only look at a map to realize that seaborne traffic docking at Baltimore is not going to substantively increase southbound trains through the VAT. It may increase northbound traffic from those other ports – but as already discussed the Howard Street Tunnel is the primary chokepoint for northbound traffic. 101-1

In section 3 of their P&N cites requirements of Common Carrier obligations. The fundamental flaws in this section are several. Firstly, these obligations do not extend in situations where the capacity does not exist. Secondly, the DEIS fails to note that these obligations go both ways: Norfolk Southern has an obligation to provide "service upon reasonable request" in the event their network is disrupted as well, which speaks directly to their unsustainable claim that rerouting options were not feasible.

For these reasons, the P&N statement alone is hopelessly flawed and fails to justify the project.

Misrepresentation of Data

Beyond the flawed P&N statement, CSX deliberately manipulates data in order to obfuscate a clear discussion based on the reality of their projects. For instance, in each of the alternatives (none of which are true alternatives, simply different shades of the same color), CSX discusses the movement of the "centerline" of the project. At no point do they discuss the movement of the edge-line that is closest to the homes and, in fact, they make the measurements exceedingly difficult to make such a calculation. This is despite being asked both in private and public forums to disclose this crucial piece of information: each time the residents were told to "wait until the DEIS is released."

CSX failing to provide the information, I was forced to perform the calculations myself. Based on the numbers, I figure they move closer to the nearest homes in the following way: 101-2

In Alternative 2, CSX uses "7 feet", however the edge-line (the tunnel's edge proposed vs. now vs the homes) is closer to a move of 17 feet, with an additional 28 feet of unusuable space (temp track and construction access during the construction phase. During the construction, CSX plans to take all the space seven yards from the nearest home.

In Alternative 3, they use "25 feet" In this case, because of the split tunnels, it's even harder to tell, but the best number I can come up with is an end-state whose edge-line is approximately 50' feet closer to the homes. Again, work will exist seven yards from the nearest home.

In Alternative 4, CSX uses "19 feet". In reality, the edge-line moves 30' south in its end-state. In this alternative, construction backs off the homes by four whole yards to 11 yards.

2

Response to Comment 101-2:

Please see Section 3.2 of the DEIS for pertinent information on the alternatives. The FEIS presents detailed information on the Preferred Alternative.

This is one unfortunate example of how CSX's attempt to "frame" the project obfuscates needed facts and data from which to draw reasonable conclusions about the alternatives. 101-2

Failures of the Noise Study

Continuing on in this vein, the DEIS draws the deliberately wrong conclusions based on the data presented. At no point in the noise study were the ***aggregate*** effects of construction, train noise, traffic, and the loss of the tree canopy studied. Each of these points was dismissively tossed out by turn. Thus the flawed conclusion fails to account that, in unison, these effects will magnify. For example, the loss of the tree canopy along the 300 block of Virginia Avenue will turn the whole block into a noise bowl, with the echoes of the construction and the trains being reflected back onto the homes many times over. Even when studied singly, the effects utilize the wrong assumptions. For instance, the train noise presumes the train will be travelling at 25mph and that the Ldn will be raised by only 1-2 dB. Given the physical nature of the trench and how it will act to channel noise *upwards*, towards the living quarters of the nearest homes, the noise from the average train will be significantly more than what the is forecast in the DEIS because it will be a directed effect. Furthermore, rather than the presumed 25mph (appendix E), the purpose and need statement declared a "requirement" that the trains in the temporary tracks move at **40 mph**, which is, in fact, considerably faster than they move through the tunnel currently. Finally, the noise assumption declares that the trains would be moving in a trench 25 feet deep, when no such depth has been provided by CSX in any of their trench modeling – CSX designs for 21 feet and given that they plan to run double-stack cars through, the tops of the cars will actually be above grade, causing even more wind/noise disturbance to the properties. 101-3

Failures of the Traffic Study

The traffic study, done in February and March of 2012 declares that the construction will not have a significant impact on ballgames. It's unclear as to how this conclusion is drawn for several reasons. Firstly, since March 2012, the working and living population of the area south of the LOD all the way to the river has already increased and will more than double during the life of the project, as more residential blocks are being constructed or are in the planning stages. The 2012-2013 growth and the restoration of 200 I St has already had an impact on both traffic flow and parking. Secondly, as there are no baseball games in February or March, it's difficult to see how any traffic study could have measured their potential flow. Finally, even if baseball attendance was measured in March of 2012, they would have used projected attendances from the 2011 season. The most recent 2013 season has seen a 32% increase in the numbers of attendees to the stadium (24,877 in 2011 vs. 32,745 in 2013). 101-4

Failures of the Parking Study

The parking study, in section 5-77 is an abject failure. Firstly, there are four homes in the 300 block of Virginia Ave alone which do not have garages, three of which are section 8 housing. There are eight additional homes on the same block which do not have garages, seven of which are section 8 housing. Each of the Virginia Ave homes has at least one vehicle parked on Virginia Avenue each night. Additionally, the other homes of the block often have vehicles parked on Virginia Avenue, especially when the parking on their own street is limited. Secondly, most of the homes which do have a garage are two-vehicle households. There are at least 10 vehicles, every night, which fall into this category. Overall, rather than the six (6) stated parking spots, the planning effect should estimate displacing approximately twenty (20) vehicles for nighttime parking (when the 2-hour rule does not apply). During the day, the workers at 200 I St SE (who live in Ward 6) utilize the RPP zoned area while numerous other vehicles, most of which have handicapped placards, utilize the 2-hour parking on the north side of the 300 Virginia Ave block. While CSX generously offers to compensate the District for lost *revenue*, it makes no suggestion for what to do about all the displaced vehicles in the LOD. Furthermore, the DEIS fails to note that the suggested locations for its construction workers are already overloaded with personnel who work at USDOT and the Washington Navy Yard, among other major employers. 101-5

On Right Of Way

3

Response to Comment 101-3:

The trees presently along Virginia Avenue do not reduce noise. Tree zones need to be at least 100 feet wide in order to perceptibly reduce noise levels. The noise prediction model was calibrated using actual ambient noise conditions and the cumulative effects of multiple noise sources, such as traffic from I-695. The purpose and need does not state the speed at which trains would be moving on the temporary tracks. Trains on temporary track/trench will be running at speeds no greater than 25 mph. The temporary open trench will be installed such that the top of the train will never protrude above the existing grade. Please see section 5.15.1.1 Construction Impacts for train speeds during construction. The selection of Alternative 3 removes from consideration the commenter's concerns with respect to open trench rail operations during construction.

Response to Comment 101-4:

The traffic study did account for baseball game traffic. The study team coordinated with DDOT with respect to the study area limits and traffic count program. With the exception of short term closures to install temporary structures, traffic capacity within this stated area will not be affected. With respect to temporary road closures, the MOT reflects baseball game and Nationals Park event days and times. The traffic impact analysis recognized the major changes occurring south of Virginia Avenue and study staff coordinated with the Capitol Riverfront Business Improvement District to ensure that projected growth in the area was taken into consideration. While the traffic counts were performed in the Spring of 2012, developments completed and under construction during construction of the project were accounted for in the traffic impact analysis and the maintenance of traffic plan by incorporating the effect of over 7.7 million square feet of new development that would occur from 2012 to 2016. As noted in the DEIS, all north-south roadways would maintain connectivity with the exception of very short periods during installation of temporary bridges over the Virginia Avenue Tunnel. Should conditions require it, maintenance of traffic (MOT) plans will be updated going forward to reflect changes.

Response to Comment 101-5:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

The 1901 law which created the Virginia Avenue tunnel unmistakably forbids the use of temporary tracks through the LOD and implies the ceding of authorized Right of Way upon completion of the project. While the authority of the District government to grant further right of way is not in dispute, the DEIS has failed to even acknowledge this step in that this has been addressed at any point in the process. That said, the District's authority is subordinate to the US Code which granted the original right of way. Alternative 3 would be in violation of even the broadest interpretation of the 1901 code. 101-6

Reasonable Alternatives

Throughout the public engagement process mandated by NEPA, CSX has been adamant in its refusal to incorporate actual public alternatives into consideration. Even while readily admitting during the May 2012 meeting that they could easily re-route at least half of their trains (two through Union Station, an additional 10 through Norfolk Southern routes), they come to the DEIS requesting the full number of noisy, dirty and dangerous trains and with absolutely no rationale for placing their new stacking/unstacking yard in Mount Clare outside Baltimore rather than further south in Virginia. The rail section between the Howard Street Tunnel through Washington DC's Long Bridge is, essentially, a solitary set-piece. This five-year project to alleviate the least-clogged portion of that pipe is absurd on its face. By discarding the reasonable alternatives to this project and by failing to integrate reasonable alternatives together, this DEIS fails it its primary function. 101-7

Conclusion

CSX has consistently framed and biased the discussion regarding this tunnel to achieve a result they had already fixated on. I implore FHWA and DDOT to see through the smoke and mirrors presented in this DEIS and demand honest, rigorous work by CSX and their contractors which reflects the true current state and projected future state of the neighborhood over the life of the project.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Andrew Shields
339 Virginia Ave SE

4

Response to Comment 101-6:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 101-7:

Please see Section 3.2 of the DEIS for the rerouting evaluation. Many east coast ports are anticipating an increase in intermodal container traffic. On the CSX rail network, this intermodal container traffic will generally move from mid-Atlantic ports to the mid-West, not via the Howard Street Tunnel to the Northeast. A CSX proposal to build an intermodal facility in the Baltimore area would not be intended to de-stack northbound intermodal trains or restack southbound intermodal trains. Regardless of the alternative, freight transportation demand is going to increase. As described in Section 5.15.1, the Build Alternatives will allow CSX to accommodate this growth in freight transportation demand more efficiently.

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 101-8

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 101-9 101-10

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

5

Response to Comment 101-8

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 101-9:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 101-10:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 101-10

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 101-11

Response to Comment 101-11:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 101-12

Response to Comment 101-12:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 101-13

Response to Comment 101-13:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 101-14

Response to Comment 101-14:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

6

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

101-14

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

101-15

Response to Comment 101-15:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

101-16

Response to Comment 101-16:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

7

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

101-16

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

101-17

Response to Comment 101-17:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain <u>specific</u> construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

101-18

Response to Comment 101-18:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

101-19

Response to Comment 101-19:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

8

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 101-20

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 101-21

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 101-22

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 101-23

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 101-24

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 101-25

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 101-26

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 101-27

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 101-28

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 101-29

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 101-30

4) Residential and Business Quality of Life mitigation

9

Response to Comment 101-20:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 101-21:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 101-22:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 101-23:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 101-24:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 101-25:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 101-26:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 101-31

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 101-32

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 101-33

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 101-34

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 101-35

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 101-36

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

10

Response to Comment 101-27:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 101-28:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 101-29:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 101-30:

Emergency access will be maintained.

Response to Comment 101-31:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 101-32:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 101-33:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 101-34:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 101-35:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 101-36:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 101-37
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 101-38
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 101-39
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 101-40
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 101-41
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 101-42
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 101-43
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 101-44

11

Response to Comment 101-37:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 101-38:

Please see response to Comment 21-30.

Response to Comment 101-39:

Please see response to Comment 21-30.

Response to Comment 101-40:

Crude oil is one of the commodities shipped through the District in accordance with CSX common carrier obligations. Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, CSX transported only three loaded tank cars of crude oil through the District of Columbia. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia. Please see response to Comment 21-30.

Response to Comment 101-41:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 101-37
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 101-38
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 101-39
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 101-40
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 101-41
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 101-42
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 101-43
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 101-44

11

Response to Comment 101-42:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 101-43:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 101-44:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 102: Skena

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 102-1 102-2 102-3 102-4 102-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 102-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress.In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 102-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 102-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 102-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 102-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Michael and Naomi Skena

317 L Street SE

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 102-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 102-7 102-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 102-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 102-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 102-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 102-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 102-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 102-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 102-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 102-12

4

Response to Comment 102-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 102-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 102-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 102-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication.

102-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner.

102-13

Response to Comment 102-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

102-14

Response to Comment 102-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

102-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

102-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

102-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

102-17

6

Response to Comment 102-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 102-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 102-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 102-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 102-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 102-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 102-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 102-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 102-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 102-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 102-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 102-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 102-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 102-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 102-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 102-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 102-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 102-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 102-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 102-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 102-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 102-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 102-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 102-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 102-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 102-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 102-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 102-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 102-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 102-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 102-28:

Emergency access will be maintained.

Response to Comment 102-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 102-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 102-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 102-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 102-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 102-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 102-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 102-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 102-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 102-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 102-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 102-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 102-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 102-42

9

Response to Comment 102-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 102-36:

Please see response to Comment 21-30.

Response to Comment 102-37:

Please see response to Comment 21-30.

Response to Comment 102-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 102-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 102-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 102-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 102-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 102-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 102-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 102-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 102-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 102-42

9

Response to Comment 102-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 102-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 102-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 103: Skidmore

25 September, 2013

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, local businesses, and more broadly the nascent community revitalization which District Government has gone to great pains to establish. Since the most recent DEIS hearing in July 2013, where I submitted public comment that the gross inadequacies of the as-written DEIS would require multiple iterations of correction, update, review, and comment before the document could be adequate, the Agencies have failed to provide any corrections, updates, or additional facts and supporting information to the DEIS.

Additionally I feel that the Agencies have, either through undue and inappropriate influence on the NEPA process by CSX (and/or other parties standing to profit from the VAT project), or inadequate compliance by the Agencies with the letter and the spirit of the NEPA process, failed to properly scope the EIS to account for the medium- and long-term effects to the District environment from CSX's proposed expansion of freight rail capacity. 103-1

1

Response to Comment 103-1:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Specific failings of the DEIS:

1. The DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 103-2
2. Contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and it does not consider a diverse set of reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 103-3
3. The DEIS does not address broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 103-4
4. The DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 103-5
5. The DEIS fails to ensure adequate protection of low- and middle-income families residing near the proposed construction, should they be forced to sell their homes as a result of any damage from construction. 103-6

Without accurate facts, the public cannot provide meaningful comment, and the Agencies do not have a rational, moral, and potentially legal basis on which to select a final alternative. NEPA requires a hard look at such impacts, and this DEIS withholds critical pieces of relevant information related to such impacts. Therefore, the DEIS must be undertaken again and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued, and an additional significant period of public comment allowed (comparable to that allowed for the DEIS), before a Record of Decision is made. Until this occurs, the Agencies and the public-at-large do not have an avenue through which to provide meaningful input into the current build alternatives, and the Agencies are failing in their duty to the citizens and the communities they represent. I exhort the District and Federal agency leadership to mandate the production of a rigorous and complete EIS, and without such an EIS I strongly urge the Agencies to choose the no-build option.

Furthermore, we endorse and adopt as our own the public comments and letters submitted in response to the Virginia Avenue Tunnel Project Draft Environmental Impact Statement by (in order of precedence, in case of a conflict):

1. The Committee of 100 on the Federal City
2. James and Jennifer McPhillips
3. Maureen Harrington
4. Melissa and Rob Lee
5. David Garber
6. Meredith and Mark Baker
7. The Capitol Quarter phase 1 Home Owners Assoc. (though we do not endorse their support of build Option 3 – we support the no-build alternative in lieu of FHWA/DDOT rigorously considering a broad set of reasonable alternatives)

Sincerely,

//S//

Jesse and Natalie Skidmore
323 Virginia Ave SE

2

Response to Comment 103-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 103-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 103-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 103-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Response to Comment 103-6:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

ID 104: Smith

From: Erica Smith [ensmith36@yahoo.com]
Sent: Thursday, September 26, 2013 9:43 PM
To: Contact@virginiaavenuetunnel.com
Cc: Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: Please Discontinue the CSX Project

Dear Sir or Madame:

Please do not implement the CSX Project. The CSX Project will have a negative impact on the lives of the Capitol Hill SE community with regard to environmental issues, safety, community infrastructure, and the flow of traffic. 104-1

I concur with the Capitol Hill SE community concerning canceling the CSX project.

Sincerely,
Erica

1

Response to Comment 104-1:

Alternative 3 has been selected as the Preferred Alternative. Chapter 5 of the DEIS includes descriptions of the potential environmental and social impacts of the proposed Virginia Avenue Tunnel Reconstruction Project. Mitigation measures are also presented in this chapter for those potentially unavoidable effects considered to be adverse or negative. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As noted in the DEIS, all north-south roadways would maintain connectivity with the exception of very short periods during installation of temporary bridges over the Virginia Avenue Tunnel. Should conditions require it, maintenance of traffic (MOT) plans will be updated going forward to reflect changes.

ID 105: Smolich

From: Helena Smolich [helena.smolich@gmail.com]
Sent: Wednesday, September 25, 2013 7:31 PM
To: Contact@virginiaavenuetunnel.com; Faisal.hameed@dc.gov; Michael.hicks@dot.gov
Subject: Comment to the draft Environmental Impact Statement RE: CSX Virginia Ave Tunnel Project

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document.
Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 105-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 105-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 105-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 105-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 105-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Sincerely,

Helena Smolich

523 2nd St, SE

Washington, DC 20003

1

Response to Comment 105-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 105-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 105-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 105-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 105-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

ID 106: Stephenson

From: David Stephenson [dstephenson554@gmail.com]
Sent: Wednesday, September 25, 2013 7:19 PM
To: contact@virginiaavenuetunnel.com
Cc: Theresa Stephenson
Subject: July 2013 Draft Environmental Impact Statement ("DEIS")

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. Second, contrary to NEPA requirements, the DEIS fails todemonstrate a sufficient purpose and need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, theDEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPAcontemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 106-1 106-2 106-3 106-4 106-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEISmust be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an

1

Response to Comment 106-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 106-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 106-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 106-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 106-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and completeEIS, the Agencies are required to choose the no-build option.

The apparent lack of transparency and definitive actions taken to block the community's input by members of the ANC smack of conflicted interests. If the considerations outlined are not addressed we will be left with no option than to petition for an investigation by the FHA Inspector General and the federal prosecutor for the District of Columbia.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Richard D Stephenson

319 L ST SE

Washington, DC 20003

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project. The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space. The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA andDDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 106-6

2

Response to Comment 106-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

•

The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.

1.

o

The vibration study says that there will be no impact to existing structures during construction yet it also states that it does not have sufficient information to predict overall vibration levels. The noise study implies that operation of a freight train through an open trench will not increase the noise disruption, which defies common sense. 106-7 106-8

o

The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in theDEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 106-9

o

The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 106-10

•

What alternatives to the current options were considered, and why were they accepted or rejected? The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 106-11

•

Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project? We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the 106-12

3

Response to Comment 106-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 106-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 106-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 106-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 106-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 106-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent tunnel just steps away from existing residences, historic resources, and public spaces.* Section 101 on theNEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 106-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 106-13

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway; 106-14
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4thStreet SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;
-

4

Response to Comment 106-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

Response to Comment 106-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;

- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements. 106-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 106-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specificconstruction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 106-16

1)
Noise and vibration mitigation

b)
Mimimize the impact of train schedules on residents and businesses. 106-17

c)
Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 106-18

d)
Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 106-19

5

Response to Comment 106-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 106-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 106-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

Response to Comment 106-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 106-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

e)
Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction and directly address the responsibility for anticipated loss of property value to property owners. 106-20

2)
Traffic and Parking mitigation

a)
Nearly all residents and businesses proximate to the LODrely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 106-21

b)
DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 106-22

3)
Health and Safety mitigation

a)
CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 106-23

b)
CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 106-24

c)
CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 106-25

d)
CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 106-26

e)
CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 106-27

f)
DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 106-28

4)
Residential and Business Quality of Life mitigation

a)
DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 106-29

b)
The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 106-30

6

Response to Comment 106-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 106-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 106-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 106-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 106-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

Response to Comment 106-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 106-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

5)
Accountability and dialogue

a)
The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 106-31

b)
CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 106-32

c)
CSX should consider incentives for early completion of construction and penalties for delays in construction. 106-33

d)
The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 106-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THEDEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

2.
Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 106-35

3.

4.
Have District officials been informed about alternative routing that is being used for these cargoes? 106-36

5.

6.

7

Response to Comment 106-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 106-28:

Emergency access will be maintained.

Response to Comment 106-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 106-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 106-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 106-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 106-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 106-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment 106-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 106-36:

Please see response to Comment 21-30.

Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy:http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 106-37

7.

8.
Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 106-38

9.

10.
Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 106-39

11.

12.
Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 106-40

13.

14.
Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site:

a.
Assuming an open-trench situation with chemical releases, which could impact nearby populations? 106-41

b.
Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?

15.

16.
Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 106-42

Sent from my iPad

8

Response to Comment 106-37:

Please see response to Comment 21-30.

Response to Comment 106-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 106-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

Response to Comment 106-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 106-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 106-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 107: Strickland

From: Mary Catherine Strickland [mcfs929@yahoo.com]
Sent: Wednesday, September 25, 2013 3:21 PM
To: Contact@virginiaavenuetunnel.com
Subject: Va ave future work

Stop this plan!!! We need something that will not impact capital hill and the entire SE neighborhood! Very poor judgement on everyone s part. 107-1
Thank you
MC'S

Sent from my iPhone

1

Response to Comment 107-1:

Alternative 3 has been selected as the Preferred Alternative. The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project and included proposed mitigation measures to address the potential impacts of the project.

ID 108: Taguian

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 108-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 108-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 108-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 108-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 108-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 108-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 108-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 108-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 108-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 108-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Irene Taguian

Maximiliano Villagra

804 3rd St. SE, Washington, DC 20003

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 108-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 108-7 108-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 108-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 108-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

through an open trench will not increase the noise disruption, which defies common sense. 108-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.,* Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 108-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 108-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 108-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 108-12

4

Response to Comment 108-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

Response to Comment 108-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 108-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 108-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 108-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 108-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 108-13

Response to Comment 108-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary;
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

108-14

Response to Comment 108-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

108-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 108-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 108-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 108-17

6

Response to Comment 108-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 108-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 108-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 108-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 108-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 108-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 108-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 108-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 108-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 108-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 108-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 108-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 108-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 108-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 108-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 108-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 108-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 108-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 108-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 108-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 108-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 108-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 108-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 108-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 108-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 108-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 108-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 108-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 108-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 108-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 108-28:

Emergency access will be maintained.

Response to Comment 108-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 108-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 108-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 108-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 108-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 108-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 108-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 108-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 108-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 108-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 108-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 108-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 108-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 108-42

9

Response to Comment 108-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 108-36:

Please see response to Comment 21-30.

Response to Comment 108-37:

Please see response to Comment 21-30.

Response to Comment 108-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 108-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 108-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 108-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 108-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 108-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 108-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 108-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 108-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 108-42

9

Response to Comment 108-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 108-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 108-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 109: Thompson

From: Shawn [goklt@aol.com]
Sent: Wednesday, September 25, 2013 8:09 PM
To: contact@virginiaavenuetunnel.com
Cc: goklt@aol.com
Subject: Comments on Virginia Avenue Tunnel Draft Environmental Impact Statements

Dear Parsons Brinckerhoff :

I incorporate in my comments the responses drafted by the Capitol Quarter Community Association and the Advisory Neighborhood Commission 6D regarding the Draft Environmental Impact Statement (DEIS).

I reiterate that the DEIS is overly vague, does not address in detail or with specificity the many questions that have been raised by the interested parties since the start of the project. The DEIS has not taken into account resident safety and minimizing the impact to residents. I have found that much of the argument presented is not based in fact. See Capitol Quarter Community Association response to DEIS regarding the issues of the traffic study, train rerouting, etc. 109-1

In addition to the issues raised by the Capitol Quarter Community Association and the Advisory Neighborhood Commission 6D I have the below concerns and questions. Please respond in detail.

1. What specifically will be done to address any long term impacts to residents? 109-2

2. How will pedestrians have access to cross Virginia Avenue en route to the Capitol? 109-3

3. What specifically will be done to limit the amount of noise for residents living on Virginia Avenue? 109-4

4. How is your vibration study accurate in the DEIS with the glaring contradiction within the text? 109-5

5. Which homes qualify for a pre-construction inspection inspection and what does that entail? Will this be done by a 3rd party? Will there be a post construction inspection? Will there be more than one? What about longer term damage to homes and how will that be addressed? Who is responsible for the damages during construction? What is the claim process? What are the specifics? 109-6

6. If homes become uninhabitable during construction (structural damage/unforeseen circumstances/noise/pollution/etc), what are the options for residents? Temporary move at CSX's expense? Buy out by CSX? What is the process? Is the process conducted by an independent third party? What are the specifics?

7. How will contaminates (air, soil, etc.) be contained during the project? What are the specifics? 109-7

8. Have the different utility companies been contacted about the project? What should we expect? Disruption in service? What are their comments? 109-8

9. Has DC emergency services been advised of the situation? 109-9

10. How will emergency services reach homes? What about residents with special needs who are confined to their houses. How can they reach medical services?

11. What are the disincentives for CSX if the project is not completed during the scheduled time-frame? 109-10

12. Why wasn't the option of rerouting all train traffic not fully explored? 109-11

These are just a few questions and concerns that have not been addressed with specificity and I hope they will be addressed in a new DEIS or another formal communication to all interested parties. I look forward to your prompt and detailed response.

Thanks,

Kenneth Thompson
321 Virginia Ave. SE
Washington, DC 20003

Response to Comment 109-1:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel. The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project and included proposed mitigation measures to address the potential impacts of the project. Please see response to comment letters 14 and 21 for responses to the Capitol Quarter Community Association and the Advisory Neighborhood Commission 6D.

Response to Comment 109-2:

Chapter 5 of the FEIS includes descriptions of the potential environmental and social impacts of the proposed Virginia Avenue Tunnel Reconstruction Project. Mitigation measures are also presented in this chapter for those potentially unavoidable effects considered to be adverse or negative. Please see Section S-9 of the FEIS for a summary of mitigation measures. Construction-period mitigation measures are also proposed throughout the DEIS.

Response to Comment 109-3:

As noted in the DEIS, all north-south roadways would maintain connectivity with the exception of very short periods during installation of temporary bridges over the Virginia Avenue Tunnel. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access. Should conditions require it, maintenance of traffic (MOT) plans will be updated going forward to reflect changes.

Response to Comment 109-4:

As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. DDOT, the agency largely responsible for overseeing construction, will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders.

Response to Comment 109-5:

The vibration analysis was prepared using Federal Transit Administration procedures. As described in Section 5.7 of the DEIS, although there are buildings near the limits of disturbance (LOD), they are not close enough to be affected by vibration that could cause building damage. Nevertheless, additional vibration monitoring will be conducted, and protocols of the vibration monitoring program implemented during construction will address any future potential vibration concerns. Refer to section 5.7.4 of the FEIS for the updated vibration monitoring program.

Response to Comment 109-6:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. Apprehension about project construction rendering homes uninhabitable is not supported by the evidence in the DEIS. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

From: Shawn [goklt@aol.com]
Sent: Wednesday, September 25, 2013 8:09 PM
To: contact@virginiaavenuetunnel.com
Cc: goklt@aol.com
Subject: Comments on Virginia Avenue Tunnel Draft Environmental Impact Statements

Dear Parsons Brinckerhoff :

I incorporate in my comments the responses drafted by the Capitol Quarter Community Association and the Advisory Neighborhood Commission 6D regarding the Draft Environmental Impact Statement (DEIS).

I reiterate that the DEIS is overly vague, does not address in detail or with specificity the many questions that have been raised by the interested parties since the start of the project. The DEIS has not taken into account resident safety and minimizing the impact to residents. I have found that much of the argument presented is not based in fact. See Capitol Quarter Community Association response to DEIS regarding the issues of the traffic study, train rerouting, etc. 109-1

In addition to the issues raised by the Capitol Quarter Community Association and the Advisory Neighborhood Commission 6D I have the below concerns and questions. Please respond in detail.

1. What specifically will be done to address any long term impacts to residents? 109-2

2. How will pedestrians have access to cross Virginia Avenue en route to the Capitol? 109-3

3. What specifically will be done to limit the amount of noise for residents living on Virginia Avenue? 109-4

4. How is your vibration study accurate in the DEIS with the glaring contradiction within the text? 109-5

5. Which homes qualify for a pre-construction inspection inspection and what does that entail? Will this be done by a 3rd party? Will there be a post construction inspection? Will there be more than one? What about longer term damage to homes and how will that be addressed? Who is responsible for the damages during construction? What is the claim process? What are the specifics? 109-6

6. If homes become uninhabitable during construction (structural damage/unforeseen circumstances/noise/pollution/etc), what are the options for residents? Temporary move at CSX's expense? Buy out by CSX? What is the process? Is the process conducted by an independent third party? What are the specifics?

7. How will contaminates (air, soil, etc.) be contained during the project? What are the specifics? 109-7

8. Have the different utility companies been contacted about the project? What should we expect? Disruption in service? What are their comments? 109-8

9. Has DC emergency services been advised of the situation? 109-9

10. How will emergency services reach homes? What about residents with special needs who are confined to their houses. How can they reach medical services?

11. What are the disincentives for CSX if the project is not completed during the scheduled time-frame? 109-10

12. Why wasn't the option of rerouting all train traffic not fully explored? 109-11

These are just a few questions and concerns that have not been addressed with specificity and I hope they will be addressed in a new DEIS or another formal communication to all interested parties. I look forward to your prompt and detailed response.

Response to Comment 109-7:

Section 5.5 of the DEIS included measures to control dust emissions from the construction site. This project includes extensive construction related air quality mitigation measures, some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. See revised section 5.5.4 of the FEIS for inclusion of the air monitoring program.

Response to Comment 109-8:

The project's design team has coordinated with the affected utility companies. Section 5.14 of the DEIS sufficiently disclosed the utility impacts of the project for NEPA purposes. Any notifications of temporary stoppage of utility service will be conducted in accordance with the protocols of the affected utility provider. The project team's community outreach program will also be used to inform the public. All DEIS comments, including utility comments, are posted on the project website.

Response to Comment 109-9:

An emergency response plan will be developed and updated in coordination with the appropriate authorities. Emergency response vehicles access will be maintained during construction.

Response to Comment 109-10:

CSX wants to finish the project as soon as possible and values timely project completion and use of appropriate contracting mechanisms to support that goal.

Response to Comment 109-11:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

ID 110: Trejo

From: Trejo, Maria [TrejoM@state.gov]
Sent: Thursday, September 26, 2013 4:50 PM
To: contact@virginiaavenuetunnel.com
Subject: Letter from home owner at 1009 4th ST. SE, Washington DC

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 110-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 110-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 110-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 110-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 110-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide

1

Response to Comment 110-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congress, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the Distrcit, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 110-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 110-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 110-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 110-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Maria Antonieta Trejo

1009 4th St. SE

Washington, DC 20003

202 547-5123

No response required for this section of comment

2

ID 111: Walter

From: EvaWalter1@Gmail.com
Sent: Wednesday, September 25, 2013 11:49 PM
To: contact@virginiaavenuetunnel.com
Subject: DEIS Comments Template.docx
Attachments: DEIS Comments Template.docx; ATT00001.htm

No response required for this section of comment

1

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

Parsons Brinckerhoff
Attn: Virginia Avenue Tunnel Project
1401 K Street NW
Suite 701
Washington, DC 20005
contact@virginiaavenuetunnel.com

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 111-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 111-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 111-3 Fourth, the DEIS does not even address the 111-4

1

Response to Comment 111-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 111-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 111-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 111-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 111-4 111-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

2

Response to Comment 111-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 111-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 111-7 111-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 111-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 111-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 111-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 111-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 111-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 111-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 111-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 111-12

4

Response to Comment 111-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 111-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 111-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 111-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 111-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 111-13

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary; 111-14
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

5

Response to Comment 111-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

Response to Comment 111-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

111-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build. 111-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins: 111-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses. 111-17

6

Response to Comment 111-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 111-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 111-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 111-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 111-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 111-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 111-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 111-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 111-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 111-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 111-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 111-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 111-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 111-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 111-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 111-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 111-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 111-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 111-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 111-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 111-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 111-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 111-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 111-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 111-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 111-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 111-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 111-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 111-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 111-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 111-28:

Emergency access will be maintained.

Response to Comment 111-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 111-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 111-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 111-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 111-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 111-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 111-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 111-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 111-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 111-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 111-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 111-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 111-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 111-42

9

Response to Comment 111-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 111-36:

Please see response to Comment 21-30.

Response to Comment 111-37:

Please see response to Comment 21-30.

Response to Comment 111-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 111-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 111-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 111-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 111-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 111-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 111-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 111-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 111-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 111-42

9

Response to Comment 111-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 111-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 111-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID 112: Weaver

Comments of Jared B. Weaver
Resident of 912 3rd Street SE
Washington, DC 20003
(202)841-6241
j.benjamin.weaver88@gmail.com

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL AND USPS

Re: Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement & Section 4(f) Evaluation

Dear Mr. Hicks and Dr. Hameed,

The Draft Environmental Impact Statement (DEIS) contains numerous errors in analysis and fails to adequately protect nearby residents from the threats of public health, the environment, and public safety. The DEIS as written does not protect the public interest. I respectfully request the Federal Highway Administration, District Department of Transportation and all other government agencies with jurisdiction over this DEIS to place heightened scrutiny on this project given its close proximity to residential neighborhoods, the U.S. Capitol campus, the federal government, and important transportation access points. My comments below focus on the detrimental effect this DEIS would have on the trees within the limits of disturbance (LOD). 112-1

Response to Comment 112-1:

The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 2

No Build Alternative Protects

I support the no build alternative since the alternatives presented do not adequately protect the community and the public interest. The build alternatives presented do not include any criteria that seek to protect resident safety or minimize the impact of this project on the community surrounding the limits of disturbance (LOD). The lack of placing a strong emphasis on community safety and health demonstrates an overwhelming oversight that present clear evidence that CSX's only priority is to minimize the financial burdens presented in the project at the detriment to the District and its residents. If this project is to proceed it must include a build alternative that does not permit trains to operate in an open trench during construction and must make accommodations the protect the health and safety of the community. 112-2

DEIS Contrary to District's Tree Regulations

This DEIS is lengthy (over 1600 pages long) and implicates many issues that I unfortunately do not have the time or the resources to fully contemplate. Therefore my comments will focus on the impacts this project will have on the trees within the LOD.

In July 2011, Mayor Vincent Gray announced an ambitious plan to increase the District's tree canopy from 35 percent to 40 percent.[1] This initiative was part of his Sustainability Plan to "make the District the greenest, healthiest, and most livable city in the nation."[2] Over the last 60 years the District's tree canopy withered 2.5 percent every decade and impervious surfaces have spread to cover 41 percent of the District's surface area. This means the city is now has more concrete and asphalt than

[1] Urban Tree Canopy Plan, 2013, District Department of Energy, http://ddoe.dc.gov/sites/default/files/dc/sites/ddoe/page_content/attachments/Draft_Urban_Tree_Canopy_Plan_Final.pdf
[2] Id.

Response to Comment 112-2:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project. The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. Safety is always a primary consideration in project development and therefore, would not be a differentiator in evaluating the concepts and build alternatives. Community disruption was included among the criteria. Please refer to revised Section 3.7 in the FEIS for more details on the alternatives selection process. Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. Resident safety and minimizing resident disruption will continue to remain a priority for the project team.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 3

tree canopy.[3] In fact, Ward 6 where this project will be conducted has the lowest tree canopy coverage in the city measuring only 17 percent of the Ward's surface.[4] In order to reverse this trend we must plant at least 8,600 trees annually.

The Mayor's plan to grow our canopy to 40% is important because trees provide incredible value. We know that trees slow storm water, reduce heating and cooling costs, clean the air we breathe, reduce city noise, and increase our health.[5] DC trees remove 492 tons of pollution a year, save residents millions energy costs, absorb 19,000 tons of carbon each year. Trees also combat stress, anxiety and depression.

No response required for this section of comment

The DEIS states that 15 trees in the Virginia Avenue Party, eight trees in the Marine Corps Recreation Facility, and 164 to 168 trees on public rights of way and a several hundred trees within CSX properties will be removed.[6] As a commitment, the DEIS states that areas within the LOD would be returned, "to at least their pre-construction conditions, including replacing trees displaced by the Project." 404 individual trees were surveyed within the LOD.[7] Four stands of trees are discussed. As part of the mitigation measures, CSX proposes to pay the fees for cutting down trees and replace the trees on a "one-to-one replacement ratio based on total DBH impacts."[8]

[3] Casey Trees speech page 1.
[4] Id.
[5] Casey Trees Citizens Advocate Handbook
[6] DEIS at S-14.
[7] Id. at 4-58.
[8] Id. at 5-45.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 4

CSX minimizes the impacts this project will cause by the loss of a minimum of 404 trees within the LOD. I implore any decision maker in this process to personally visit the proposed construction site. Virginia Avenue is a beautiful tree lined street filled with large oak trees. Many of these trees are larger than six feet in circumference. They provide shelter from the sun, filter the air, and provide the aesthetic nature that anyone would want to preserve. The DEIS essentially proposes replacing those huge trees planted decades ago with tree saplings. This construction project will alter the landscape taking many decades for the existing canopy to return and cause environmental harm. 112-3

The DEIS does not reference the city's goal of a 40% canopy, there is no analysis on the impact this will have on air quality or storm water runoff. Only the trees in Stand A are inventoried in Appendix H.[9] It is curious why there was not an inventory of all the trees within in the entire LOD including the trees located within the Virginia Avenue Park or the Marine Corps property. There is no analysis of the effect this large amount of trees will have for the four to six year duration of the project. This lack of basic information makes it impossible for regulatory agencies to fully understand the impact this project will have on the area within the LOD. The agencies should request this information. 112-3

Trees in the District are regulated. There are several layers of legal obligation depending on whether a tree is on private or government property and whether it is on a public-right-of-way. The Urban Forestry Act (UFA) regulates trees on private property, the DDOT Standard Specification for Highways and Structures[10] regulates trees on public-rights-of-way, and there is also the ANSI A300 best practices standards. The DEIS does not even mention the DDOT rules in place or the ANSI A300 112-4

[9] Id. at 4-60.
[10] Projects and Planning Standards and Guidelines for Highways and Structures (Blue Book), District Department of Transportation, Sec. 608.

Response to Comment 112-3:

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. As a point of clarification, the project will implement a tree replacement plan for those trees displaced within the public right-of-way, Virginia Avenue Park and the Marine Corps property. Trees displaced within CSX properties will not be replaced. However, CSX will comply with the Urban Forestry Preservation Act for the displacement of special trees within its property. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews.

Response to Comment 112-4:

As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. Please see response to Comment 112-4.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 5

standards and incorrectly applies the UFA which drastically underestimates the number of trees they are required to replant.

CSX also does not fully understand its obligations under the UFA. The DEIS states that CSX will replace the trees on a "one-to-one replacement ratio based on total DBH impacts."[11] Under the law they are required to replace the trees based on the "aggregated circumference"[12] of the trees removed. Therefore, if a 60 inch tree was removed, ten six inch trees, 12 five inch trees, or 20 three inch trees would be required to be replanted. The replacement standard is not a one-to-one ratio.[13] While they do include the phrase "based on a total DBH impacts" that is a very ambiguous term that is not in the law or industry jargon. In fact, the DEIS goes on to state, "Initially, the street trees planted along Virginia Avenue as part of the restoration would generally be younger with smaller canopies than the existing street trees that would be displaced by the Project." There is no mention in this section or any other part of the DEIS that sizable number of trees will be replanted equaling the circumference of the trees cut down. This is a serious error and grossly underestimates the number of trees required to be replanted under the law. 112-4

Reasonable Tree Proposal

I propose that DDOT and its Urban Forestry Administration working with CSX be required to replace all the trees removed on private, public, and public-rights-of-way regardless of size by planting new trees equaling the aggregated circumference of all the trees removed. This replanting would be required immediately after the trees were removed. These trees could be planted in Garfield Park, 112-5

[11] DEIS at 5-45.
[12] Urban Forestry Act, 50 DC Reg. 888.
[13] See Tree Removal Application Instructions.

Response to Comment 112-5:

As described in Section 5.10, the street tree replanting plan will be coordinated with the DDOT Urban Forestry Administration. Tree replanting within Virginia Avenue Park and the Marine Corps Recreation Facility will be coordinated with the National Park Service, the DC Department of Parks and Recreation, and the Marines. The rehabilitation work will be conducted immediately after construction of the new tunnel, notwithstanding seasonal conditions that may affect replanting schedules. Also, please see response to Comment 112-4.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 6

within the Navy Yard neighborhood, and throughout Ward 6. A replanting plan would be worked out with community, nonprofit organizations like Casey Trees, and the Urban Forestry Administration. CSX would be required to purchase or reimburse the District for all costs associated with this initial planting. Such plan would be required to follow the ANSI A300 standards as well as DDOT planting guidelines. The trees chosen must be large urban canopy trees. Small fruit trees will not suffice.

After construction, CSX would be required to replace all the trees equaling the aggregate circumference of the trees removed within the LOD regardless of size. A landscaping plan would be developed with community involvement, the Urban Forestry Administration, and Casey Trees. CSX would pay directly or reimburse the District for all costs associated with this final replacement phase. Large urban canopy trees shall be planted on all public-rights-way along Virginia Avenue. Any plan must follow ANSI A300 standards and DDOT planting guidelines. 112-5

Should CSX need to cut down any trees on private property it shall receive written permission from the property owner and obtain all the required permits from the Urban Forestry Administration. Any trees removed or destroyed during construction on private property shall be replaced at no cost of the owner. All applicable fines shall be imposed on CSX if it does not follow its legal obligations.

This plan does not completely mitigate the damage of the loss of trees but it does provide an opportunity for CSX to pay restitution for all the lost benefits that would have derived from the 400 trees it plans on removing. It will also assist the District's Sustainability Plan and potentially mitigate the damage to Ward 6 which has the lowest canopy coverage in the District. CSX is essence is renting the entire LOD for a period of four to six years. This two-step tree replacement program provides CSX an 112-6

Response to Comment 112-6:

Thank you for providing your comment. Your comment has been noted. Please see Section 5.10 of the FEIS for more information on tree impacts and mitigation measures.

Mr. Michael Hicks, Federal Highway Administration
Dr. Faisal Hameed, District Department of Transportation
September 25, 2013
Page 7

opportunity for it to repay the citizens of the District for its use of the LOD for such a lengthy period of time. This plan also helps CSX achieve one of its top corporate social responsibility goals, "planting trees and improving local habitats."[14] 112-6

The above plan is a reasonable alternative that best minimizes the environmental effects cause by this project. However the best alternative to protect the old growth trees within the LOD is the no build alternative which I continue to support. I also specifically endorse the following comments made on the record by the following organizations:

(1) Public Comments by Capitol Quarter Homeowners Association Phase 1;

(2) Public Comments by Capitol Quarter Homeowners Association Phase 2; and

(3) Public Comments filed by ANC 6D.

Thank you for taking the time to read my comments and I look forward to hearing from you.

Sincerely,

Jared B. Weaver
912 3rd Street SE
Washington, DC 20003
j.benjamin.weaver88@gmail.com
(202)841-6241

[14] CSX Corporate Social Responsibility Report 2012, page 35.

ID 113: White

September 24, 2013

To Whom It May Concern:

My children and I are residents of the Navy Yard neighborhood of Southeast DC where the reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") is being targeted. I am writing to express my concerns about the VAT project that will directly affect access to our home, access throughout our community, and our health and well-being.

My youngest daughter, Trinity, in infancy received a diagnosis of a rare congenital syndrome, Cornelia de Lange Syndrome. Due to the many challenges of this syndrome, she has experienced a seizure that required medical assistance from the ambulance to retrieve her from our home and transport her to the hospital that resulted in four day admittance. Presently, because of the unpredictable nature of seizures, Trinity receives nightly in-home nursing services for observation of her oxygen levels through a pulse oxygen machine. The nurse also provides other medical services not limited to observation of seizures and administration of oxygen when necessary. Ultimately, the VAT project will hinder external access to our community to provide medical emergency services directly to my home for potential life-threatening needs of my daughter. 113-1

Secondly, the VAT project will hinder transportation services from the District of Columbia Public Schools (DCPS) System for Trinity to be transported to school. She is transported every weekday in a wheelchair to and from school on the school bus. DCPS transportation accesses her from our front door by entering the driveway off of Virginia Avenue SE. The wheelchair lift is released to be positioned to the door entrance of our home. With the VAT project, DCPS transportation would not be able to access at our front door so that they are able to load and unload the wheelchair each morning and afternoon for Trinity. 113-2

Thirdly, In addition to the VAT construction obstructing access to our home, parking will not be available on Virginia Ave SE due to elimination of the street with reconstruction and expansion of the VAT. Virginia Ave SE is the closest 113-3

Response to Comment 113-1:

Emergency access will be maintained. All affected residents of Capitol Quarters will be provided with temporary driveway access during construction. These driveways will be accessible to emergency response vehicles.

Response to Comment 113-2:

Please see response to Comment 113-1.

Response to Comment 113-3:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

location to my home to park my van and Trinity's nurse to parks nightly on the street. Presently, all of the residents of the Navy Yard neighborhood compete with the traffic from the Nationals game days for parking. Therefore, with the traffic of the Nationals game and the VAT project, I will not be able to locate a parking space that allows for accessibility and close proximity to my home to load and unload the wheelchair due to Trinity's limited mobility. 113-3

Fourthly, the VAT project will hinder our access to our community on the north side of 295 in relation to Virginia Ave SE. Trinity receives speech therapy every weekday from National Speech/Language Therapy Center-Capital Hill Office located on 412 First St. SE. She has significant developmental and intellectual delays that require extensive therapies that include addressing speech and language needs. Also, my family visits the Garfield Park for recreation as well as we visit the South East Library and Eastern Market. Again, the VAT project will hinder our access to our whole community in Ward 6 specifically the north side of 295. 113-4

Lastly, The VAT project will hinder the environment of our community from the climate to safety. Along with my support of the ANC6D letter approved by commissioners on September 22, 2013, I would also like to express my concerns for the environment as it pertains directly to my family. The VAT project construction will generate excessive noise that will disrupt the quality of rest and enjoyment of our community. The community will be subject to the traffic and noise of entering and exiting of numerous vehicles and use of large machinery/equipment. 113-5 As for the air quality, the VAT project construction could potentially create environmental hazards that will affect my children's health from the dust as a result of the disruption of the ground, from the fumes of large vehicles/machinery, and from the use of hazardous materials during the construction. These issues could affect allergies for my son and other daughter. Also, it could present respiratory concerns and insufficient sleep for Trinity who needs quality rest to reduce the occurrences of seizures. 113-6

These potential hazards could have life altering effects on our health as I found out from Trinity's experience with DCPS Transportation services. I testified before DC Committee on the Whole concerning the need for

Response to Comment 113-4:

As described throughout the DEIS, one key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 113-5:

Haul routes were purposely made to be on major roadways where possible, thus the number of construction-related vehicles would be minor in comparison to overall traffic volumes and would not contribute to overall noise levels from these streets. Alternative 3 was selected as the Preferred Alternative and does not utilize sheet pile driving. As described in Section 5.6 of the DEIS, a noise monitoring program will be implemented during construction. The project team will ensure adherence to the program. As design work continues, additional available information about noise and noise mitigation will be made to the public. Results of noise monitoring can be posted on the project website if desired by stakeholders.

Response to Comment 113-6:

The construction impact analyses for air quality and noise, factors that could affect human health, disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. Through employment of best practices management, the project team does not anticipate fugitive dust and construction debris generated outside the construction limits. In addition, an analysis of mobile source air toxics found that the expected levels of emissions during construction would be well within the acceptable ranges in terms of cancer, chronic non-cancer, and acute health risks. For noise, the DEIS acknowledged that construction-related noise (a daytime activity) would exceed the Federal Transit Administration Construction Noise Impact Criteria at nearby residences, such as Capper Senior Apartments and Capitol Quarters. Therefore, extensive mitigation measures would be implemented as described in the DEIS.

improvement in DCPS transportation services. Trinity, other bus riders, and DCPS transportation workers were potentially exposed to cancerous effects from diesel vapors when I noticed that Trinity's coat and clothes and the bus were saturated with the odor of diesel fuel when she arrived home from school.

Ultimately, my children and I are an example of families with children with special needs within the Navy Yard community who require necessary access to and from this community for their health and well-being to safely reside and freely participate in our community. I would greatly appreciate your active consideration of the potential safety and health hazards that the VAT project could cause to the children in the community who manage life's daily safety and health challenges that they have absolutely no control. Ultimately, I, a parent of a child with special needs, would strongly urge the responsible parties in the VAT project to assess your voluntary participation in subjecting additional life challenges for *all* of the residents in Navy Yard neighborhood. 113-7

Sincerely,

Rhonda White
Resident of Ward 6-
Virginia Ave SE

Response to Comment 113-7:

A maintenance of traffic plan was prepared that demonstrated that mobility and access throughout the neighborhood can be maintained during construction. North-south access and homeowner and business access will be maintained. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. Section 5.5 of the DEIS included measures to control dust emissions from the construction site. This project includes extensive construction related air quality mitigation measures, some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. See revised section 5.5.4 of the FEIS for inclusion of the air monitoring program.

ID 114: Wiggin

Michael Hicks, Environmental Engineer
Federal Highway Administration
District of Columbia Division
1990 K Street NW, Suite 510
Washington, DC 20006-1103
michael.hicks@dot.gov

Faisal Hameed, Ph.D., Manager
Project Development & Environmental Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
faisal.hameed@dc.gov

TRANSMITTED VIA ELECTRONIC MAIL

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document. Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. 114-1 Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, 114-2 and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. 114-3 Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. 114-4 Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project. 114-5

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made.

1

Response to Comment 114-1:

Section 1.1 of the DEIS explained that the railroad right-of-way was granted by Congress. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 114-2:

This project's purpose and need is to address the deficiencies of the Virginia Avenue Tunnel; accommodate expected increases in freight transportation that, in part, would stem from the Panama Canal expansion scheduled for 2015; and ensure that during construction freight transportation services remain uninterrupted while the functions of the tunnel are being replaced with a new facility.

Response to Comment 114-3:

Section 3.2 of the DEIS identified all the alternatives considered, including concepts that would temporarily or permanently reroute the mainline freight rail network outside of the District, and provided the reasons why none of the reroute concepts were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment 114-4:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project.

Response to Comment 114-5:

The DEIS included proposed mitigation measures to address the potential impacts of the project.

Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Furthermore, I endorse and incorporate the comments passed by the ANC 6D vote on Sunday, September 22nd with a 4-2 vote. Those comments are attached to this letter.

Sincerely,

Joshua D Wiggin 1018 4th ST SE Washington DC 20003

Larry Elliott 1018 4th ST SE Washington DC 20003

Danny Ayers 1018 4th ST SE Washington DC 20003

No response required for this section of comment

2

Advisory Neighborhood Commission 6D Comments on July 2013 Virginia Avenue Tunnel Draft Environmental Impact Statement – September 22, 2013

The Advisory Neighborhood Commission 6D wishes to express our serious and urgent concerns about deficiencies in the July 2013 Draft Environmental Impact Statement ("DEIS") prepared by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA," and collectively with DDOT, the "Agencies") pursuant to the the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") by CSX Transportation Inc. ("CSX") in the Navy Yard neighborhood of Southeast DC.

We strongly urge the Agencies to address the following specific concerns about the DEIS and to establish a deliberate and purposeful means of consultation with the public to enable the ANC and the constituents whom we represent to provide meaningful input into the planning process for this major construction process.

- **Under what authority does CSX have the right to expand the VAT current footprint and right of way?** Neither the Agencies nor CSX have produced a map, survey, plat, or other means to demonstrate how much federal or DC land will be transferred to CSX to conduct the proposed project.[1] The currently proposed build alternatives shift the existing tunnel footprint between 7 and 25 feet south from occupied space.[2] The Agencies must be transparent about interpretations, negotiations, and decisions associated with the right of way process. The DEIS does not provide any factual information on what the current right of way is, who will make a determination regarding expansion of a right of way, and what the city or DC residents may receive in return for any additional grant of right of way. The ANC urges FHWA and DDOT to provide transparency on these matters and to share the process by which the public or other Agencies may participate in or appeal a final decision. 114-6

- **The DEIS contains factual inaccuracies, inconsistencies, and questionable statements that undermine its credibility.**
  1.
  - The vibration study says that there will be no impact to existing structures during construction[3] yet it also states that it does not have sufficient information to predict overall vibration levels.[4] The noise study implies that operation of a freight train 114-7 114-8

[1] The existing tunnel is owned by CSX on a right of way that was granted to CSX's predecessors in interest by Congress in 1901. This right of way cannot be expanded without clear authority from a properly authorized government entity.

[2] Page 3-2 in Chapter 3 of the DEIS indicates that (i) Alternative 2 would shift the center line of the existing tunnel 7 feet south, (ii) Alternative 3 would shift the center line 25 feet south, and (iii) Alternative 4 should shift the center line 17 feet south. These measurements, however, do not consider the temporary run-around track that would be built even further south of the existing VAT for the duration of 4-6 years while the project is ongoing.

[3] Appendix F, Page 21

[4] Appendix F, Executive Summary, Page V: …"because detailed construction activities and types of equipment that will be utilized for each phase are not available at this time, overall vibration levels from each construction phase cannot be predicted"

3

Response to Comment 114-6:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment 114-7:

The vibration analysis for the DEIS was based on the level of engineering available at the time of the analysis. As noted in both Section 5.6 and Appendix F of the DEIS, the vibration analysis will later be updated using more detailed engineering information. The DEIS vibration analysis provided a level of confidence that construction-period vibration effects would not be expected to cause building damage. Section 5.7 (Vibration Impacts) of the FEIS was revised to better communicate the results of the vibration impact analysis. The results of the analysis remained the same as the DEIS, but the presentation of these results should give a clearer understanding of what is predicted to occur in terms of vibration levels from the operation of a rebuilt Virginia Avenue Tunnel. Construction vibration impacts were included in Section 5.7.2 of the DEIS.

Response to Comment 114-8:

The noise analysis predicted that noise from the trench under Alternative 2 would increase average ambient noise levels by 0 to 2 decibels depending on the location of the receptor. See Section 5.6 of the DEIS for further information.

through an open trench will not increase the noise disruption, which defies common sense. 114-8

- The traffic patterns discussed within the DEIS do not reflect an accurate picture of the area's increased traffic volume during games and other public events at, or the ever-increasing numbers of residents and workers living and moving into the community (*e.g.*, Park Chelsea apartments at 880 New Jersey Avenue, Twelve12 apartments at 1212 4th Street SE, and others that are planned but not yet under construction). The traffic patterns and Construction Haul Routes discussed in the DEIS do not accurately reflect other ongoing or planned infrastructure changes, such as the planned reconnection of both I Street SE and H Street SE between New Jersey Avenue SE and 2nd Street SE. 114-9

- The DEIS relies upon outdated 2010 census data that does not take into account the expansive growth in this community or the already-constrained parking situation for current residents of and workers and visitors commuting to the area. The DEIS does not address the impact of this project on the large number of residents, including senior citizens, and workers (*e.g.* the 1,200 workers at 225 I Street SE who will be affected by this project during daytime hours. 114-10

- **What alternatives to the current options were considered, and why were they accepted or rejected?** The DEIS must transparently list and assess consider all reasonable alternatives, including rerouting concepts 7A, 7B, 11 and other potential options. This document fails to provide any substantive or fact-based justification for why these concepts were excluded. The Southeast community will be greatly affected by this project, but a reduced period of construction and non-expansion of the CSX right of way would minimize the short- and long-term effects of this project, including keeping any newly constructed tunnel and rail structures further from the location of existing residences, businesses, public buildings and park spaces. The DEIS fails to consider any alternative that abides by a phased-construction approach that minimizes the risk, disturbance, and quality of life for DC residents, business/agency workers, and others along the construction zone. The phases proposed in all alternative builds, for example, begin west to east, where the majority of current residents, senior citizens, and more than 1,200 workers at 225 I Street will be most affected during the entire length of the process. We urge the Agencies, in coordination with CSX, to review the Phase I/II assessments to determine more appropriate ways to minimize construction time required for this project, should it be approved. 114-11

- **Why does the DEIS does not adequately address the broader safety and environmental concerns that the National Environmental Policy Act of 1969 ("NEPA") contemplates for such level of review broaders, including specific plans for mitigation of the negative effects on the residents of the community that will be immediately and negatively impacted by this project?** We are deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- especially the transport of hazardous materials -- would place people, homes, businesses, public parks, and fragile historic resources at risk both during the proposed construction process and during normal operation after the proposed construction. *We cannot support any build alternative that requires an open trench during construction nor can we endorse a plan that places second, permanent* 114-12

4

Response to Comment 114-9:

The traffic impact analysis provided in the DEIS was based on actual traffic counts, including traffic from developments completed and those under construction while the project is under way. The project team will work with DDOT to continue to monitor and adjust the MOT.

Response to Comment 114-10:

Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community. The DEIS acknowledged the 2010 Census did not fully capture the demographic characteristics of Capitol Quarter, which was largely not in existence at the time of the census. The DEIS identified recently completed employment centers located near the project's limits of disturbance (LOD), including the building identified in the comment.

Response to Comment 114-11:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Construction is not intended to proceed in linear, unidirectional fashion, but instead will include multiple construction teams working concurrently at different points along the project in order to complete work expeditiously. Further, as described in the DEIS, this project is comprised of two discrete phases.

Response to Comment 114-12:

The DEIS, as well as the FEIS, included a number of mitigation measures with the intent of minimizing the construction effects (e.g., construction noise, traffic detours, etc.) to the surrounding community. CSX must meet USDOT common carrier requirements as a Class I Railroad, which means they must transport any materials offered for shipment. Railroads are regulated by USDOT and FRA for transportation requirements and safety. Alternative 3 was selected as the Preferred Alternative and does not require an open trench except for approximately 230 feet immediately east of the west portal.

tunnel just steps away from existing residences, historic resources, and public spaces. Section 101 on the NEPA requires the federal government to "assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and "attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences." This DEIS does not meet this minimum threshold of addressing and mitigating even health and safety risks. Additional detail related to these deficiencies can be found in Attachments I and II, which are included as part of this official communication. 114-12

The rules promulgating NEPA (found at 40 CFR § 6.203(a)(5)) require that the DEIS "ensure meaningful public participation throughout the NEPA process." CSX' plans to relocate all public utilities located in the Limit of Disturbance may cause serious service disruptions, and we strongly urge appropriate consultation with providers such as PEPCO, Washington Gas, DCWASA, Verizon, and Comcast take place and reported upon in a public and transparent manner. 114-13

Response to Comment 114-13:

The project's design team has been coordinating with the affected utility companies, which will continue into construction.

It is not apparent to ANC 6D or our constituents that the proposed massive construction project to rebuild the Virginia Avenue Tunnel will bring any functional benefit to the immediate community or the District of Columbia more generally. If this project is to move forward, it will be imperative for the Agencies and CSX, with proper community discussion and planning, to make improvements on and around Virginia Avenue to the extent possible to help ameliorate the pain and disruption to the residents, buildings, infrastructure, landscape, and historic resources within and adjacent to the project area. We ask that CSX institute a community benefits process parallel with the EIS process to deliver benefits such as:

- Reconstruction of Virginia Avenue as a linear park, with facilities for walking, bicycling, gathering, exercising, and relaxing within a safe and landscape architect-designed setting;
- Replacement and sustained maintenance of trees in number and size to compensate for trees removed to support construction trees in place today;
- Commitment to fund the establishment and maintenance of landscape improvements within the construction boundary; 114-14
- Construction of a permanent, separated bicycle track along the rebuilt Virginia Avenue SE roadway;
- Funding of artistic and safety improvement to underpasses beneath the Southeast Freeway between the Navy Yard and Capitol Hill neighborhoods (2nd Street SE, 3rd Street SE, 4th Street SE, 5th/6th Street SE, 7th Street SE);
- Completion of the H Street SE roadway on CSX-owned property between New Jersey Avenue SE and South Capitol Street SE;
- Creation of public recreation facilities (a la Arlington, VA's Long Bridge Park) between the above new H Street SE roadway and the area beneath the Southeast Freeway, between New Jersey Avenue SE and South Capitol Street SE;

Response to Comment 114-14:

Section 3.6 of the FEIS was revised to provide a more detailed description of the post-construction Virginia Avenue SE from 2nd to 9th Streets. Elements of the street plan include the straightening of the alignment from 4th to 5th Streets, reduction in the number of lanes from four to three between 6th and 8th Streets, the provision of bicycle and pedestrians facilities, more green space or landscaping, appropriate storm water management, and consistency with DDOT design guidelines for L'Enfant-identified street. The project team will solicit input from the community on various details of the reconstructed street.

5

- Restoration and enhancement of skateboard park facilities beneath the Southeast Freeway, between Garfield Park and Virginia Avenue SE / H Street SE;
- Creation of a more seamless connection between Garfield Park north of the VAT and Canal Park south of the VAT, via landscape and streetscape improvements.

114-14

We urge the Agencies and CSX to address the deficiencies in the DEIS and provide additional information, analysis, and opportunities for public engagement to allow the affected populations to make informed decisions about this major construction project and possible alternatives to those currently proposed.

Attachment I

ANY CONSTRUCTION ACTIVITY MUST PROTECT AND SUPPORT THE SAFETY, HEALTH, QUALITY OF LIFE, AND CONTINUED GROWTH OF THE COMMUNITY, REGARDLESS OF CONCEPT OR ALTERNATIVE

Our primary concerns relate to the safety, health, and quality of life for our diverse community; the economic and physical well-being of our businesses, parks, religious institutions, private homes, public housing, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the VAT use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, park, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

114-15

Without diminishing the concerns raised in Section I above, in the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. Therefore, regardless of the construction alternative chosen, certain specific construction mitigation efforts and post-construction community benefits must be included in in the scope of this project.

The following list represents a minimum set of mitigation efforts which the Agencies and CSX – either separately or together – must put in place before construction begins:

114-16

1) Noise and vibration mitigation

   a) Mimimize the impact of train schedules on residents and businesses.

114-17

6

Response to Comment 114-15:

As described further in Section 3.3 of the DEIS, the closing of Virginia Avenue SE as part of the LOD is a temporary, construction-period impact only. One key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access.

Response to Comment 114-16:

Unless otherwise specified in responses to Comments 17 through 29, the suggested mitigation measures were already included in the DEIS.

Response to Comment 114-17:

In light of selecting Alternative 3 as the preferred Alternative, the amount of freight traffic is not expected to have any adverse impact beyond the current conditions.

b) Place sound barriers along both sides of I-695, along the entire length of the LOD to reduce ambient noise and airborne particulate matter during construction. 114-18

c) Establish and chair a review committee, composed of representatives from CSX and local agencies and residents, to decide on work restrictions, operating hours, and safety issues. CSX should fund 3rd party arbitration for issues that cannot be resolved by the committee. 114-19

d) Fund comprehensive baseline home assessments for any local homeowner or business prior to commencement of construction in order to identify any damage to homes as a result of VAT construction, and directly address the responsibility for anticipated loss of property value to property owners. 114-20

2) Traffic and Parking mitigation

a) Nearly all residents and businesses proximate to the LOD rely on street parking in order to live, work, and conduct business in Southeast DC. DDOT must ensure that adequate parking is available for residents for the duration of the construction period. 114-21

b) DDOT and CSX will ensure all residents retain access to all parts of their residences, including vehicle access to garages where applicable, throughout the construction period. 114-22

3) Health and Safety mitigation

a) CSX shall ensure there are no rodent, insect, or other pest infestations as a result of construction, and will fund any/all eradication efforts. 114-23

b) CSX must not transport any hazardous, flammable, or toxic materials along Virginia Avenue tracks for the duration of the tunnel expansion. 114-24

c) CSX will fund a 3rd party survey of the existing Virginia Avenue Tunnel, both prior to and during construction, to identify all toxic and hazardous materials present in the tunnel, the results of which will be made publicly available to all residents, along with a plan for their abatement. 114-25

d) CSX shall provide 24/7 security along the construction site for the safety of residents and visitors to the area. 114-26

e) CSX shall provide a 10' tall stockade-type fence with noise blanket and particle windshield between 2nd St SE and 6th St. SE, with a dedicated pedestrian sidewalk must along the fence line. 114-27

f) DDOT and CSX must provide for access to emergency services for all residences and businesses along the construction zone. 114-28

4) Residential and Business Quality of Life mitigation

7

Response to Comment 114-18:

In light of the project's projected noise measurements and air quality analysis attributable to this project, constructing an extensive network of sound barriers along the length of I-695, adjacent to the LOD, is unneccessary.

Response to Comment 114-19:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 114-20:

If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis.

Response to Comment 114-21:

As part of the District's Public Inconvenience Fee, CSX will pay the District a fee for the displacement of public parking and/or offer alternative parking locations.

Response to Comment 114-22:

As further described in Section 3.3 of the DEIS, all properties adjacent to the construction limits of disturbance will be provided with vehicular access suitable for normal use as well as for fire and emergency response vehicles.

Response to Comment 114-23:

Section 5.10 was revised in the FEIS to include more information about the rodent control program. The program will include other pests, such as cockroaches.

Response to Comment 114-24:

CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District, and the composition of freight passing through the District will not change as a result of this project. The modern infrastructure and new technologies that will be applied inside the tunnel, including state of the art roadbed, will provide a greater level of safety for freight rail traffic than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration. The Transportation Security Administration determines the routes for shipment of certain hazardous materials. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. All railroad workers, including CSX employees and its contractors that work on or near railroad tracks, are required to be formally trained and undergo what is called "Roadway Worker Protection Training" per FRA statutory requirements. In addition, each roadway worker is required to undergo security training. All railroad contractors undergo a criminal background check every two years under the requirements of the industry's e-RAILSAFE program.

a) DDOT and CSX shall establish a planning committee for residents who live along the LOD to provide input and prioritization on final street layout, and on any post-construction improvements proposed. 114-29

b) The Agencies and CSX shall ensure that residents and businesses are afforded uninterrupted services and utilities during and after construction. 114-30

5) Accountability and dialogue

a) The Agnecies and CSX must establish a working group that will allow ANC 6D commissioners and residents to receive input on the status of construction, and provide public record reports on a monthly basis to document any issues that arise and the status of mitigation efforts. 114-31

b) CSX must undertake to resolve all claims made against them by property owners within 30 days of the claims being raised, or otherwise surrender the full amount claimed. The burden of proof should be on CSX to prove that the damage was not caused by their activities, and payments made by CSX may not in any way be construed as a waiver of rights to seek damages under applicable law. 114-32

c) CSX should consider incentives for early completion of construction and penalties for delays in construction. 114-33

d) The Agencies and CSX should maintain a robust website to provide current information on construction activities, including regular progress reports on the multi-year project and a public forum for interested parties to communicate areas of concern. 114-34

Attachment II

HEALTH AND SAFETY CONCERNS IGNORED IN THE DEIS

Concerns Related to the Transportation of Hazardous Materials

On July 6, 2013, a runaway train derailed near the town of Lac-Megantic, Quebec resulting in an explosion and inferno that took 47 lives. This disaster was a preventable tragedy that highlights the potential dangers of crude oil cargoes, which are becoming increasingly common in the West-to-East rail shipments across all of North America.

Such a disaster must not happen in our nation's capital. CSX has planned a multi-year project to expand its right of way through the Virginia Avenue Tunnel, mere yards from the U.S. Capitol building. Given the location of Washington, DC as a transit point for both West-to-East and North-to-South rail lines, this project poses clear risks to the District. The ANC urges that the Agencies and CSX publicly answer the following questions:

8

Response to Comment 114-25:

Section 4.8 of the DEIS documented the various studies to characterize site contamination conditions along the LOD, including the tunnel. Any remedial activity will be conducted in accordance with Federal and local regulations.

Response to Comment 114-26:

In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials.

Response to Comment 114-27:

The details of the construction fencing, which for certain segments may double as sound barriers, and pedestrian provisions outside the fencing will be determined later in the project design process. Access will be maintained to all buildings throughout construction. As discussed in the FEIS and per construction standards, fencing higher than 8 feet can be considered in certain areas.

Response to Comment 114-28:

Emergency access will be maintained.

Response to Comment 114-29:

Your suggestion will be considered as part of the public outreach program.

Response to Comment 114-30:

Given the nature of this project, brief interruptions in service cannot be avoided. All utility relocation work will be coordinated with utility companies. Planned interruptions in service will be scheduled in advance, and customers will be notified through the utility companies and the outreach conducted by CSX on this project. Refer to section 5.14 of the FEIS for more information on utility impacts.

Response to Comment 114-31:

The project team will operate a community outreach program to resolve any issues associated with construction activities. All Construction and related issues will be conducted in accordance with District regulations. The outreach program will include periodic reports on the status of construction. Such reports will be available on the project website.

Response to Comment 114-32:

Thank you for providing your comment. Your comment has been noted. Section 5.7 was revised in the FEIS to include information about the building inspection program and process in which damages caused by construction of the project are rectified. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment 114-33:

CSX wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal.

Response to Comment 114-34:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 114-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 114-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 114-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 114-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 114-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 114-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 114-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 114-42

9

Response to Comment 114-35:

The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013.

Response to Comment 114-36:

Please see response to Comment 21-30.

Response to Comment 114-37:

Please see response to Comment 21-30.

Response to Comment 114-38:

Any crude oil shipments by CSX through the District of Columbia are individual tank cars, and they're very rare. In 2013, the crude oil shipments through the District of Columbia (Virginia Avenue Tunnel) represent less than 0.006% of all loaded rail cars shipped through the Virginia Avenue Tunnel. Each of these was a single tank car on a separate train. CSX has no current movements of crude oil unit trains through the District of Columbia.. Please see response to Comment 21-30.

Response to Comment 114-39:

Yes, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

2. Have District officials been provided with current information about exactly which HAZMAT cargoes they are now re-routing around the District under H.R. 1, Section 1551 from 2007? 114-35
3.
4. Have District officials been informed about alternative routing that is being used for these cargoes? 114-36
5.
6. Have District officials been informed of the annual totals of the rail hazmat cargoes the railroads are still bringing through the District? [See the AAR publication urging its member major and minor railroads to respond to such requests: AAR Circular OT-55-I Ops for TIH cargoes including notification to communities, LEPCs, secrecy: http://www.csx.com/share/wwwcsx_mura/assets/File/Customers/Safety_and_Security/cpc-1220_ot-55-l.pdf 114-37
7.
8. Is crude oil, or "dilbit" -- diluted bitumen, from various Western sources -- among these cargoes the railroads are or can bring through the District? 114-38
9.
10. Have District officials been informed of the Worst Case Scenarios for the top 25 most dangerous rail hazmat cargoes? 114-39
11.
12. Have District officials paid special attention to the implications of the Lac-Megantic rail crude oil disaster on July 6, 2013 for the newly-appreciated transportation risks of such cargoes through the District, e.g., using the standard DOT-111 tank cars long known by Federal officials to be "expected" to release its contents in a serious collision or derailment? 114-40
13.
14. Have District officials done any full-scale or table-top drills [whether open or closed to public and media attendance] on potential releases of rail hazmat cargoes at the Virginia Avenue Tunnel site: 114-41
    a. Assuming an open-trench situation with chemical releases, which could impact nearby populations?
    b. Assuming a closed-trench situation as may be employed by CSX during construction or even permanently?
15.
16. Have Washington DC's disaster evacuation plans been updated to reflect this period of construction and post-construction operation? 114-42

9

Response to Comment 114-40:

Thank you for providing your comment. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. CSX has supported and will continue to support rail incident training for District first responders. District of Columbia emergency responders regularly participate in specialized safety training provided by CSX for emergency planning assistance and response. In 2010, more than 220 D.C. Fire & EMS personnel participated in hands-on training on how to respond to a railroad incident at CSX's Benning Rail Yard. In addition CSX and District emergency responders participate in table-top drills, crisis management exercises and other coursework designed to meet the needs of the District Fire & EMS. Since 2007, CSX has sponsored training for thirteen D.C. Fire & EMS hazmat team members to attend a week-long training session at the Association of American Railroads Security and Emergency Response Training Center in Pueblo, Colorado. If the project moves forward, the District Department of Transportation will approve all maintenance of traffic plans. This will ensure that appropriate emergency access is maintained in and around the project site during the project.

Additionally, a collaborative Emergency Action Plan (EAP) will be developed by the CSX project team, the CSX Public Safety department, and D.C. Fire & EMS. The plan will outline specific incident responses based on best-practice responses to situations and hazards common to construction and to the general area. The EAP will be reviewed periodically and will be updated as needed as the project progresses. The EAP will include step-by-step specific procedures to deal with emergency situations during construction.

Response to Comment 114-41:

Please see response to Comment 21-34. CSX has supported and will continue to support rail incident training for District first responders.

Response to Comment 114-42:

Please see response to Comment 21-34. The project team will coordinate response plans with District first responders regarding freight rail transportation issues, such as response procedures, coordination and communications during incident response, and training.

ID PH1: Huseman

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

23

clearly state and clearly say your name and mailing address. And if your name has got several syllables in it perhaps, you know, it would be helpful if you would spell your name. As you're giving remarks -- we're hearing from a broad cross-section -- please show respect for your fellow community members. So we're asking that there will be no applauding or, on the other side of the equation, no booing. Our plan is to end the hearing here at 8:30. And just to reiterate, which you've heard already, the -- your comments will be responded to in the Final Environmental Impact Statement.

So with that, let me call number one. Come to the mic, and you've got three minutes, and you'll be cued on the amount of time as we proceed. Thank you.

MR. HUSEMAN: Great. Thank you very much. My name is Brian Huseman, B-R-I-A-N, H-U-S-E-M-A-N. I'm a resident of the 300 block of I Street, Southeast and vice president of the Capitol Quarter Homeowners Association which is the Phase 1 of the development.

So when I read close to 1,000 pages of the

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

No response required for this section of comment

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

24

1 Draft EIS, I was hopeful that we would finally get some
2 answers to some of the major and fundamental questions
3 that we've been waiting years for. But this document
4 did not come close to that. And I ask seriously, have
5 any of you who drafted this document actually read the
6 entire thing? Because it is riddled with
7 inconsistencies. It contains fundamental flaws and
8 glosses over some of the most basic and important
9 questions. And let me address just a few of these
10 basic flaws in some of the points that we've made many
11 times previously.
12 So first let's talk about some of the
13 alternatives that are proposed. So you've failed to
14 adequately describe why temporary rerouting could not
15 occur by saying only on page 3-17 that a two-year PH1-1
16 rerouting agreement with Norfolk Southern would be
17 "very difficult." Now I wish I could tell my boss,
18 without any explanation, that the tasks I'm assigned
19 are "very difficult" and then just not do them. But
20 you've also failed to include a temporary rerouting
21 concept, such as Concept 7, as one of the alternatives, PH1-2
22 and we need and we demand a full explanation and a

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH1-1:

As described in Section 3.2, rerouting concepts were considered, but eliminated from further consideration.

Response to Comment PH1-2:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

25

1 cost-benefit analysis as to whether temporary rerouting
2 can be achieved and how that would shorten the PH1-2
3 construction timeframe and impacts.
4 So secondly, you talked about the right-of-
5 way, and I am amazed at the audacity of the passing
6 statement on page 3-5 that states that all alternatives
7 will take place on CSX property, and that's all it
8 says. So how can a new tunnel that has been proposed
9 for 25 feet south of the existing tunnel be considered
10 within the right-of- way and on CSX property under any PH1-3
11 plausible reading of the 1901 statute authorizing
12 tunnel construction in any common law? So as we've
13 described in our numerous written and oral comments as
14 well as in a personal meeting with the DDOT general
15 counsel, it cannot be, and that is why there is no
16 further explanation to that effect in the Draft EIS.
17 That's not good enough. It's unacceptable. It does
18 not address the issue, and the Draft EIS and any Final
19 EIS will be fatally flawed, unsustainable and will
20 illegally give to a private company public benefit
21 without compensation.
22 Third, let's talk about construction. The

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH1-3:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

26

1 document is totally inconsistent as to the timeframes,
2 at one point stating that the construction period for
3 the alternative would last from 30 to 36 months, while
4 in another section it states that the range is 30 to 42 PH1-4
5 months. So again, I ask in all seriousness, did anyone
6 read this that put this together, and which is the
7 correct timeframe?
8 And moreover, the document does not describe,
9 as I pleaded with you a year ago at this public forum,
10 to talk about how the timeframe could be shortened.
11 Could more crews be added? Could the impact of
12 construction from the residents be shortened? There
13 are no details at all, but yet we need those, and we PH1-5
14 plead with you to do what you can to analyze and to
15 shorten any construction time and impacts. And failure
16 to consider the cost and benefits of such efforts will
17 make the DIS substantially procedurally flawed.
18 And finally, regarding traffic, your Traffic
19 Operations and Management Study is a joke, just plain
20 and simple. You claim in -- it's JO-1, page 5-5, that
21 there will be no impact to traffic because of the PH1-6
22 Nationals games, as those take place so far away on

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH1-4:

Please refer to FEIS Appendix M that has been added to clarify construction phasing, right of way and maintenance of traffic.

Response to Comment PH1-5:

The construction timeframes as presented in the FEIS took into consideration applicable District regulations on work hours and construction activities. The project team wants to finish the project as soon as possible and concurs with the commenter on the value of a timely project completion and will use appropriate contracting mechanisms to support that goal. However, there are District regulations on working hours that would limit construction crew hours regardless of the amount of funds expended. CSX is planning to use a number of construction crews along different locations along the corridor, which would expedite timetables. See revised Section 3.5.6 of the FEIS for more detailed information.

Response to Comment PH1-6:

The traffic study did account for baseball game traffic. The study team coordinated with DDOT with respect to the study area limits and traffic count program. With the exception of short term closures to install temporary structures, traffic capacity within this stated area will not be affected. With respect to temporary road closures, the MOT reflects baseball game and Nationals Park event days and times.

1 South Capitol and N Street. And you claim that the
2 temporary closures of the north-south streets that are
3 going to have to take place when the decking is put on
4 will take place during the off season. Well, anyone
5 who has ever set foot on 3rd Street, Southeast during a
6 Nationals game knows that it's jam packed. Your study
7 is simply incorrect on its face. Your supposed off-
8 season claims and about how the temporary impacts will
9 not be affected by the games are based upon your study
10 which was conducted end of February, and it makes
11 assumptions of a construction schedule that was
12 supposed to start two years ago. It is completely
13 inaccurate in every sense of the word, and I can't
14 believe that got put into a government report. And
15 it's also indicative of the total unreliability of the
16 Draft EIS.
17 So I'm already over my time, but I just
18 wanted to highlight a few of the major flaws. It is
19 time for DDOT, Federal Highways and CSX to go to back
20 to the drawing board, provide answers, conduct a
21 detailed analysis, and let's have a real debate with
22 real and clear facts as to the purpose, need and impact

PH1-6

ID PH2: Salmon

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

28

of the study, and please satisfy your procedural and substantive NEPA requirements. Thank you.

MR. UNDELAND: Thank you very much.

I'd like to call number two, Laura Salmon.

MS. SALMON: Hi. I'm Laura Salmon. It's L-A-U-R-A, S-A-L-M-O-N, and my address is 318 I Street, Southeast, and I'm the president of Capitol Quarter Homeowners Association which represents Phase 1 of the development. And you'll hear from a number of us tonight. You've heard from Brian. You'll hear from many of our residents who are impacted about issues that they've found with the EIS or concerns that they have.

For me, it boils down to really one major, one major issue. The two build options that don't entail running freight trains in an open trench down a residential street require more right-of-way than CSX could possibly have given the footprint of its original tunnel. And given that as someone, DDOT or a federal agency, is going to have to grant them the additional right-of-way that they need, as a taxpayer I'm concerned that there's the apparent consideration of PH2-1

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH2-1:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

ID PH3: Shields

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

29

1 this grant in return for essentially nothing, a very
2 limited scope of community benefits for the impacted PH2-1
3 people. And as a resident who makes great use of this
4 public, this public area for personal enjoyment, I'm
5 concerned that there aren't a lot of benefits being
6 offered to the members of the public to make, to make
7 up for the loss of that.
8 If we move ahead going to build options, I
9 would ask that CSX be asked to really come up with more
10 in the way of community benefits to offset for this
11 valuable property, and the homeowners association would PH2-2
12 be very interested in meeting with either the granting
13 agencies, CSX or both parties to discuss what might be
14 some reasonable community benefits as a result.
15 Thank you.
16 MR. UNDELAND: Thank you.
17 Number three, Andrew Shields.
18 MR. SHIELDS: Good evening. I'm Andrew
19 Shields, 339 Virginia Avenue, resident of Capitol
20 Quarter.
21 I want to start by reiterating the comments
22 made by Brian and Laura. Absolutely clear to everyone

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH2-2:

Construction-period mitigation measures are proposed throughout the DEIS. Monetary compensation to affected residents is beyond the scope of the EIS process. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

30

1 who can read a map that CSX does not have the right-of-
2 way to conduct this project. Furthermore, I feel like PH3-1
3 Brian's points to the fact that we haven't been heard
4 in any of the previous forums are abundantly clear,
5 especially when coming up with the failure to address
6 the purpose and need flaws that have plagued this
7 project since the beginning.
8 Virginia Avenue Tunnel was listed among the
9 top 150 of the 217 proposed projects of the Mid-
10 Atlantic Regional Operations Study as cited by purpose
11 and need. Top 150 of 217 doesn't really blow me away.
12 But when you dig down into that study you find out that
13 this project, if completed, would benefit train travel
14 time by two full minutes. That's it. Two minutes per
15 train. That's the benefit. That's all you get. You
16 go up to Baltimore, you address the Howard Street
17 Tunnel, it's 15 minutes if you fix that choke point.
18 There is nothing you can do in the Virginia Avenue area
19 that is going to alleviate the choke point that is
20 Baltimore. This is all hand waving. Actually, we are
21 almost being set up so that they can move up against
22 Baltimore next because once this "choke point" is out

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH3-1:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

31

1 of the way, then Baltimore really is the lynchpin. But
2 until you address Baltimore, which you do nowhere in
3 the DEIS purpose and need statement, do you really PH3-2
4 address the choke point that is the Howard Street
5 Tunnel.
6 Again, in the MAROPS it's noted that the
7 Howard Street Tunnel is the national and regionally
8 significant rail link, not the Virginia Avenue Tunnel.
9 It was not cited.
10 Finally, one of the other things that I think
11 we've really failed to address in anywhere in this DEIS
12 are the national security issues. You are opening a
13 trench full of hazardous -- well, you're throwing PH3-3
14 hazardous soil in the area -- in the air. These trains
15 carry hazardous material through D.C. We just saw a
16 derailment happen in Baltimore that was also carrying
17 hazardous material, not high hazmat. They will always
18 be careful to say they are not pulling high hazmat
19 through, but hazardous material alone is hazardous
20 enough. This derailment caused a 20-block radius to be
21 evacuated in Baltimore. Do you have an idea if that
22 block radius happened at the South Portal? You'd be

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH3-2:

The Howard Street Tunnel is not the subject of this FEIS.

Response to Comment PH3-3:

Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. The safe transportation of hazardous materials is regulated by the Federal Railroad Administration (FRA). The Transportation Security Administration determines the routes for shipment of certain hazardous materials. CSX does not transport explosive, toxic by inhalation (TIH), or poisonous by inhalation (PIH) materials through the District. The composition of freight passing through the District will not change as a result of this project. For security reasons CSX does not publicly disclose information about the materials it transports. However, CSX regularly provides a list of the top 25 hazardous materials (by rail car count) shipped through the District to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the District Fire & EMS and Police Departments, as well as the U.S. Department of Homeland Security. CSX delivered an updated list to these agencies on December 5, 2013. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

ID PH4: Schaeffer

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

32

1 evacuating everything to the north of 8th Street,
2 Northeast. That's the entirety of Capitol Hill that
3 would need to be evacuated because of the hazmat threat
4 posed by any issues here. And God forbid anybody tried
5 to cause a derailment at that South Portal. The
6 explosion in the Baltimore would probably take out, you
7 know, the Marine Barracks.
8 So thank you very much for listening.
9 MR. UNDELAND: Thank you.
10 Number four, Claire Schaefer.
11 MS. SCHAEFER: Hello. My name is Claire
12 Schaefer, C-L-A-I-R-E, S-C-H-A-E-F-E-R. I live at 329
13 Virginia Avenue, Southeast.
14 I'd like to say I also support the comments
15 by Brian, Laura and Andrew. I think they're right on
16 point and exactly the type of information we're missing
17 from the Draft EIS. I'd like to add a couple more
18 points to it.
19 The first one is that the Draft EIS, Draft
20 EIS fails to talk about the residential community along
21 Virginia Avenue to any substantial matter. It cites PH4-1
22 that in the 2010 census data many of the residents had

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH4-1:

The project followed the required methodology using available census data, and also discusses additional factors due to the recent development of this neighborhood that the census data may not accurately portray. Year 2010 Census is the best information available regarding the demographic characteristics of the surrounding community.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

33

1 not yet moved in, which is correct. Most of us moved
2 in around the springtime or summertime. But there's no
3 other follow-up to talk about how could they possibly
4 gather that information? Could they conduct a survey PH4-1
5 themselves? Is there other ways they could look at tax
6 records? Could they maybe just talk with the HOA?
7 Because along these blocks, we have a significant
8 community. We have children. We have dogs. We have
9 families. We have everyone from all sorts of spectrum
10 of economics, the economic spectrum, and this is a very
11 strong community that is going to be impacted and
12 possibly, you know, have some issues continuing with
13 this project.
14 In addition, the courtyard along Virginia
15 Avenue is a community gathering space which again is PH4-2
16 not shown or talked about. This is where people gather
17 every day for their kids to play, to walk their dogs.
18 For the Fourth of July, for Easter, everyone gets
19 together there. This is a very important community
20 asset.
21 The second thing I'd like to talk about is
22 that Concept 7, the rerouting during construction, PH4-3

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH4-2:

Appendix M of the FEIS contains drawings showing the area of the “courtyard” that will be made part of the construction limits of disturbance. The use of the “courtyard” within the public right-of-way for construction is an unavoidable impact. No private property within the “courtyard” will be used for construction purposes. Appendix M of the FEIS also contains drawings of the post-construction Virginia Avenue SE, including the “courtyard” area, which will be restored. Section 5.11 was revised in the FEIS to acknowledge that this area is used for recreation.

Response to Comment PH4-3:

As described in Section 3.2, rerouting concepts were considered, but eliminated from further consideration. Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. In addition, Section 3.2 of the DEIS provided the reasons why three of the six rebuild concepts were not selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

needs to be brought forward into the Draft EIS. It was arbitrarily excluded with no reasonable basis. If you look at the reasons listed in the Draft EIS, it says that it will have to single track if it uses, for instance, the Norfolk Southern I-38. It would have to draft negotiating documents with other railroads, and it would have to have lower speeds. Well, with the VAT project right now, we're going to have to have the same issues, single tracking. It's going to be very difficult to negotiate agreements and get permits, and the lower speeds will also still happen. PH4-3

So I feel very strongly that Concept 7 needs to move forward, and the way to do that is if you look at your criteria right now, you've said that there is a no answer to Project Criteria 5 and 6. Based on these comments, I argue that that should be changed to requires more study which would then actually make it one of the best options to move forward. It would significantly reduce the construction time. You would not have to build a separate track. It would reduce the impact to the community because you would not be dealing with both construction and trains running past

ID PH5: Johnson

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

35

it. And I really feel strongly that that needs to be PH4-3
brought forward.
Thank you.
MR. UNDELAND: Thank you.
Number five, Matthew Johnson. Matthew
Johnson?
All right. Well, if Matthew --
MR. SHIELDS: Matthew's right here.
MR. UNDELAND: I'm sorry. There you are.
MR. JOHNSON: Hi. I'm Matt Johnson. I live
at 309 Virginia Avenue, Southeast. I'm one of three
homeowners, individuals and families whose homes would
literally be less than the size of this room from an
open trench that would have trains running through it
for several years. Other homeowners on my block would
only be slightly further away.
Now it goes without saying that I'm opposed
to this project and do not want it to proceed, but I'm
also not naive I understand that I and my fellow
homeowners, who invested in this area only a short time
ago, do not have the political and financial power of
the company that's seeking approval of this project.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

36

1 While my concerns are legion and those -- and echo
2 those of the speakers before me, the lack of how the
3 concerns of homeowners like me will be addressed in
4 this EIS is particularly concerning. Under any of the
5 scenarios listed, my home will be unsalable and likely
6 unlivable for a number of years. What will be done
7 about this? The silence on that topic is certainly
8 frustrating.
9 Now I am unconvinced that any of the
10 individuals employed by or representing the advocates
11 for this project would not want to be in my position.
12 And if they were, they certainly would not want to be
13 kept in the dark about how their position as homeowners
14 of unsalable and unlivable homes would be addressed.
15 Now if I'm wrong about that, perhaps those individuals
16 and their families would like to live in the homes like
17 mine for the several years that the project is ongoing.
18 My request and, in fact, my demand is that
19 these issues be addressed at once to help deal with the
20 black cloud of uncertainty that's hanging over both my
21 home and the homes of those around me. And I trust
22 that, as this project proceeds, that those concerns

PH5-1

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH5-1:

The DEIS sufficiently disclosed the potential environmental and social impacts that may result from implementation of the project and included proposed mitigation measures to address the potential impacts of the project. Apprehension about project construction rendering homes unlivable is not supported by the evidence in the DEIS. There will be no building within the damage and annoyance vibration lines of the new tunnel. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website. The project team is committed to supporting a fair and equitable process for resolving claims related to this project. Questions of monetary compensation to affected residents is beyond the scope of the EIS process.The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

ID PH6: Purcell

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

37

will be addressed because that's the only way that we can go forward and try to find some reasonable accommodation that allows us -- that allows the homeowners to live or to, or to somehow deal with this project in the future.

MR. UNDELAND: Thank you.

Our sixth speaker is Elizabeth Purcell.

MS. PURCELL: Good evening. Elizabeth Purcell, P-U-R-C-E-L-L, 1607 E Street, Southeast.

I wanted to comment on the preconstruction inspections. This is obviously a very vital aspect of this project for the homeowners and the people who own the buildings in the area. There is a lot of important information and protections that are not present and need to be added. For example, the entire APE and all the buildings in the entire APE should be inspected. PH6-1 We want to know what are the professional qualifications of those inspectors? Will the entire inspection report be available promptly and when and to whom, to the building owners, to ANC 6B and on the Virginia Avenue website? Everyone needs to see the results of this.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH6-1:

Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

ID PH7: Harrington (1)

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

38

1 Also, we need to know whether or not there is
2 going to be an appeals process if there is a
3 disagreement about the findings of the inspection. PH6-2
4 Will the homeowners be allowed to provide their own
5 experts? Who will decide and who will pay for all of
6 these inspections? And lastly, hopefully this will not
7 be the case, but whether it will be required that PH6-3
8 people file FOIA requests to get this information.
9 The other aspect of this is that any problems
10 involving these preconstruction inspections need to be
11 resolved before construction starts. So people are PH6-4
12 entitled to all these protections; they need to be
13 added, and so far they're not there.
14 Thank you.
15 MR. UNDELAND: Thank you for your thoughtful
16 comments.
17 Number seven is Maureen Harrington.
18 MS. HARRINGTON: Hi. I'm Maureen Harrington,
19 M- A-U-R-E-E-N, H-A-R-R-I-N-G-T-O-N. I'm one of the
20 Virginia Avenue residents as well. I want to first of
21 all thank my neighbors, and I support the comments that
22 they've made here this evening.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH6-2:

CSX is committed to supporting a fair and equitable process for resolving claims related to this project. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Response to Comment PH6-3:

Thank you for providing your comment. Your comment has been noted. The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment PH6-4:

Please see response to Comment PH6-1.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

39

I wanted to emphasize in particular the right- of-way and my concerns that there's not transparency with either how the scope of the current CSX right-of-way is being determined, what authorities might be being relied upon, what maps, what beyond the 1901 statute that I think most of us already know so well. And also, who is making the decision, through what process and when, as to how much additional right- of-way will be granted to CSX? Even if there's no taking of private property, and I'm not clear that that's true, there's going to be a considerable grant of public property, and there needs to be some sort of accountability for that. There needs to be an ability for us to participate in that process or have commenting to it. PH7-1

I also want to repeat some of the concerns that I made at earlier proceedings about the claims process for if there's damage to our homes, if this goes forward. That still hasn't been made clear in this very long document. I want there to be a process that's fast and fair, that does not waive our rights to appeal for a larger claim. You know, we can't go to PH7-2

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH7-1:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

Response to Comment PH7-2:

CSX is committed to supporting a fair and equitable process for resolving claims related to this project. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

40

1 CSX and say you've damaged my house $10,000' worth, and
2 they say no, it's only $2,000' worth, and we didn't
3 even cause the damage, but here, we'll give you 500;
4 now go away, and you don't have any right of appeal.
5 So there needs to be a lot more information given about
6 that, about these two things, and also about the other
7 things that are being raised today. We do still need
8 more information, and there doesn't seem to be a place
9 in the process for us to get it. It seems to be wait PH7-3
10 for the Final EIS to come out. And we need more
11 information before then we -- if we want to comment on
12 this.
13 Also want to repeat what Claire said about
14 Concept 7 and the importance of that having been
15 considered as one of the reasonable alternatives. It PH7-4
16 should have been looked at much more closely than it
17 was as a mere concept. And I also want to repeat what
18 Andrew said about concerns about safety and security,
19 especially in light of recent train derailments and PH7-5
20 other accidents including CSX ones and including ones
21 close to our home here in Baltimore. And that's it.
22 Thank you.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH7-3:

Congresswoman Eleanor Holmes Norton (D-DC) held a community meeting on the issues associated with the Virginia Avenue Tunnel Project, on Saturday, November 23, 2013 at 2:00 p.m., at the Arthur Capper Senior Center (900 5th St SE), with the surrounding community, the U.S. Department of Transportation (USDOT), the D.C. Department of Transportation (DDOT) and CSX. The meeting served as a forum for the community to be updated on the most recent developments with the proposed project, and to voice their concerns and ask questions.

Response to Comment PH7-4:

Section 3.2 of the DEIS provided the reasons why none of the reroute concepts, including Concept 7, were selected for further consideration. Alternative 3 has been selected as the Preferred Alternative.

Response to Comment PH7-5:

The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training.

ID PH8: Unknown

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

41

MR. SHIELDS: Single-track now, too.

MS. HARRINGTON: Oh, yes. And Andrew is reminding me that it would also be good to consider as a reasonable alternative the possibility of having a single track, single tunnel. That would allow CSX to double their current capacity. It would allow them to upgrade the tunnel, make any repairs that are needed. The construction would be a much shorter timeframe. The amount of space needed would be much less. The disruption resulting from it would also be much less. So it seems that would meet the purpose and need, and that should have been looked at as well. PH7-6

Thank you.

MR. UNDELAND: Thank you.

The person who signed up eighth is now declining to speak. So the person with ticket number nine, Jesse Skidmore, is up next. PH8-1

MR. SKIDMORE: Good evening. I'm Jesse Skidmore, J-E-S-S-E, S-K-I-D-M-O-R-E. I live at 323 Virginia Avenue, Southeast.

So first of all, I just wanted to highlight that I agree with everything that everyone said before

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH7-6:

A single-track option does not meet the Purpose and Need of the Project. Refer to Chapter 2 of the FEIS for Purpose and Need.

Response to Comment PH8-1:

Noted.

ID PH9: Skidmore

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

42

me, particularly some of Mr. Huseman's comments about the Draft EIS and kind of the severe inadequacy of how it's put together, the rigor with which it was put together, its completeness. And that's really the main point I want to --

Before I get to that though, one of the comments Maureen just made as far as addressing the appeal process. If the construction is to go through, I think there's a lot missing from the Draft Environmental Impact study that -- to delineate how the appeal process would work under construction conditions. You know, really there's no accountability there. There are no timelines, and all those things are critical parts of, you know, you can't just say there's going to be a process, or we're going to do things about it. That doesn't hold anybody accountable, and we'll find ourselves at the end of construction, you know, with CSX bringing ambiguity and processes and, you know, drawing things out all at our expense. So I think that's a significant piece that's missing. PH9-1

But really, you know, as far as the timeline

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH9-1:

CSX is committed to supporting a fair and equitable process for resolving claims related to this project. Section 5.7 was revised in the FEIS to include information about the building inspection program and to explain that damages caused by construction of the project will be rectified. The owners of structures along eastbound Virginia Avenue, or directly adjacent to the LOD between 2nd and 12th Streets SE, will be offered pre-construction inspections. If access by the owner is granted, CSX will conduct preconstruction inspections adjacent to the LOD between 2nd & 12th Street SE and south of I-695. Requests for inspections outside the above boundaries will be considered on a case by case basis. Individual inspection reports will be made available to the owner. CSX will assign a representative for the DC area to evaluate claims. A person or entity with a potential claim should submit the claim to the CSX representative. A detailed explanation of the claims process will be provided as part of the public outreach program and will be posted on the project website.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

43

1 that you had up on the screen tonight, I think the
2 other big thing that's missing from this is further PH9-2
3 opportunity for dialogue.
4 So if the Draft Environmental Impact
5 Statement, as it is published, as you noted on July
6 12th, had been a complete and rigorous product, you
7 know, then maybe there wouldn't be so much of an issue.
8 But there -- I think there are so many things that need
9 to be changed to it that simply taking our comments
10 tonight, and then we find out at the end of, I think it
11 was September, you know, how you decide to adjudicate
12 all those comments really isn't sufficient. I think,
13 you know, in fact, I request that, you know, we provide
14 some additional periods between now and when the Final
15 Environmental Impact Statement comes out where, you
16 know, we can see how you intend to address our
17 comments, and provide additional comments; have PH9-3
18 actually a dialogue and not just wait until it is
19 nearly too late to see how you've addressed all the
20 comments.
21 That's all I have. Thanks.
22 MR. UNDELAND: All right. Thanks a lot.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH9-2:

The project team is committed to operate a public outreach program to share information about the project and construction activities.

Response to Comment PH9-3:

Congresswoman Eleanor Holmes Norton (D-DC) held a community meeting on the issues associated with the Virginia Avenue Tunnel Project, on Saturday, November 23, 2013 at 2:00 p.m., at the Arthur Capper Senior Center (900 5th St SE), with the surrounding community, the U.S. Department of Transportation (USDOT), the D.C. Department of Transportation (DDOT) and CSX. The meeting served as a forum for the community to be updated on the most recent developments with the proposed project, and to voice their concerns and ask questions.

ID PH10: Ghiotto

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

44

1 Number ten, Paul Ghiotto. Pardon me if I've
2 mispronounced your name.
3 MR. GHIOTTO: Hi. My name is Paul Ghiotto,
4 P-A-U-L, G-H-I-O-T-T-O. I'm a resident of the 900
5 block of Potomac Avenue, Southeast.
6 I wanted to focus my comments on the impacts
7 of construction in the Virginia Avenue Park area. So
8 many neighbors have commented about the impacts on the
9 Capitol Quarter area, and so I wanted to add something
10 additional regarding the construction, I suppose,
11 staging area.
12 As a father of a toddler, it was really hard
13 for me to take the time to read the 800 plus pages, and
14 I admit that I didn't. So I focused in on the area,
15 Section 5.1.2, that talked about construction impacts on
16 the Virginia Avenue Park area because that affects my
17 neighbors and myself. And as a lot of people have
18 noted, there are various build alternatives, and the
19 timeline is unclear as to whether, you know, you'd have PH10-1
20 a 30- or 36- month construction period or 38- to 54-
21 month.
22 What's also unclear is the degree to which PH10-2

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH10-1:

Refer to FEIS Appendix M that has been added to clarify construction phasing, right of way and maintenance of traffic.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

45

1 staging would occur on federal land, meaning the
2 Virginia Avenue Park, which land is owned by the
3 National Park Service and managed by Department of
4 Parks and Recreation. It appears that the entirety of
5 the park would be used as a construction staging area.
6 But there's no other information beyond that. What PH10-2
7 type of equipment would be stored there? To what
8 degree would activities be -- take place there? Would
9 we have heavy machinery moving back and forth along the
10 tunnel? So there are a lot of questions there
11 regarding how the park would be used.
12 And then, furthermore, if the project goes
13 forward, and the park is used as a construction staging
14 area for potentially upwards of three years, there's a
15 note in the Draft EIS that says CSX committed to
16 provide enhancement and upgraded amenities in
17 coordination with National Park Service and Parks and
18 Recreation. But there's no information as to what CSX
19 committed to. There's no information as to how the
20 public could join in the dialogue with CSX as well as PH10-3
21 National Park Service and Parks and Rec to decide,
22 well, you have three years you have a park offline.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH10-2:

Virginia Avenue Park will not be used for construction staging, a term that means the storing of equipment and materials to support the entire project. Materials and equipment needed specifically for construction within the park property may remain within the boundaries of the park during off-hours. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public.

Response to Comment PH10-3:

The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. The restoration of the park was included as a proposed mitigation measure in the DEIS as well as a stipulation in the MOA.

ID PH11: Edwards

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

46

1 How could CSX remediate that and actually provide
2 better amenities than existed before? So there are PH10-3
3 lots of questions, and it would be great to see the
4 Final EIS address those.
5 Thanks.
6 MR. UNDELAND: Thank you. We've got one more
7 speaker signed up, so I'm going to again put one more
8 pitch in for anyone who would like to speak; please
9 sign up at the table.
10 But with that, call number 11, Monte Edwards.
11 MR. EDWARDS: Thank you. I am Monte Edwards.
12 I'm vice president of the Committee of 100 on the
13 Federal City.
14 The Committee of 100 supports great rail as
15 an efficient means of moving goods across our country,
16 and we are concerned that if this tunnel is completed,
17 CSX is going to be in our neighborhood for a long time.
18 And their presence is going to grow with the completion
19 of -- with the expansion of the Panama Canal and the
20 large container ships coming into the east coast ports.
21 But to get to the Virginia Avenue Tunnel, CSX has to
22 travel through the Southwest rail tracks. And those

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

47

1 Southwest rail tracks are shared with Amtrak. They're
2 shared with commuter rail. What is the impact of those
3 increased freight trains coming through Southwest on
4 the proposed expansion plan of Union Station that plans
5 to double or triple the number of trains because those
6 Amtrak and commuter trains, the only way to access
7 Union Station is through the 1st Street Tunnel? And to
8 get to the 1st Street Tunnel, they have to share the
9 Southwest tracks with CSX.

PH11-1

10 The other question is what is the impact of
11 this increased freight traffic on the Southwest
12 Ecodistrict Plan which is very dependent on a
13 considerable expansion of commuter rail to bring people
14 into the city as an alternative to automobiles? We're
15 going to have CSX here for a long time. These are both
16 long-range plans I've referred to, and I think that you
17 owe it to the citizens of Washington to address the
18 impacts on those two plans.

PH11-2

19 The other thing is if you increase the number
20 of trains coming through the Virginia Avenue Tunnel and
21 through Southwest, what is the impact on air quality?
22 What are the diesel locomotive emissions? Because I

PH11-3

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH11-1:

As described in Section 5.15.1 of the DEIS, the FHWA estimated that total U.S. freight shipments would grow by 50 percent over the next 30 years. A large percentage of this growth will be accommodated by freight rail. Within the corridor, freight transportation demand will increase regardless of the project. Any of the Build Alternatives will allow CSX to accommodate this growth more efficiently, which will benefit passenger service using CSX rail lines in Virginia and the District.

Response to Comment PH11-2:

The amount freight passing through the District of Columbia by rail will be the same regardless if the tunnel were rebuilt. The project will allow CSX to move this freight more efficiently, which will benefit passenger rail service as well. The project will not affect implementation of the Union Station Master Plan and Southwest Ecodistrict Plan.

Response to Comment PH11-3:

The construction impact analyses for air quality disclosed in the DEIS were prepared using accepted methodologies of the U.S. Department of Transportation and U.S. Environmental Protection Agency (EPA). For air quality, construction-period emission levels were predicted to be below EPA General Conformity de minimis thresholds, and the National Ambient Air Quality Standards. In addition, an analysis of mobile source air toxics found that the expected levels of emissions during construction would be well within the acceptable ranges in terms of cancer, chronic non-cancer, and acute health risks. Mitigation measures would be implemented as described in the DEIS and FEIS.

ID PH12: McPhillips, Jen

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

48

understand that CSX operates diesel locomotives on all of its lines. PH11-3

And this is an Environmental Impact Statement. We need to look at the long-term impact on the environment, not just the impact of the construction equipment during the construction period. And we have to expand what we look at beyond just the physical boundaries of the existing tunnel. We have to look at the Southwest tracks. We have to look at the Long Bridge. We have to look at Amtrak, and we have to look at commuter rail.

Thank you.

MR. UNDELAND: Thank you.

We have a couple of takers to the invitation. Our 12th speaker, Jen McPhillips.

MS. MCPHILLIPS: Hi. My name is Jen McPhillips, M-C-P-H-I-L-L-I-P-S. And I live along Virginia Avenue. I strongly support all the comments from my fellow HOA members.

I want to start off by saying that CSX has done many things wrong in their assessment. But first and foremost, they have not taken into account the

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

49

1 human impact of this project. I'm in my thirties. My
2 husband and I are planning to start a family soon. How
3 can I do that responsibly knowing that there will be a
4 trench less than 20 feet away from my home? Who knows
5 what you will dig up when that dirt comes up? How do
6 you know there's nothing in there that will impact the
7 children that live in the area, that will impact me now
8 or later on? There's no comment in there at all on how PH12-1
9 the dirt and dust when you dig something up will affect
10 humans, how that will affect the environment, how that
11 will affect our children for many years to come.
12 Nothing.
13 Furthermore, in the DEIS, CSX paints -- CSX
14 painted the picture of a three-to-six-year project that
15 would render the homes along Virginia Avenue unlivable
16 at that time. Noise exceeds the minimum threshold of
17 human toleration. Vibration has a potential impact to
18 cause human annoyance at best and building damage at
19 worst. Traffic patterns do not take into account the
20 consideration of 81 Nationals home games per year. And
21 the potential of an open trench may exist mere feet
22 away from where young children play. These are only a

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH12-1:

Alternative 3 has been selected as the Preferred Alternative, which does not require an open trench except for approximately 230 feet immediately east of the west portal. CSX will maintain a construction area in accordance with District and federal health and safety regulations. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. The construction impact analyses for air quality and noise, factors that could affect human and child health, were disclosed in the DEIS and prepared using accepted methodologies of the U.S. Department of Transportation and U.S. EPA. This project includes extensive construction related air quality mitigation measures, and some of which exceed the steps recommended by EPA. In addition, the project will include environmental and air quality monitoring. Through employment of best practices management, the project team does not anticipate fugitive dust and construction debris generated outside the construction limits.

ID PH13: DarConte

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

50

1 few examples.
2 What the DEIS did not do was paint a concrete
3 picture of what it will do to mitigate the health,
4 safety and property issues. Instead, you are saying PH12-2
5 you will use these best practices, and we have no idea
6 what that means.
7 Why can't Phase 1 of your construction begin PH12-3
8 at the 11th Street where people do not live? In other
9 words, CSX seems to be going out of their way to put
10 serious and undue burden on individual homeowners
11 rather than listening to and considering their
12 legitimate concerns.
13 MR. UNDELAND: Thank you.
14 Number 13 is Anne DarConte?
15 MS. DARCONTE: Good evening. Thank you very
16 much. I want to first thank you for a very thorough
17 and very complete DEIS. I thought as long as it took
18 to get it into our hands, a very thorough job was done,
19 and it really addressed many of the purpose and needs
20 that were respectfully and clearly stated. And it's
21 apparent that there is a clear and distinct need for
22 this project to occur.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH12-2:

Associated impacts are disclosed in the DEIS and FEIS, as are mitigation measures for unavoidable adverse effects. The CSX rail route in the District from the Long Bridge to the Anacostia Bridge is a secure corridor that is managed and monitored by CSX in conjunction with the United States Department of Homeland Security. If the tunnel is rebuilt the modern infrastructure and new technologies that will be applied inside the tunnel, including a state of the art roadbed, will provide a greater level of safety than the existing tunnel or Alternative 1. Safety procedures relative to railroad operations at construction sites, for all Class I railroads such as CSX, fall under the purview of the FRA. In accordance with the FRA's safety regulations, there are formal rules with specific protocols that railroads are required to follow to ensure the safety of trains moving through construction sites, the safety of workers involved, and the safety of the general public. If the tunnel is reconstructed the project site will be under 24/7 surveillance and the construction area will be kept secured from outside intrusion, while still maintaining north-south access for motorists, cyclists and pedestrians. CSX has established a community office near the project at New Jersey Avenue and added three additional police officers to patrol the proposed construction site. This adds additional security for the community as well as the ability for real-time information and on-site coordination of emergency officials. CSX regularly meets with District first responders regarding freight rail transportation issues including: response procedures, coordination and communications during incident response, and training. None of the Build Alternatives requires the acquisition of private property. The VAT Residential Property Mitigation (RPM) plan responds to comments and concerns expressed during the public comment period and at community meetings. The RPM applies to residential properties where major construction activities occur between 2nd Street SE and 12th Street SE and are located south of I-695. Please see Sections 5.3 and 5.4 in the revised FEIS for more details on the residential property mitigation plan.

Response to Comment PH12-3:

Refer to FEIS Appendix M that has been added to clarify construction phasing, right of way and maintenance of traffic.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

51

1 Whether I like it or not, it's going to
2 happen. I take a pragmatic, not an emotional, approach
3 to this. And I would like to quote my congressional
4 delegate, Eleanor Holmes Norton, who said, "In spite of
5 what we might like to do, we cannot wish this project
6 away." We need to be pragmatic. We need to be
7 realistic.
8 I am a Phase 1 owner in Capitol Quarter, and
9 I do not agree with many of the comments that you have
10 heard from other Phase 1 homeowners here. In fact, so
11 many of my neighbors support this project. As you've
12 noticed, it is a very big community, and it goes not
13 just for those couple of homes, half a dozen homes
14 you've heard on Virginia Avenue, but there are hundreds
15 of homes in the community, and they go as far as L
16 Street. And the majority of my homeowners that we hear
17 from are telling us we support this project because we
18 know it's going to happen. We are pragmatic. We
19 bought our homes. Everyone who bought their home knew
20 the project was going to occur. Let's get it done
21 sooner rather than later. If we postpone this any PH13-1
22 longer, it is going to create more construction in our

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH13-1:

The construction timeframes as presented in the FEIS take into consideration applicable DC regulations on work hours and construction activities. CSX wants to finish the project as soon as possible. It is expected that work on this project will occur during normal weekday hours. Should CSX seek additional hours beyond those described, it will apply to DDOT for the requisite permits and DDOT will apply its customary criteria in deciding whether such issues are appropriate. See revised Section 3.5.6 of the FEIS for more detailed information.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

52

1 neighborhood. There are churches, community centers,
2 coffee shops, grocery stores that need to be built.
3 And those developments are going to be held up and also PH13-1
4 are going to create major havoc if this project doesn't
5 occur soon.
6 I support Alternative 3, and I support
7 Alternative 3 because in my mind it has the best chance
8 of short- and long-term benefits for our community. PH13-2
9 From a short-term standpoint, it doesn't have trains
10 running through an open trench, a major issue we've
11 heard for years now. Almost four years, all of us have
12 been in dialogue with the major parties on this. And
13 we know that that is the alternative that does not have
14 that problem.
15 From a long-term standpoint, two tracks are
16 absolutely -- two tunnels are absolutely necessary, in
17 my opinion, because by doing so, if there's ever an
18 incident in that, in that tunnel, we at least have a
19 wall between two trains going at each other at the same
20 time. So that is a minimal impact. It is the best
21 from a security, from a safety and from a Homeland
22 Security standpoint.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH13-2:

Thank you for providing your comment. Your comment has been noted. Alternative 3 has been selected as the Preferred Alternative. The project team is committed to operate a public outreach program to share information about the project and construction activities.

ID PH14: Holmes

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

53

And I do recognize that we carry hazmats, things like orange juice. The difference for right-of-way is eight feet. You stand further from me than eight feet. So by doing Alternative 3, we have a difference of less than the distance between you and I.

I continue to encourage you to hold open dialogues with many, many members of the community, not short, parochial interests and that we appreciate being part of that dialogue. PH13-2

Thank you so much.

MR. UNDELAND: Well, thank you very much. And thanks to everyone who's gathered here tonight. Your input is very valuable. It's very much appreciated, and it will be seriously considered in the Environmental Impact Statement.

I'm going to make a last -- oh, we have more, Paul?

MALE SPEAKER: All right, then.

MR. UNDELAND: The hits keep coming. All right. Number 14, Shauna Holmes.

MS. HOLMES: Thank you. My name is Shauna Holmes. That's S-H-A-U-N-A and Holmes as in Sherlock.

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

54

1 And I live at 10 Massachusetts Avenue.
2 I basically have just one question tonight.
3 And that actually I raised earlier today at the 106
4 meeting. But I think it has broader implications for
5 people here, and it's been mentioned by other speakers.
6 And that is that Virginia Avenue Park, in addition to
7 being a contributing property in the Capitol Hill
8 Historic District and L'Enfant Plan for the city of
9 Washington, it is also a park. And so it is a
10 protected resource under Section 4(f), and I would like
11 to know a whole lot more about exactly what CSX has
12 done to explore other things that will improve
13 alternatives so that it does not have to use this park
14 as a staging area, parking vehicles, whatever it has in
15 mind during this construction process. It's very nice
16 that they say they're going to avoid using the
17 community garden, but that park is a whole lot more
18 than a community garden.
19 So there is an obligation to not use that
20 park unless there is no feasible or prudent alternative
21 for the staging, construction staging and whatever
22 other construction and labor uses CSX has in mind. And

PH14-1

PH14-2

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH14-1:

Virginia Avenue Park will not be used for construction staging, a term that means the storing of equipment and materials to support the entire project. Materials and equipment needed specifically for construction within the park property may remain within the boundaries of the park during off-hours. As described in Section 3.3.1.5 of the DEIS, the construction area, including any open trench used for temporary train operations, will be secured to prevent intrusion and would pose no health or safety risks to the public. Refer to FEIS Appendix M that has been added to clarify construction phasing, right of way and maintenance of traffic.

Response to Comment PH14-2:

Refer to the Final Section 4(f) included in the FEIS.

ID PH15: McPhillips, James

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

55

1 I for one am not satisfied that that has been PH14-2
2 sufficiently explored.
3 Thank you.
4 MR. UNDELAND: Thank you.
5 Number 15, James McPhillips.
6 MR. MCPHILLIPS: Thank you. My name is James
7 McPhillips, and I live along Virginia Avenue.
8 I wanted to first echo the comments of the
9 other individuals who live along Virginia Avenue. I
10 agree with everything they've said. And I also wanted
11 to respond to certain comments made a couple people
12 before me in terms of, you know, I think, you know, one
13 member of the Capitol Quarter now claims that many
14 members of Capitol Quarter are against -- are in favor
15 of the project. But I'd like to ask where are they? I
16 don't see them. People who are getting up to the
17 microphones aren't expressing this opinion. And so I
18 think it would be -- it would sort of behoove us to
19 speak in the capacity of us as individuals and try not
20 to speak for others in the, in the abstract because
21 this does have a human impact, and the people who are
22 getting up and speaking are -- will be impacted for

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

56

1 many, many years both on their families, themselves,
2 their investments, their homes. And you know, this has
3 a serious impact that will be, you know, there will be
4 an impact.
5 You know, I also think the citizens of D.C.
6 would be interested, and I have requested CSX
7 make some public disclosures about where they've, you
8 know, invested in the community in terms of what
9 organizations they have contributed to and what boards
10 they're on, what politicians they've contributed to,
11 you know, any individuals they've contributed to. So I
12 think that would be, you know, an interesting piece of
13 this that I think the community would like to know
14 about as taxpayers.
15 Thank you.
16 MR. UNDELAND: Thank you.
17 All right. Number --
18 MS. HARRINGTON: Hello again. I --
19 MR. UNDELAND: -- Maureen Harrington again.
20 All right. Thank you.
21 MS. HARRINGTON: -- I don't think I have to
22 spell my name again.

PH15-1

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH15-1:

This comment does not pertain to the contents of the DEIS.

ID PH16: Harrington (2)

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

57

I signed up following the comments of Anne DarConte. I think James has already mostly said what I wanted to say. But I heard rumors of other people, other members of the Capitol Quarter community, that they (inaudible) this project, but other than the DarContes, I've never heard either at our HOA meetings or at any of the public forums you've held of anyone. There may be some, but if they're not coming forward, I don't know how we can consider their alleged views.

And since I'm up here, I wanted to follow up about my comments about the right-of-way. If there is a gift to CSX of additional right-of-way, I'd like to know what the city is getting in return for it. PH16-1

Thank you.

MR. UNDELAND: Okay, folks. Thanks to those additional folks who signed up and gave your input. I'd like to make one more -- one final plea, if you will. For anyone else who would like to comment, do so now or hold your peace.

If folks who have spoken before would like to get up and -- we've got extra time. If folks who have spoken before, as Maureen spoke again, if you've got

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH16-1:

Congress enacted legislation in 1867, 1869, and 1870 authorizing the Baltimore and Potomac Railroad Company (the predecessor to CSX) to construct rail lines in the District of Columbia, including in and around Virginia Avenue, S.E. and granting rights-of-way for that purpose. Thereafter, in order to enhance pedestrian safety and maneuverability in the District and to decrease the overall congestion of the streets in South East, Congress enacted legislation in 1901 and 1903 that eliminated street grade rail crossings and required the Railroad to construct the Virginia Avenue Tunnel and move its tracks in the southeast quadrant of the city into the tunnel and anticipated the Railroad's need to potentially expand its tracks in the future. In addition to CSX's permanent rights in the area below Virginia Avenue directed and authorized by Congresss, CSX owns and controls its railroad right-of-way throughout the District. The District has jurisdiction or control over the streets in the District, including Virginia Avenue. In order to access the subterranean and above surface space DDOT and CSX have agreed that CSX will seek construction and occupancy permits from DDOT for this project. DDOT will grant these permits based on the completion of the NEPA process for the preferred alternative of the project. Once construction is completed, the final right of way area will be modified to reflect the as-built location of the reconstructed tunnel.

ID PH17: Mills

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

58

1 something more to add, we have the time to take it. So
2 I'll make that invitation as well.
3 Here. All right. Number 17 is Carol Mills.
4 MS. MILLS: It's Karen.
5 MR. UNDELAND: Oh, Karen. I beg your pardon.
6 MS. MILLS: Karen Mills, K-A-R-E-N, M-I-L-L-
7 S. I am the pastor of St. Paul AUMP Church that's PH17-1
8 located at 401 I Street, Southeast. And I, too, have
9 concerns, like all of the others here today.
10 I would just like to say let us all keep an
11 open mind. And I say to the residents of Capitol
12 Quarters, change is sometimes uncomfortable. Trust me.
13 We know. In order for you all to have the comfort in
14 your homes that you have today, St. Paul had go to
15 through some inconvenience. However, at that time, I
16 was not at the helm. I can't speak for the other
17 administration and what they did and did not do. But
18 however, I just advise us to let's all keep an open
19 mind. When conversation is offered, let's take that.
20 Let's be realistic, as it has been stated. Let's kind
21 of put our emotions aside. I don't like this any more
22 than anyone else likes it. But I recognize that change

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH17-1:

Thank you for providing your comment. Your comment has been noted.

ID PH18: Oliphant

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

59

must come.

Thank you.

MR. UNDELAND: Thank you. All right. If there are -- are there any more comments to the Draft Environmental Impact Statement?

(No audible response)

MR. UNDELAND: All right. As has been mentioned before, the comment period has been extended per request to September 25th. There's a multitude of ways we've covered already on how you can submit your comments, written and email and so forth, and those comments are welcome and they're invited. And the Final Environmental Impact Statement will address each and every one of those comments.

Here we are. All right. No. This is very good. Please continue. Number 18 is Rose Oliphant.

MS. OLIPHANT: Good afternoon. Rose Oliphant, O-L-I-P-H-A-N-T. I am a long resident, has been in Arthur Capper/Carrollsburg for a very long time. PH18-1

I've seen the changes. I've seen buildings come up. I've seen where the residents has been

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH18-1:

Thank you for providing your comment. Your comment has been noted.

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

60

1 displaced. Now homeowners down there, you all see how
2 we feel. I know how you feel, but change is coming,
3 and you got to accept it just like the residents was
4 down there. Now you all feel what we feel. So change
5 is coming. You going to have to accept it. You going
6 to have to get together as a community, not one phase
7 over here, two phase over here, three phase over here.
8 Not one homeowner over here, two homeowners over here,
9 two homeowners over here.
10 It's a community, and everybody needs to get
11 together and be as one, not the homeowners over here
12 and the residents over here because we were phased out.
13 We were phased out. We're back there. The homeowners
14 back there. Now you homeowners see how we feel when we
15 came back there and was not accepted. But we're there,
16 and we're not going nowhere. So you all do you all
17 thing.
18 Thank you.
19 MR. UNDELAND: Thank you very much.
20 All right. Well, I'm going to make one more
21 pitch because it seems to keep working. If there's
22 anyone else who would like to comment on the Draft

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

No response required for this section of comment

Capital Reporting Company
Virginia Avenue Tunnel Project: Public Meeting 07-31-2013

61

Environmental Impact Statement, please do so now.
Going once. Going twice.
(No audible response)
MR. UNDELAND: Well, again, I will reiterate, thanks from the DDOT and CSX team for coming out tonight. Again, you'll -- you've got plenty of opportunity to comment up to September 25th, and your comments will be addressed in Final Environmental Impact Statement.
Thanks for coming out tonight.
(Whereupon, at 7:48 p.m., the proceedings were concluded.)

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

No response required for this section of comment

ID PH19: Lang

Capital Reporting Company
Virginia Avenue Tunnel Reconstructions 07-31-2013

2

1 P R O C E E D I N G S
2 MS. LANG: Elizabeth Lang. And it's 1037
3 Fifth Street SE, Washington, DC, 20003.
4 My comments are on three main areas. I'm
5 surprised by the number of trees that they were saying
6 would be impacted during the study. I think the
7 number was in the 100s. And, you know, as a resident
8 and somebody who walks that street quite often, I
9 don't know where they're getting that number.
10 Also, just with the fact of the remediation
11 or, you know, restoring the land, when you replace
12 trees they're going to be tiny, small and young
13 compared to some of the trees that are there are
14 100-year-old trees and, you know, quite nice.
15 Also to that affect, the trees are part of
16 what keeps the sound from the highway from impacting
17 the neighborhood. So when they talk about long-term
18 impacts, the trees will -- having smaller trees will
19 increase the sound long-term. It will be a long-term PH19-1
20 impact. And so I think it's a little bit of an
21 oversight to say that it's only the trees. They imply
22 -- you know, they have other implications of sound

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH19-1:

The loss of trees along the highway does not attenuate noise from the highway. Tree zones need to be at least 100 feet wide in order to perceptibly reduce noise levels. As described in Section 5.10 of the DEIS, displaced trees will be replaced in accordance with District laws and regulations. The tree replacements and tree replacement plan will be coordinated with DDOT's Urban Forestry Administration. Coordination will also occur with the National Park Service, DC Department of Parks and Recreation and the Marine Corps regarding the tree replacement plan for the other affected properties. The project may also partner with other organizations to assist in tree plantings and maintenance of planted trees. The planning process to determine post-construction amenities in Virginia Avenue Park will be controlled by the DC Department of Parks and Recreation. The project team will work with DPR to ensure that the park is properly restored and meets the requirements of DPR. Revised Section 3.6 of the FEIS includes a description of the conceptual design of the post-construction streetscape of Virginia Avenue SE. Details of this plan will be subject to community and stakeholder input, and agency reviews. The loss of trees along the highway does not attenuate noise from the highway and therefore the construction of noise barriers to deal with the pre existing highway noise is unnecessary.

Capital Reporting Company
Virginia Avenue Tunnel Reconstructions 07-31-2013

3

1 reduction that I think are quite important for our PH19-1
2 neighborhood.
3 The second area is that it's being called
4 the Garfield Park Access in reference to Second
5 Street. I think that's a little bit of an
6 understatement. There's currently a skate park there.
7 And so to call it -- to reference it only as an access
8 issue is an oversight. And so not only from a
9 remediation standpoint, but during construction, the
10 -- it'll need to be taken into account that, you know,
11 the kids, the teenagers who currently use that area
12 will need somewhere else to go. And I think that's PH19-2
13 really important.
14 We have two beautiful new parks in our
15 neighborhood. And skaters can destroy benches and
16 other structures by skating on them. So if they lose
17 their skate park, one of my fears is that they will
18 start skating over at Yards Park or in Canal Park and
19 destroying some of the structures there. So I think
20 that when they talk about Second Street, they need to
21 talk about it both as an access issue to Garfield Park
22 and as a current skate park. So and then from the

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH19-2:

Skateboarding and basketball are unauthorized activities and the current facilities (ramp, rails, and basketball rim) were erected by third parties without the District's authorization. The skateboarding and basketball facilities will not be replaced during construction. At the conclusion of construction, the area under the freeway at 2nd Street SE will be restored and improved for pedestrian access to Garfield Park. Other uses of this area will be determined by DDOT, the owner of the property.

Capital Reporting Company
Virginia Avenue Tunnel Reconstructions 07-31-2013

4

1 remediation, you know, that is something that's there.
2 It's not just access. So when they remediate it, PH19-2
3 that'll need to be taken care of also.
4 And then finally, just when they talk about
5 the accessibility of the current streets, so that
6 would be Fifth, Sixth and Third, I believe, they --
7 you know, they talk about them remaining open
8 throughout construction. I think it needs to be
9 stressed the -- and addressed, the level of lighting
10 that will be available. Open, whether that means open
11 to just cars or pedestrians. And some commitments
12 they need to be more clear as far as the appropriate
13 -- the level of that openness. Will it be well lit? PH19-3
14 Will the sidewalks be wide enough for someone to feel
15 safe walking at night? They're currently very wide.
16 People feel very safe walking under those -- under the
17 highway. So I think that if it is not well done for
18 pedestrians, it could become a very unsafe situation
19 very quickly.
20 (Whereupon, at 6:44 p.m., the proceedings
21 were concluded.)
22

(866) 448 - DEPO
www.CapitalReportingCompany.com © 2013

Response to Comment PH19-3:

As described throughout the DEIS, one key aspect of this project is to maintain and preserve all North-South vehicular access during construction. In addition, at every cross street, with the exception of 2nd street, this will include dedicated pedestrian access. Security measures will be put in place to prevent unauthorized access, and security lighting would be directed on the project construction area and not on adjacent residents or buildings. CSX will maintain a construction area in accordance with District and federal health and safety regulations.

VIRGINIA AVENUE TUNNEL RECONSTRUCTION

Federal Highway Administration

District Department of Transportation

May 2014

Final Environmental Impact Statement
& Section 4(f) Evaluation

VIRGINIA AVENUE TUNNEL

RECONSTRUCTION

Appendix M
Construction Phasing Report

Federal Highway Administration

District Department of Transportation

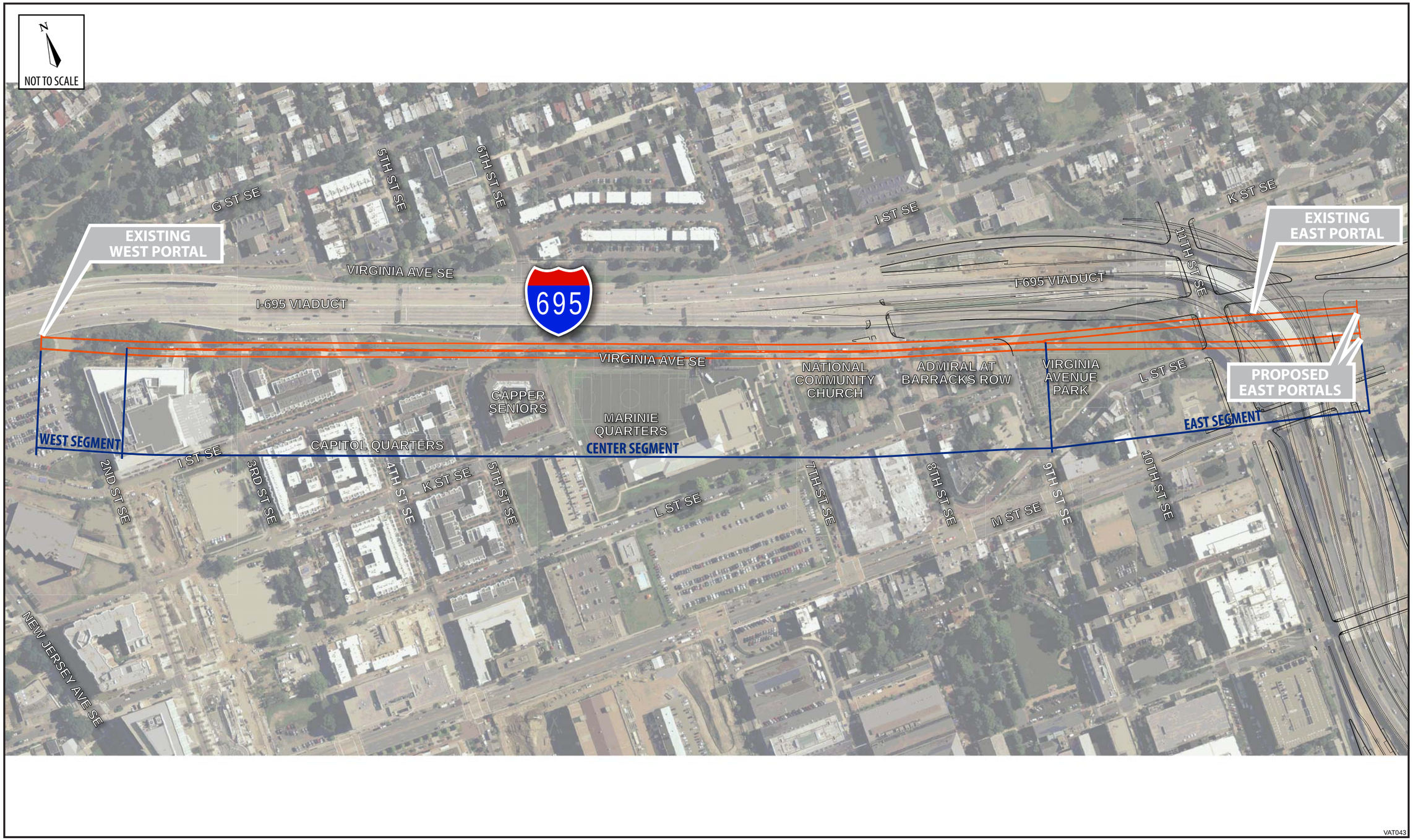
Construction Approach

Construction duration for each build alternative was estimated based on certain assumptions. The basic assumption was identification of major construction steps and the sequence of construction activities. Construction of a typical tunnel section requires 16 distinct steps. These steps include:

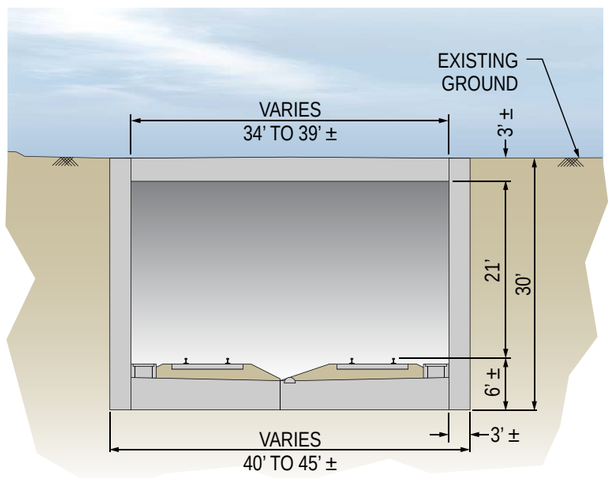
1- Mobilization and securing the site including installation of fence and of Maintenance of Traffic (MOT) devices
2- Installation of Erosion and Sediment Control (ESC) measures
3- Relocation and/or support in place of utilities
4- Demolition including surface and subsurface elements
5- Installation of Support of Excavation (SOE) elements including piling, sheeting, and bracing
6- Excavation to tunnel subgrade
7- Preparation of subgrade
8- Installation of tunnel invert slab waterproofing
9- Installation of tunnel invert slab including placement of reinforcement and concrete
10- Installation of tunnel wall waterproofing
11- Installation of tunnel wall including placement of reinforcement and concrete
12- Installation of tunnel roof including placement of reinforcement and concrete
13- Installation of tunnel roof waterproofing
14- Placement of backfill on tunnel roof
15- Restoring of surface elements including roadway and sidewalk
16- Landscaping

It was assumed that once the required permits are obtained, it would take up to 2 months to complete steps 1 and 2. Step 3 would require close coordination with the utility owners and could take approximately 10% of total construction duration. Step 4 could take up to 20% of total construction duration and would have some overlap with Step 6. Steps 5 and 6 would be performed in conjunction with each other and would take up to 30% of total construction duration. Once the excavation reaches the subgrade level, performance of Steps 7 to 13 would take up to 30% of total construction duration. Completing Steps 14 to 16 would take up to 10% of total construction duration.

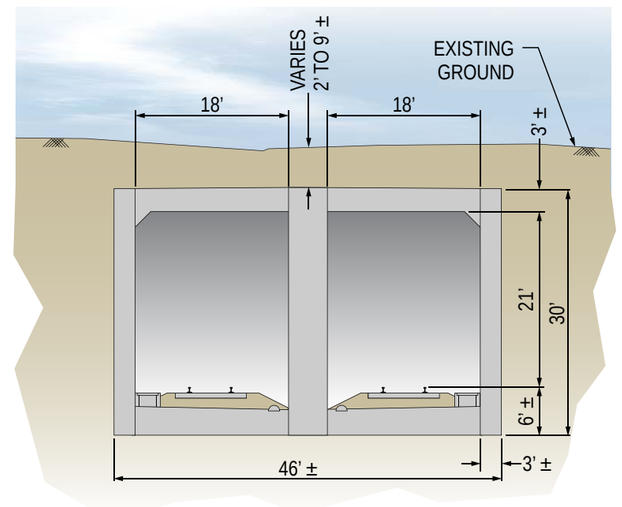
Limited access and physical constraints would allow only a few of the abovementioned steps to take place at any given time on each city block. In addition, construction work hours are governed by the District regulations. Considering these factors, the opportunities to expedite the construction duration on each city block are to a large extent limited regardless of level of resources allocated to the project. However, it would be practical to concurrently undertake similar steps on more than one city block for Build Alternatives 2 and 3. In other words more than one “Tunnel Heading” would be utilized to minimize the construction duration. Utilization of more than one tunnel heading is not feasible for Build Alternative 4. This factor and the slower construction production rates due to exposure to live train traffic are the main reasons contributing to an approximately 70% increase in the estimated total construction duration for Build Alternative 4 compared to Build Alternatives 2 and 3.



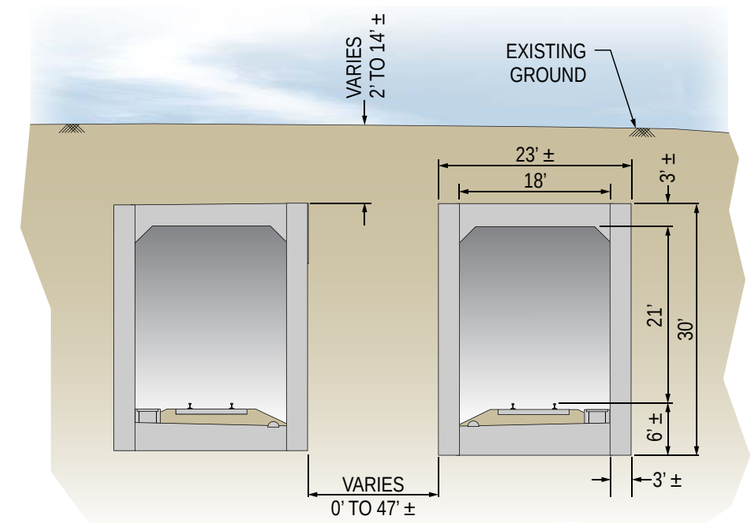
Preferred Alternative - TUNNEL LAYOUT PLAN



TYPICAL SECTION – PREFERRED ALTERNATIVE
WEST SEGMENT (LOOKING EAST)

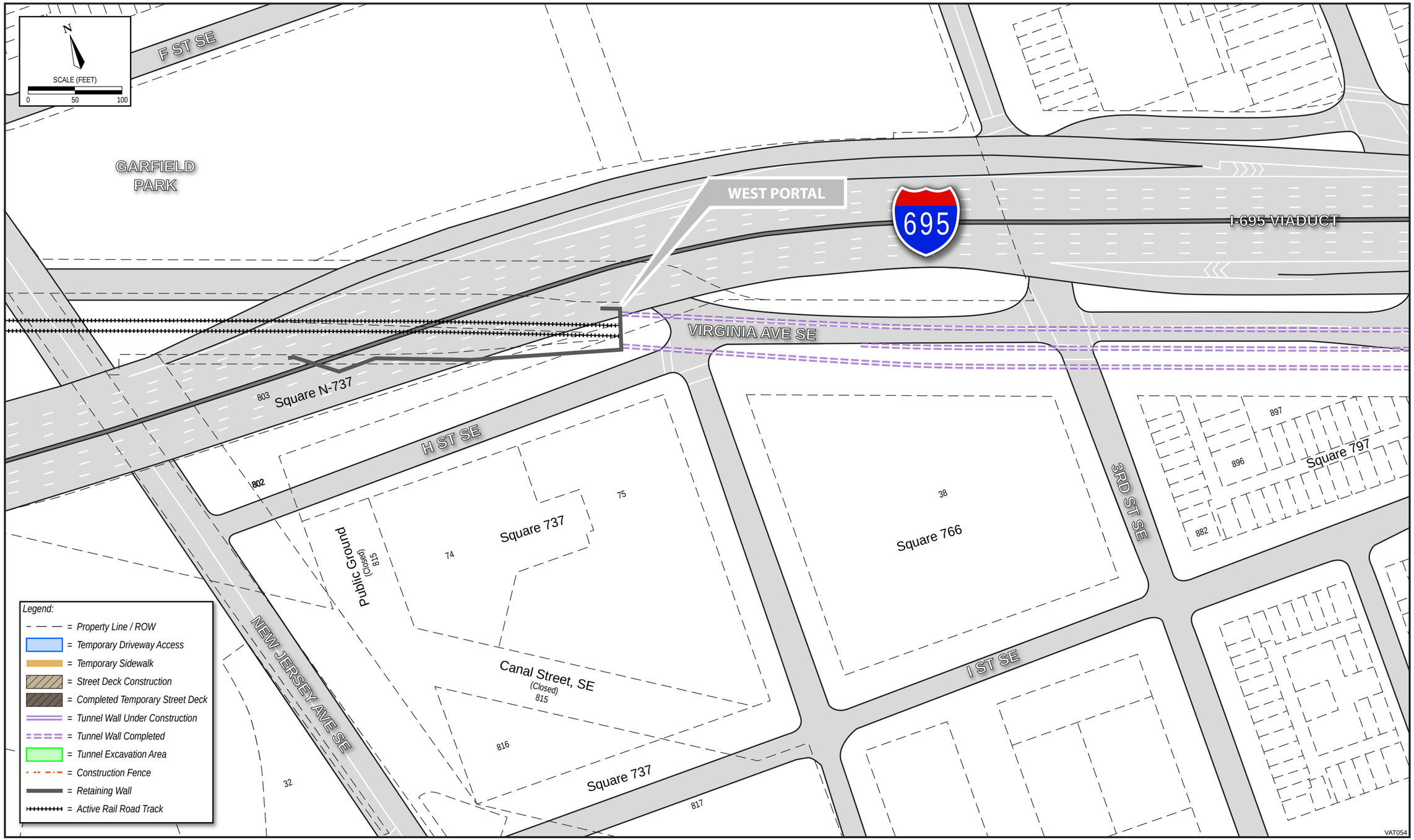


TYPICAL SECTION – PREFERRED ALTERNATIVE
CENTER SEGMENT (LOOKING EAST)

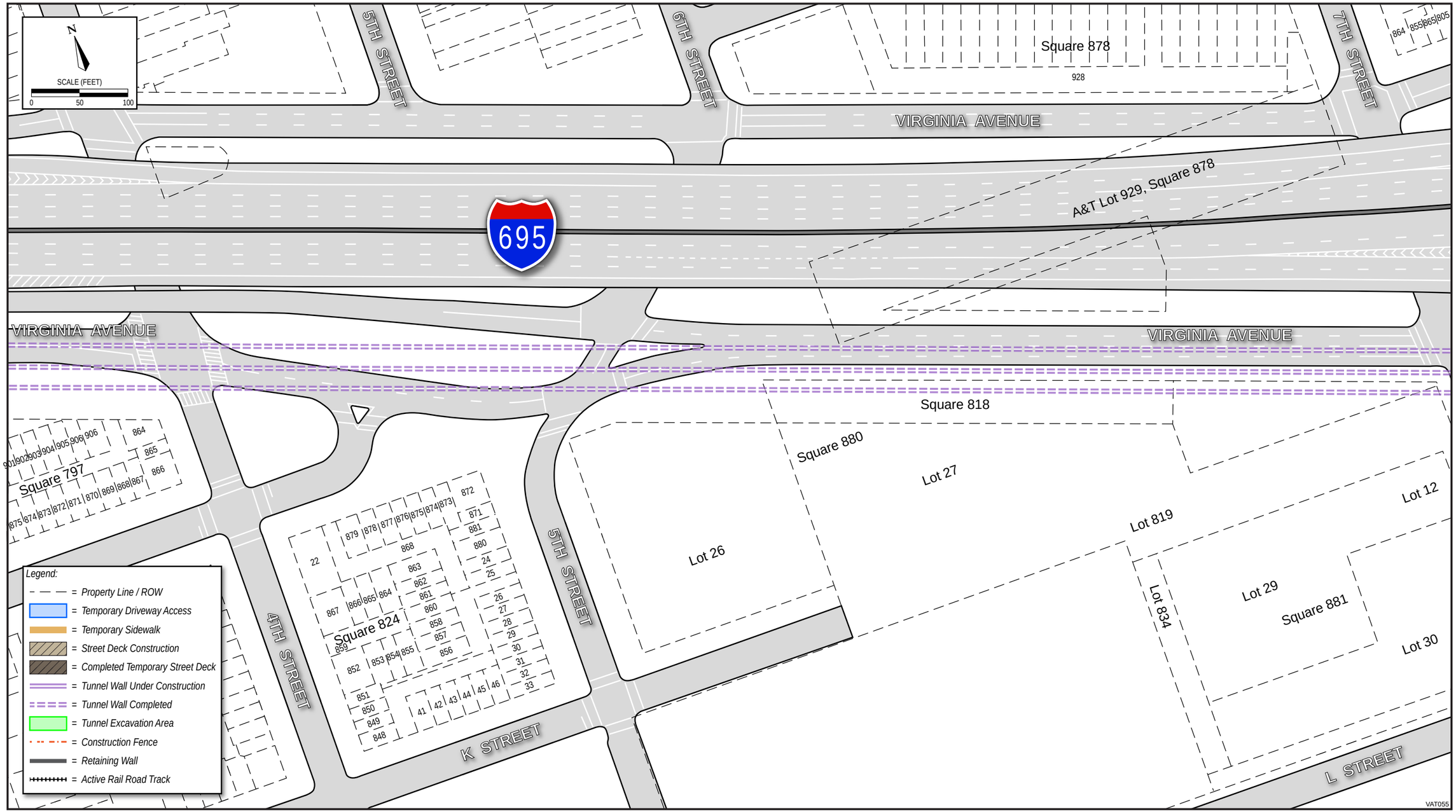


TYPICAL SECTION – PREFERRED ALTERNATIVE
EAST SEGMENT (LOOKING EAST)

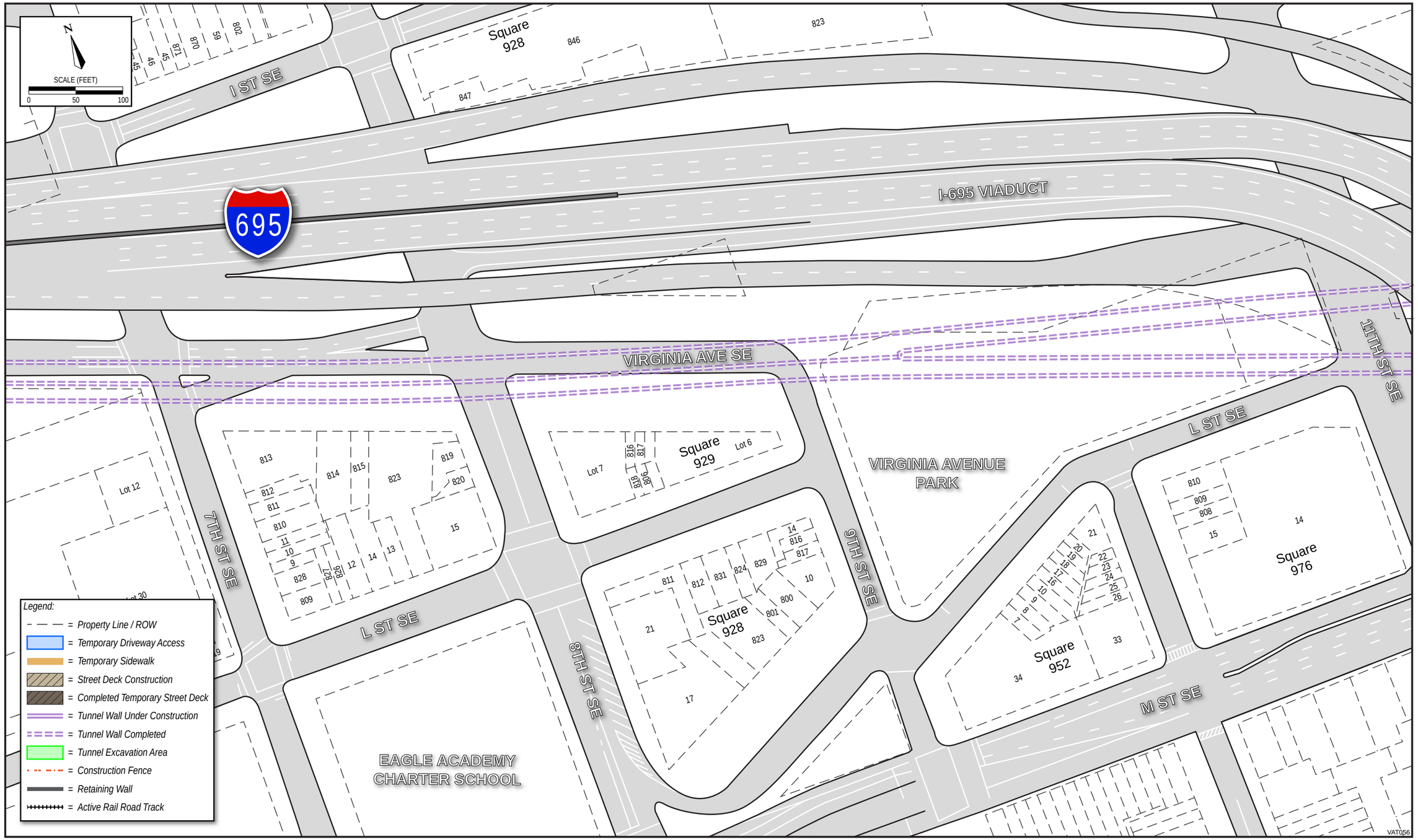
VAT044



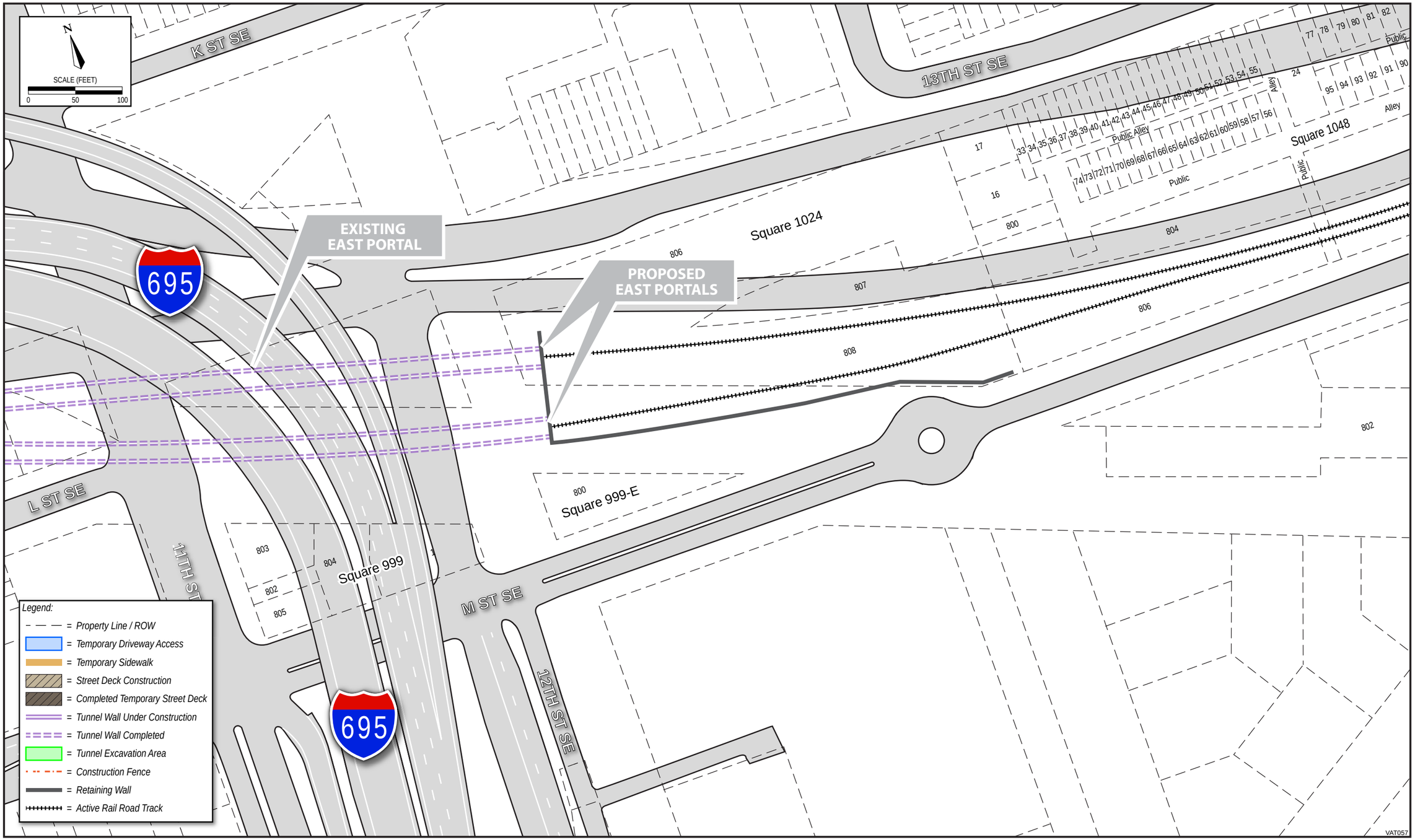
Preferred Alternative - FINAL



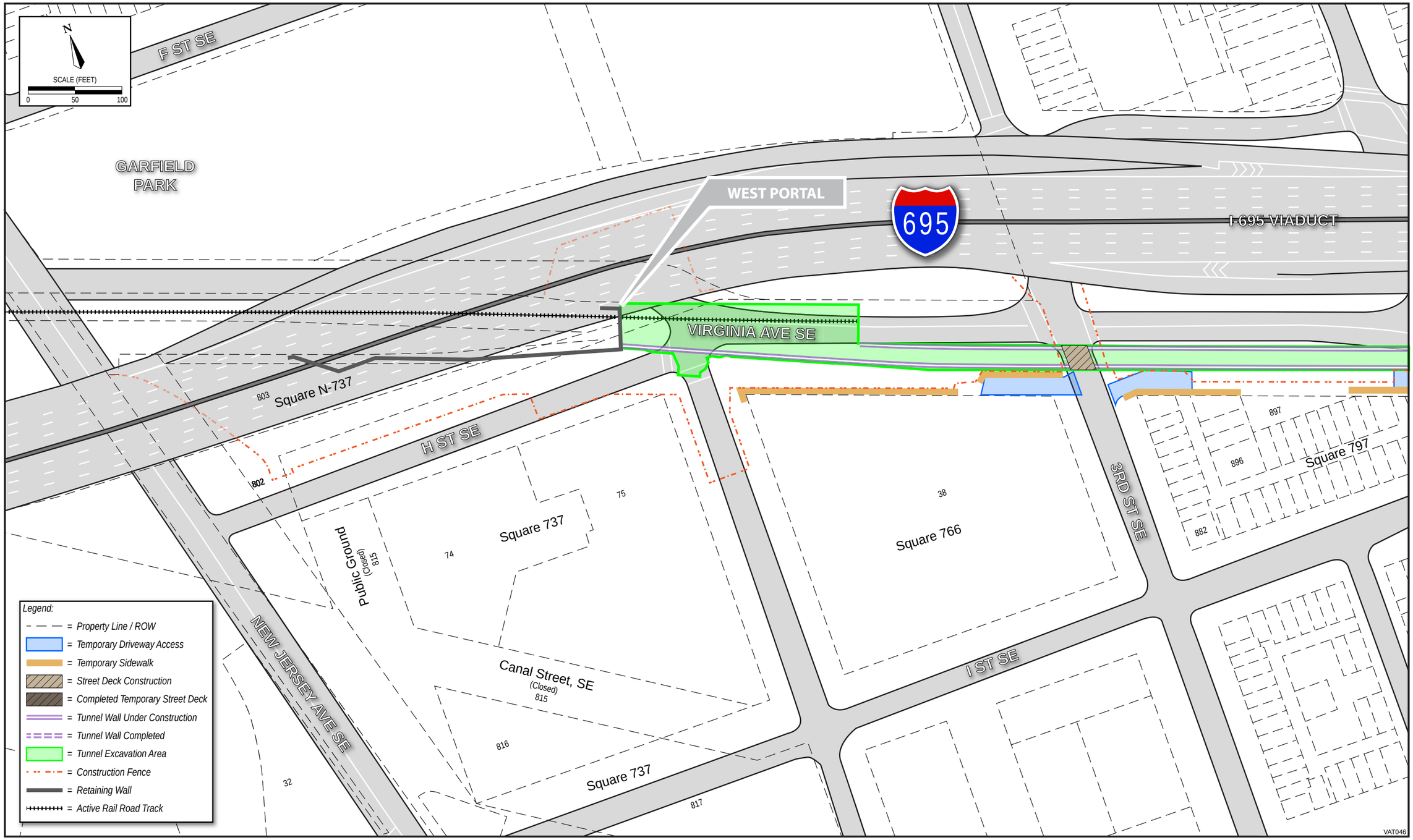
Preferred Alternative - FINAL



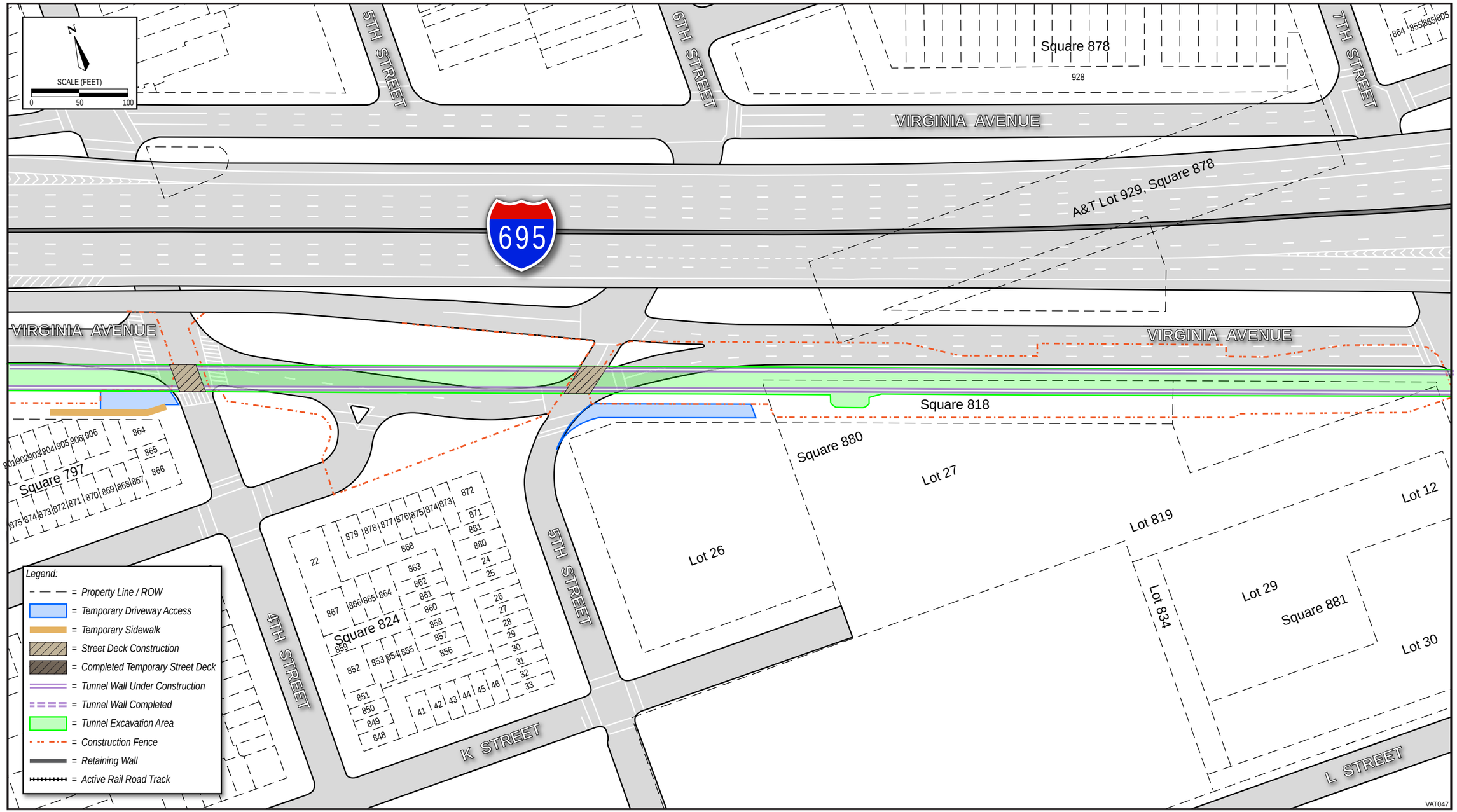
Preferred Alternative - FINAL



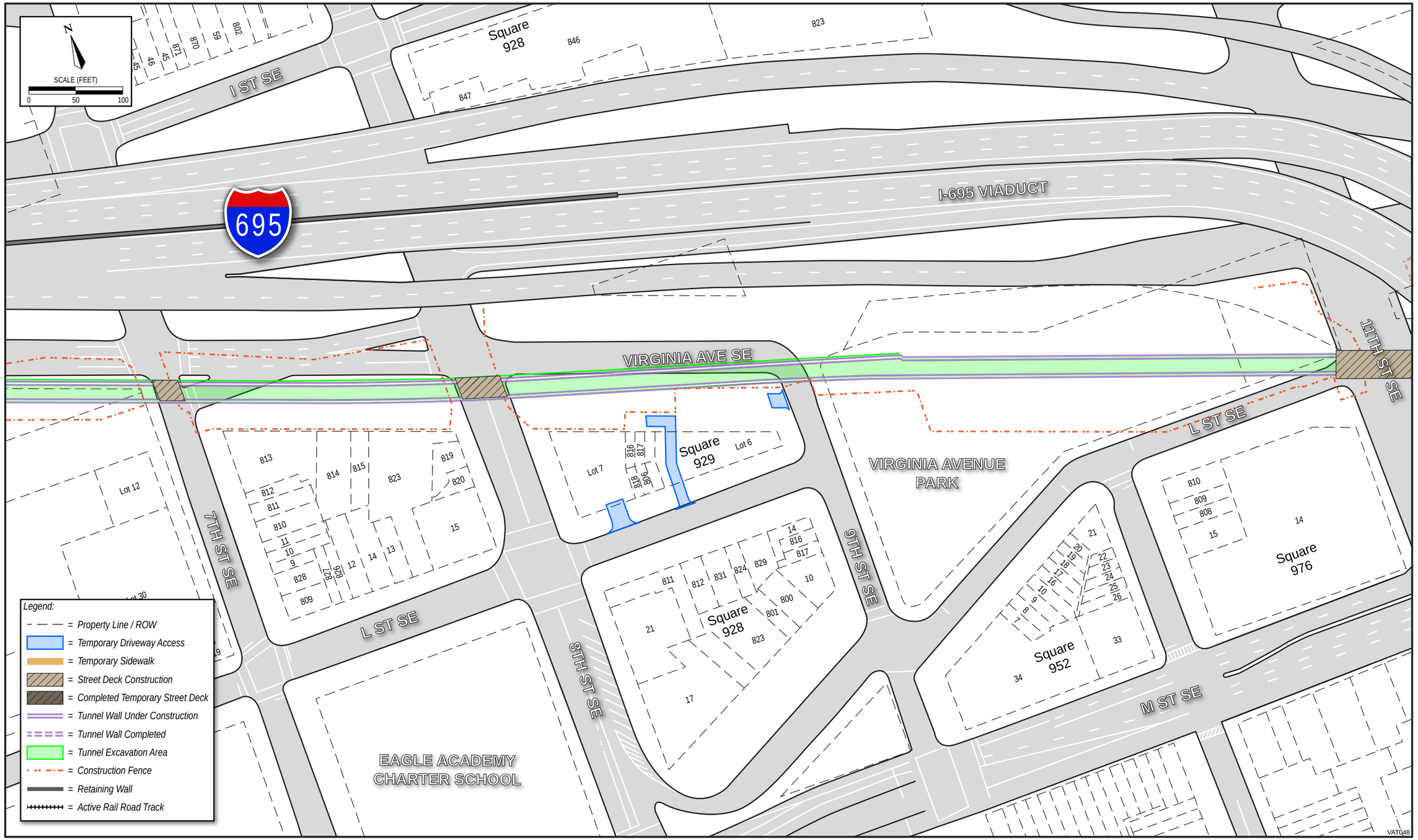
Preferred Alternative - FINAL



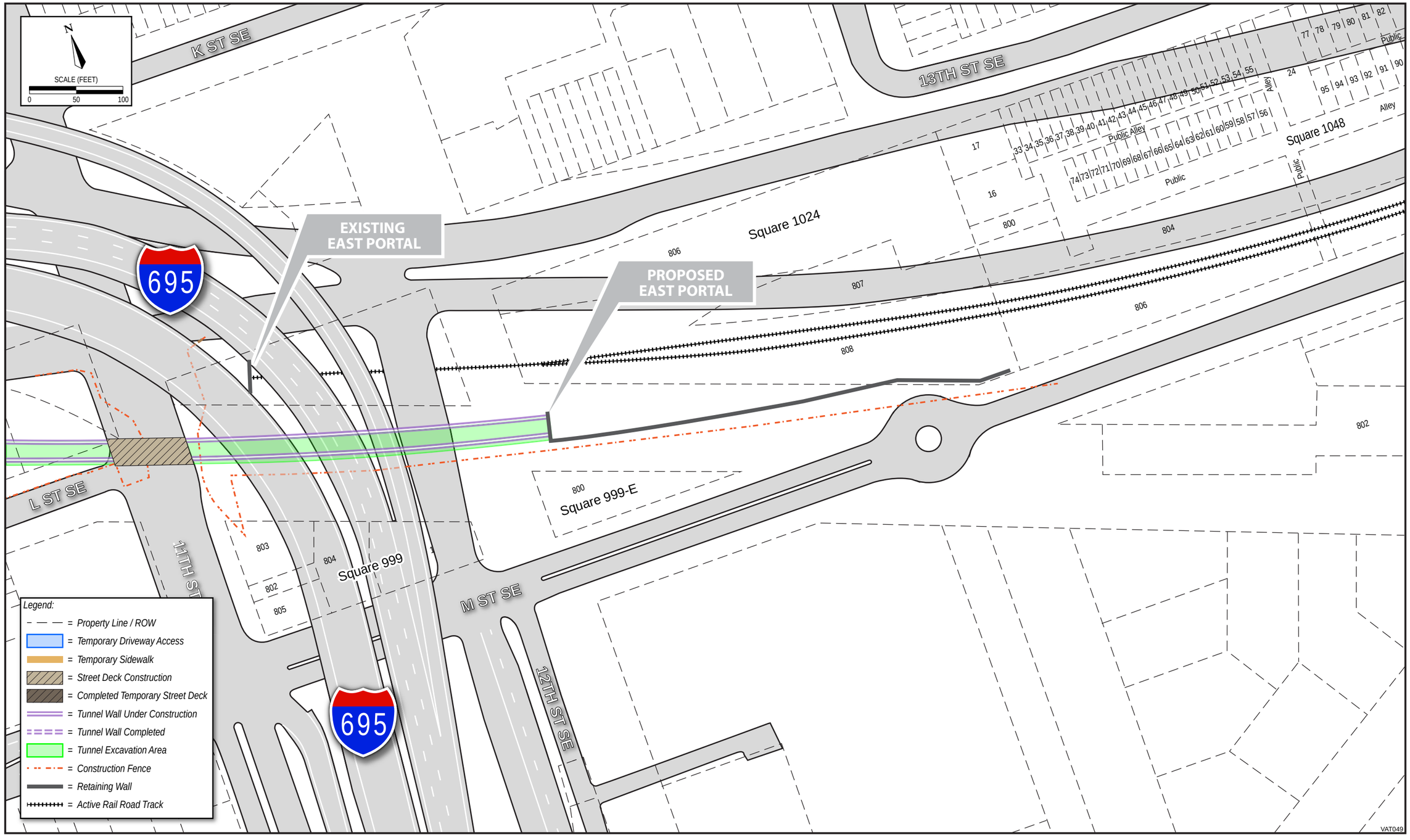
Preferred Alternative - PHASE 1



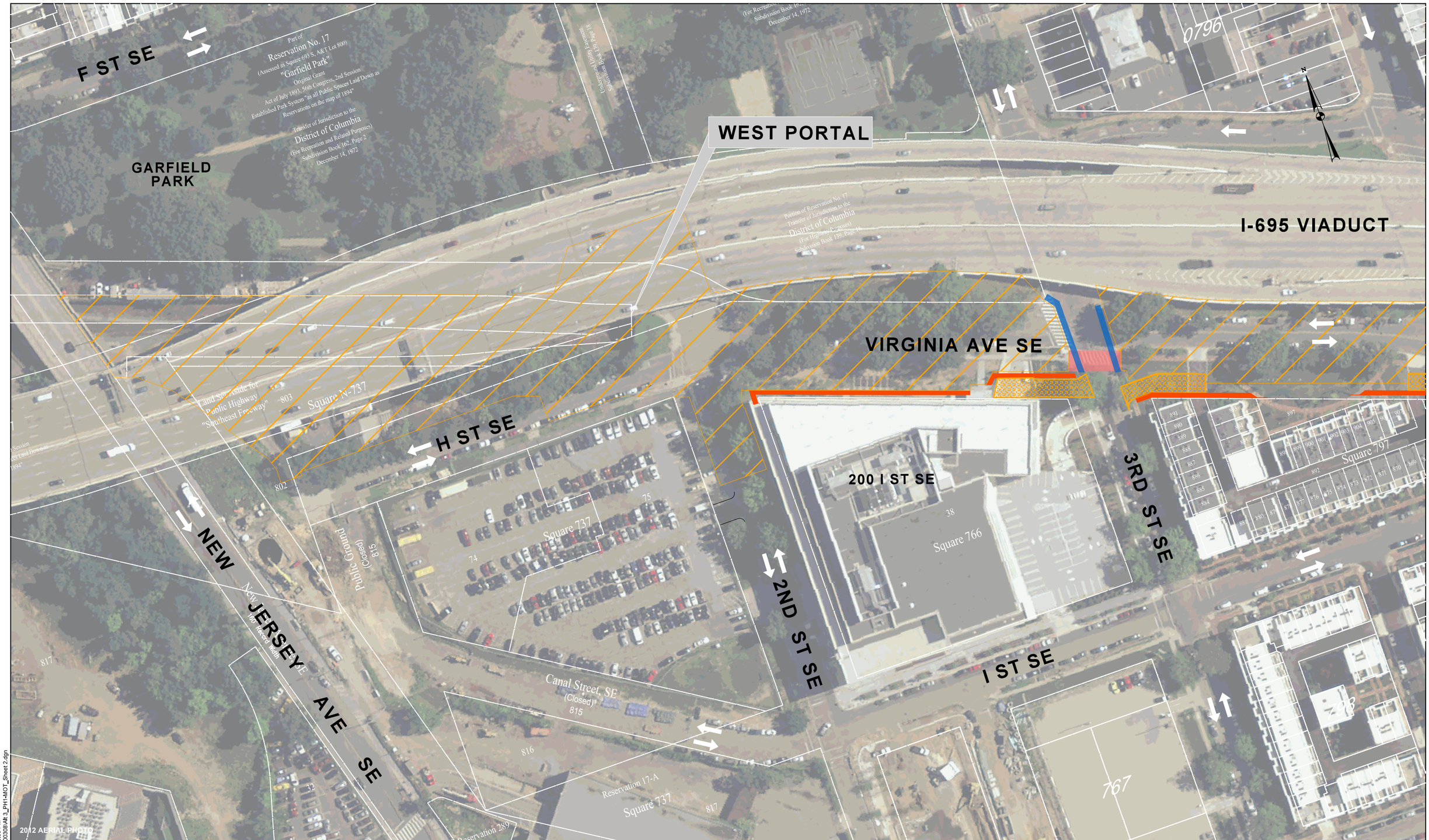
Preferred Alternative - PHASE 1



Preferred Alternative - PHASE 1



Preferred Alternative - PHASE 1



LEGEND

- CLOSED AREA
- EXISTING TRAFFIC DIRECTION
- PROPOSED TRAFFIC DIRECTION
- 11TH STREET BRIDGES
- CONSTRUCTION DECK
- PEDESTRIAN CROSSING
- TEMPORARY PROPERTY ACCESS
- TEMPORARY PEDESTRIAN ACCESS

SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE
MAINTENANCE OF TRAFFIC - PHASE 1

SHEET 1 OF 4

Thursday, November 21, 2013 AT 08:39 PM
c:\pw_working\dcdot\pw00025507\dms00308\Alt 3_PH1-MOT_Sheet 2.dgn

MAINTAIN ONE EB LANE
BETWEEN 5TH ST AND 8TH ST

VIRGINIA AVENUE SE

I-695 VIADUCT

SIGNAL MODIFICATION

Reservation No. 124A
Transfer of Jurisdiction to the District of Columbia (For Highway Purposes)
Subdivision Book 150, Page 200

Reservation No. 122
Portion of Reservation 122 Remaining under the Jurisdiction of United States of America Department of the Interior National Park Service

Portion of Reservation 122 Transfer of Jurisdiction to the District of Columbia (For Highway Purposes) Subdivision Book 150, Page 200

Square 878

L "Eye" Street, SE (Closed)
A&T Lot 929, Square 878

Reservation 123
Transfer of Jurisdiction to the District of Columbia (For Highway Purposes)
Subdivision Book 149, Page 127

7TH ST SE

Lot 818
Virginia Avenue, SE (Closed)

Reservation No. 124

Square 797

Square 880

Lot 27
Marine Corps
Bachelor Enlisted Quarters and Band Facility
Under the Jurisdiction of the Department of the Navy
Subdivision Book 197, Page 128

K Street, SE (Closed)
Lot 819

Lot 12

CAPPER SENIORS
Lot 26

ST. PAUL'S AUMP CHURCH

4TH ST SE

5TH ST SE

Square 824

Alley

MARINE QUARTERS

Lot 834

"6th Street Closed"

Lot 29

Square 881

Lot 30

K Street, SE

798

CAPITOL QUARTERS

Part of Reservation No. 19

L Street, SE (Closed) Lot 819

K ST SE

Remaining Part of Reservation No. 19
Under the Jurisdiction of D.C. Department of Parks and Recreation "Lincoln Playgrounds"

2012 AERIAL PHOTO

LEGEND

CLOSED AREA	CONSTRUCTION DECK
EXISTING TRAFFIC DIRECTION	PEDESTRIAN CROSSING
PROPOSED TRAFFIC DIRECTION	TEMPORARY PROPERTY ACCESS
11TH STREET BRIDGES	TEMPORARY PEDESTRIAN ACCESS

SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE
MAINTENANCE OF TRAFFIC - PHASE 1

SHEET 2 OF 4

Thursday, November 21, 2013 AT 06:43 PM
c:\pw_working\cdot\dot\p00225071\dms00308\MT-3_PH1-MOT_Sheet 3.dgn

MAINTAIN ONE EB LANE
BETWEEN 5TH ST AND 8TH ST

I-695 VIADUCT

11TH ST SE

VIRGINIA AVENUE SE

Res. No. 124A
Under the Jurisdiction of the
U.S. Department of the Interior
National Park Service

Reservation 125
Transfer of Jurisdiction to the
District of Columbia
(For Highway Purposes)
Subdivision Book 158, Page 106
(Former Engine House No. 13)

Virginia Avenue, SE
Portions of Streets Closed and Transferred of Jurisdiction to the
District of Columbia
(For Recreation and Related Purposes)
Subdivision Book 169, Page 63

L Street, SE

Reservation 126
(Assessed as Square 952, A&T Lot 805)
Virginia Avenue Park
"D.C. Playground"
Subdivision Book 159, Page 11
Transfer of Jurisdiction to the
District of Columbia
(For Recreation and Related Purposes)
Subdivision Book 158, Page 11
Map #9524

Portion of Reservation 126
Transfer of Jurisdiction to the
District of Columbia
(For Highway Purposes)
Subdivision Book 153, Page 58

Portion of Reservation 126
Transfer of Jurisdiction to the
District of Columbia
(For Highway Purposes)
Subdivision Book 153, Page 45

NATIONAL COMMUNITY CHURCH

ADMIRAL AT BARRACKS ROW

VIRGINIA AVENUE PARK

L ST SE

7th Street, SE (Closed)

8TH ST SE

9TH ST SE

L Street, SE (Closed) Lot 819

EAGLE ACADEMY CHARTER SCHOOL

M ST SE

Square 881
Square 906
Square 928
Square 952
Square 976

0930S

0977

2012 AERIAL PHOTO

LEGEND

CLOSED AREA	CONSTRUCTION DECK
EXISTING TRAFFIC DIRECTION	PEDESTRIAN CROSSING
PROPOSED TRAFFIC DIRECTION	TEMPORARY PROPERTY ACCESS
11TH STREET BRIDGES	TEMPORARY PEDESTRIAN ACCESS

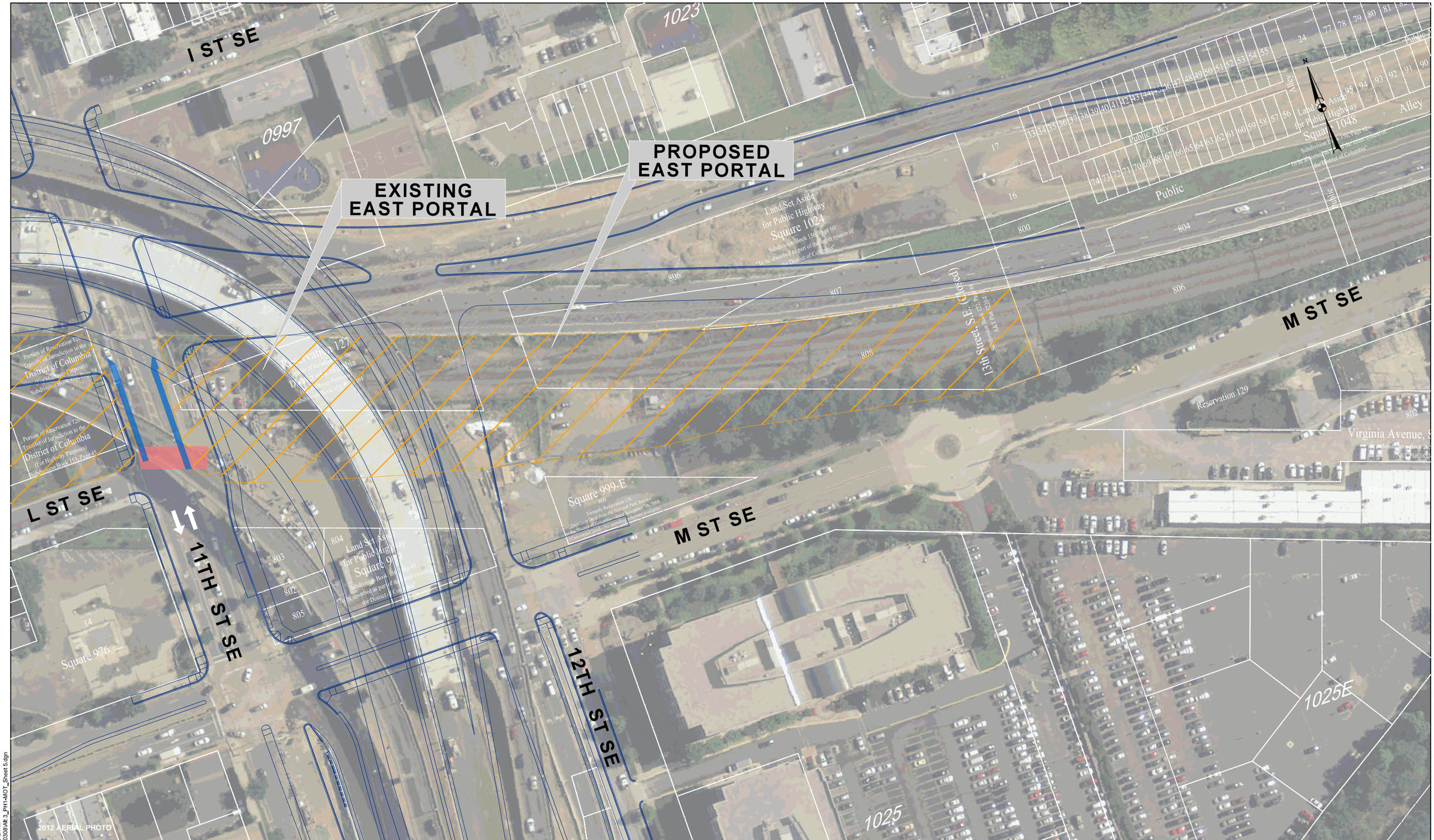
SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE
MAINTENANCE OF TRAFFIC - PHASE 1

SHEET 3 OF 4

Thursday, November 21, 2013 AT 08:41 PM
c:\pw_working\dcdot\pd0022507\dms00308\Alt 3_PH1-MOT_Sheet 4.dgn



LEGEND

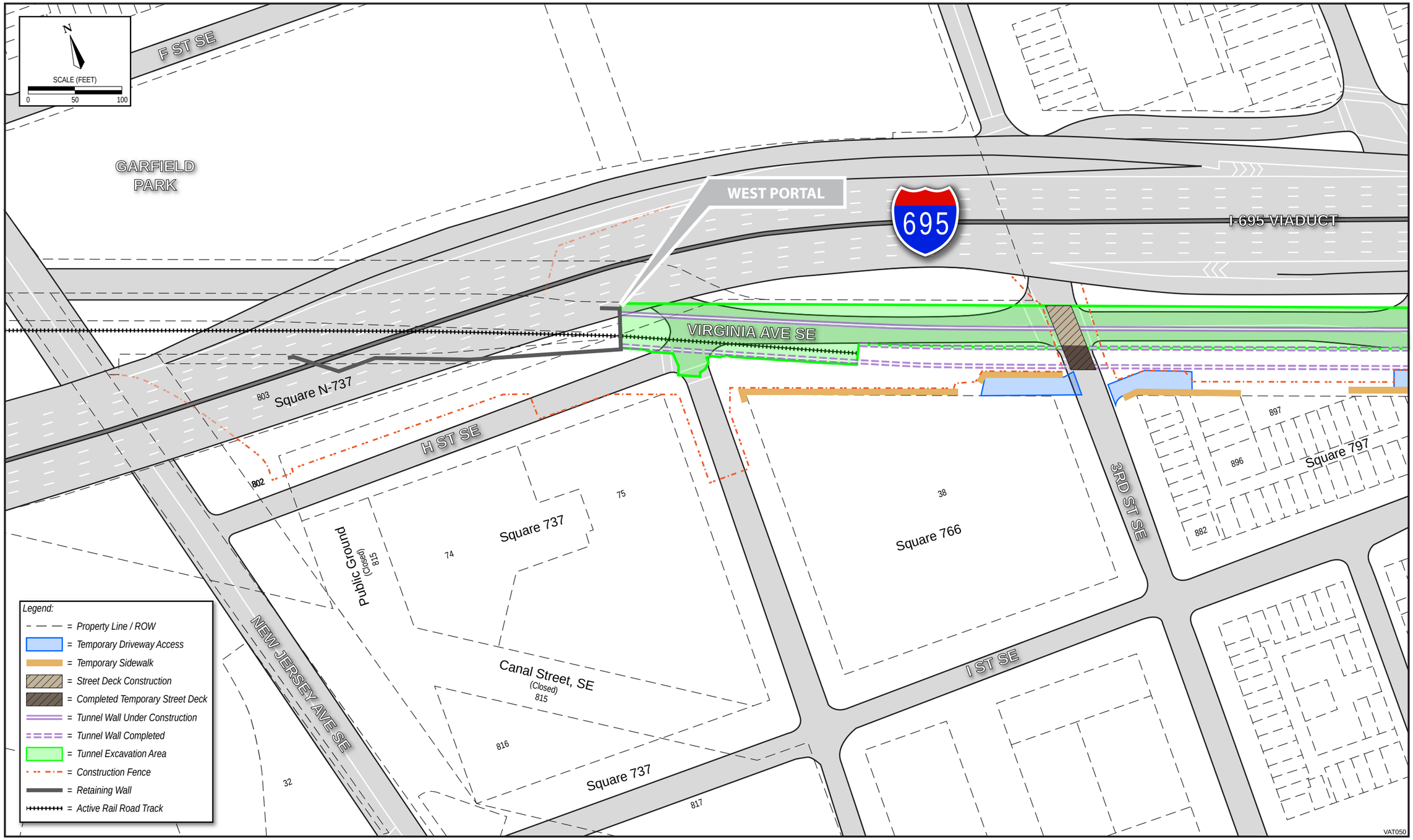
- CLOSED AREA
- EXISTING TRAFFIC DIRECTION
- PROPOSED TRAFFIC DIRECTION
- 11TH STREET BRIDGES
- CONSTRUCTION DECK
- PEDESTRIAN CROSSING
- TEMPORARY PROPERTY ACCESS
- TEMPORARY PEDESTRIAN ACCESS

SCALE (FEET)

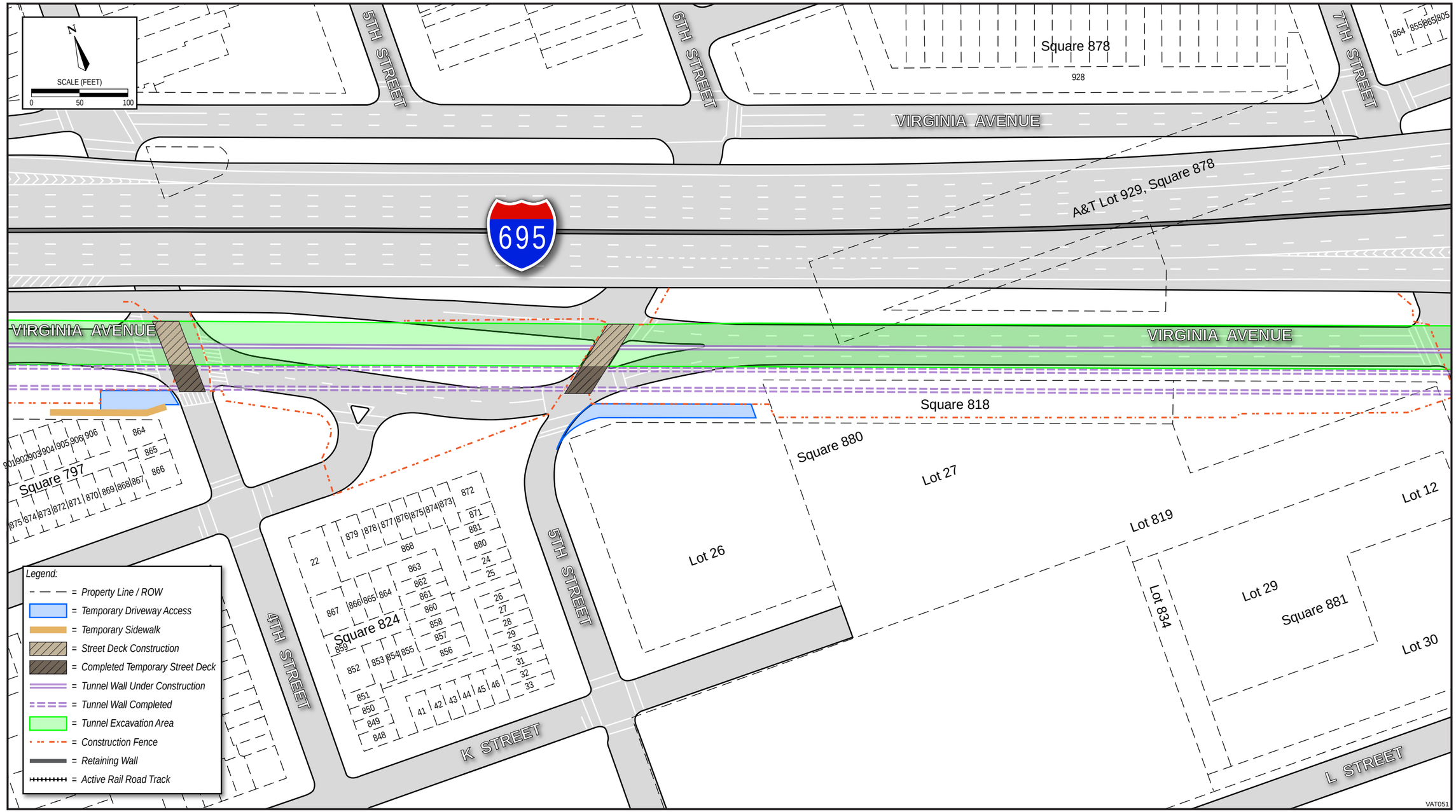
100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE
MAINTENANCE OF TRAFFIC - PHASE 1

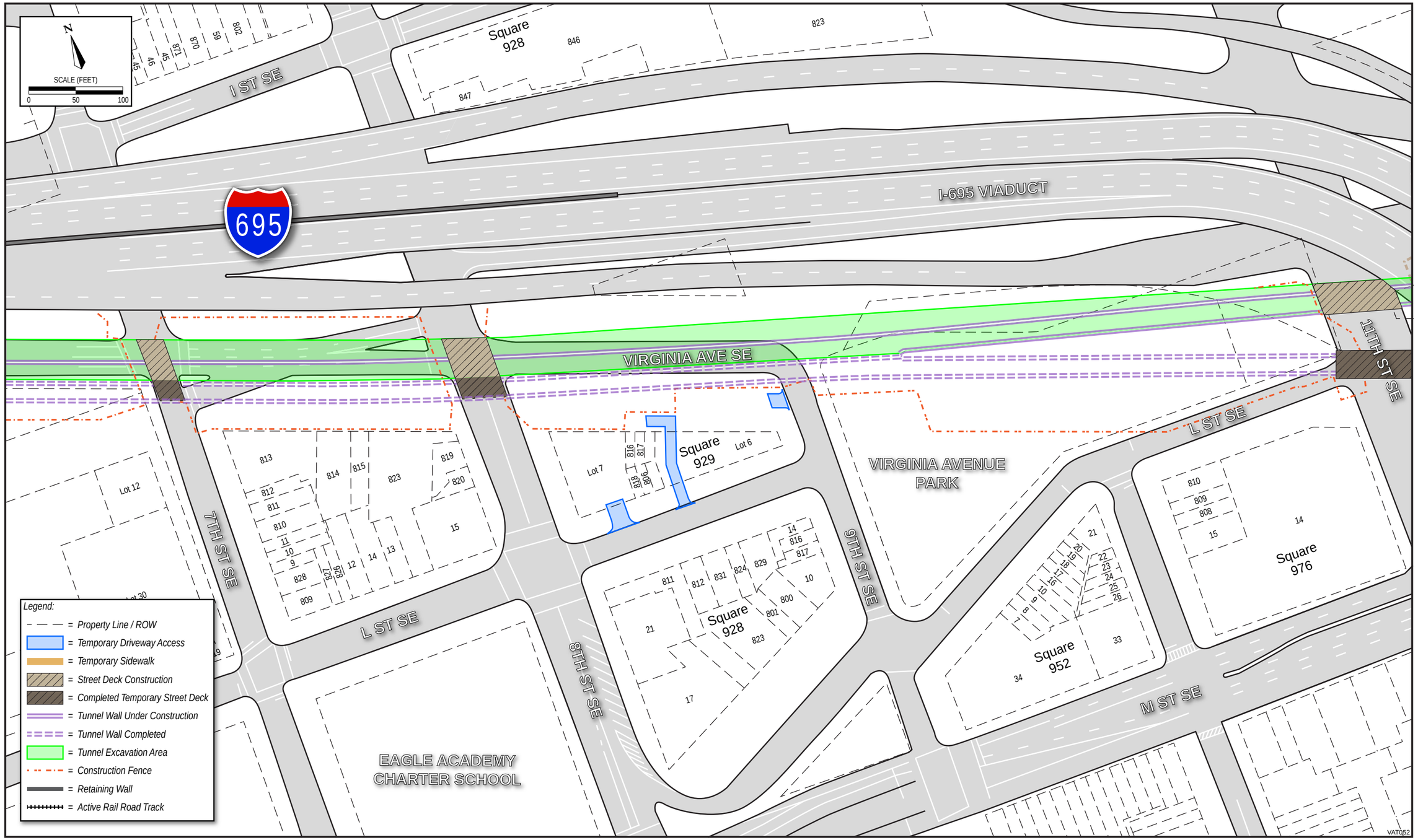
Thursday, November 21, 2013 AT 06:42 PM
c:\pw_working\dcdot\p0022507\dms00308\Alt_3_PH1-MOT_Sheet 5.dgn



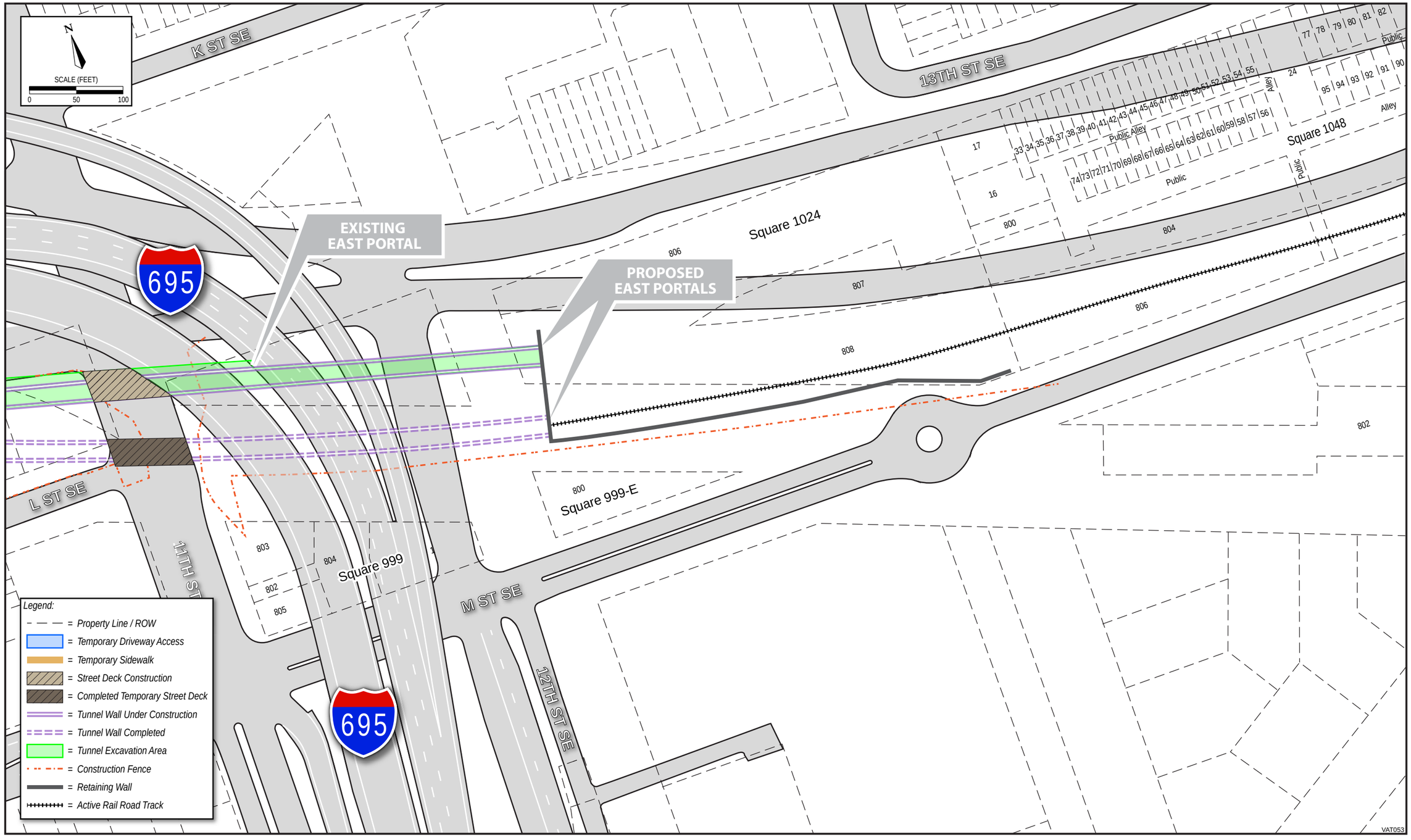
Preferred Alternative - PHASE 2



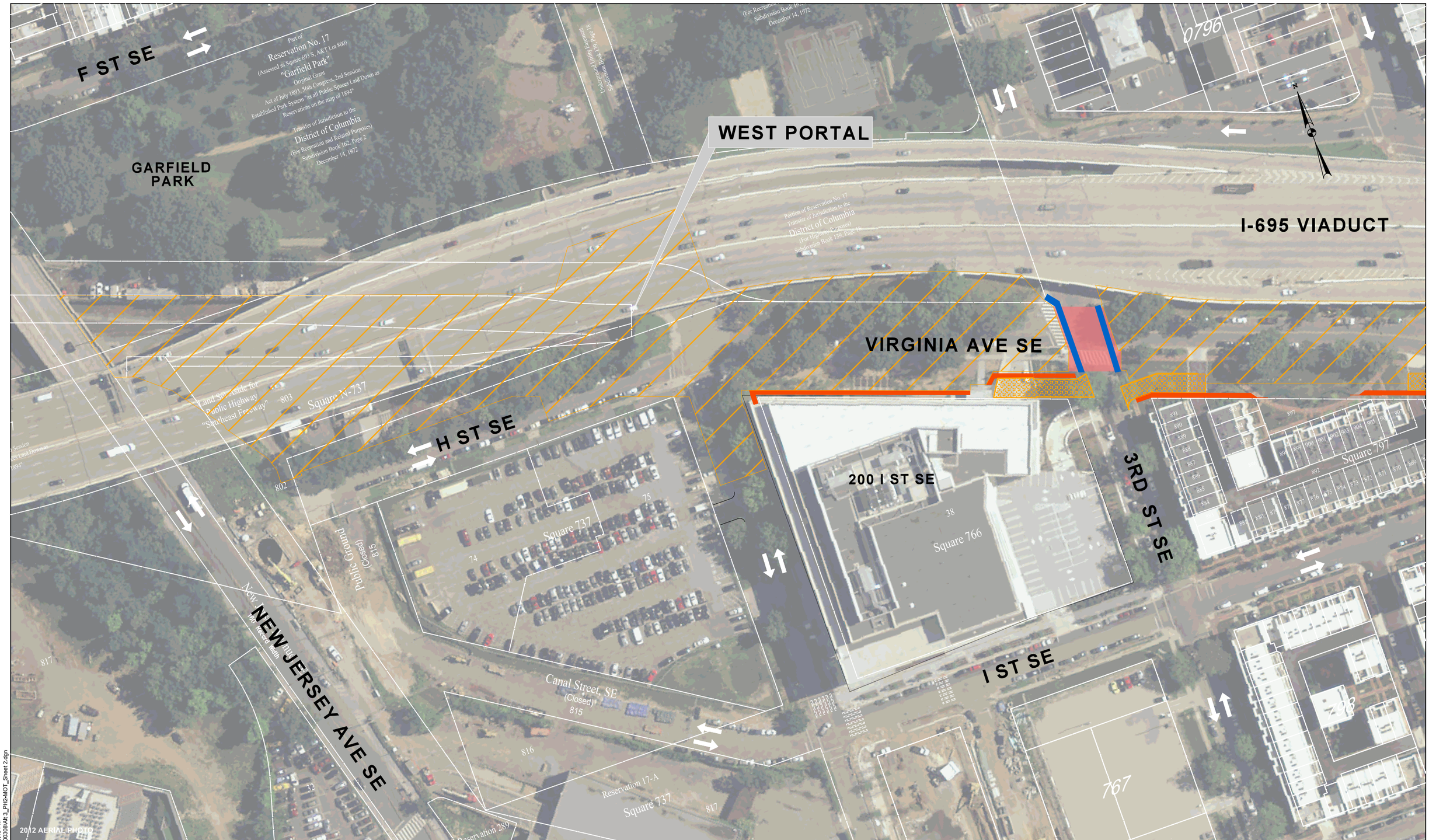
Preferred Alternative - PHASE 2



Preferred Alternative - PHASE 2



Preferred Alternative - PHASE 2



LEGEND

- CLOSED AREA
- EXISTING TRAFFIC DIRECTION
- PROPOSED TRAFFIC DIRECTION
- 11TH STREET BRIDGES
- CONSTRUCTION DECK
- PEDESTRIAN CROSSING
- TEMPORARY PROPERTY ACCESS
- TEMPORARY PEDESTRIAN ACCESS

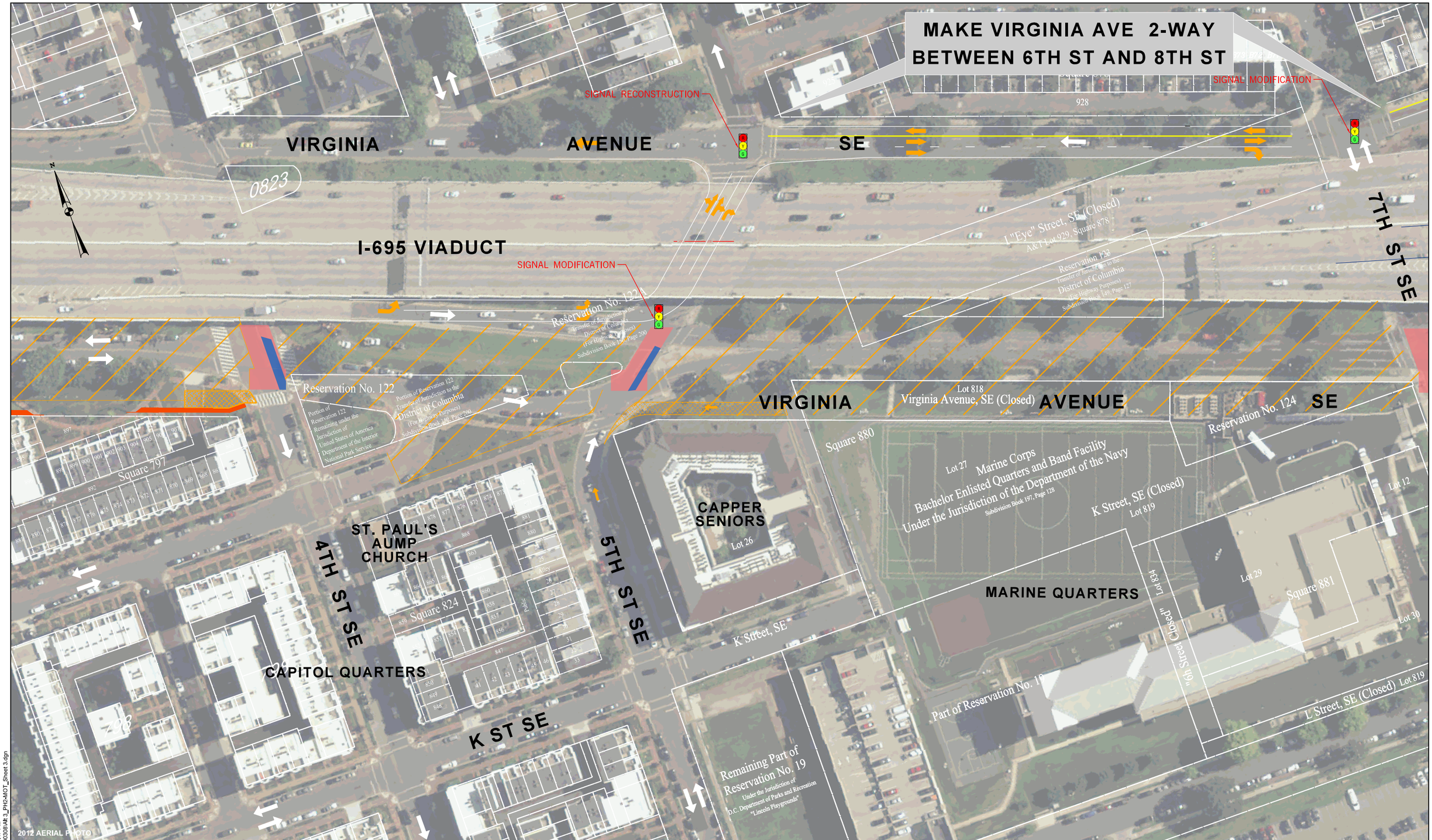
SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE
MAINTENANCE OF TRAFFIC - PHASE 2

SHEET 1 OF 4

Thursday, November 21, 2013 AT 08:46 PM
c:\pw_working\dcdot\pw00025507\dms00308\Alt 3_PH2-MOT_Sheet 2.dgn



LEGEND

- CLOSED AREA
- EXISTING TRAFFIC DIRECTION
- PROPOSED TRAFFIC DIRECTION
- 11TH STREET BRIDGES
- CONSTRUCTION DECK
- PEDESTRIAN CROSSING
- TEMPORARY PROPERTY ACCESS
- TEMPORARY PEDESTRIAN ACCESS

SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE
MAINTENANCE OF TRAFFIC - PHASE 2

Thursday, November 21, 2013 AT 06:47 PM
c:\pw_working\cdot\dot\p00225071\dms00308\MR-3_PH2-MOT_Sheet 3.dgn

MAKE VIRGINIA AVE 2-WAY BETWEEN 6TH ST AND 8TH ST

I-695 VIADUCT

11TH ST SE

VIRGINIA AVE SE

NATIONAL COMMUNITY CHURCH

ADMIRAL AT BARRACKS ROW

VIRGINIA AVENUE PARK

L ST SE

7TH ST SE

8TH ST SE

9TH ST SE

M ST SE

EAGLE ACADEMY CHARTER SCHOOL

Square 928

Square 906

Square 952

Square 976

Square 881

Reservation 125

Transfer of Jurisdiction to the District of Columbia (For Highway Purposes) Subdivision Book 158, Page 106

(Former Engine House No. 13)

Res. No. 124A

Under the Jurisdiction of the U.S. Department of the Interior National Park Service

Virginia Avenue, SE

Portions of Streets Closed and Transferred of Jurisdiction to the District of Columbia (For Recreation and Related Purposes) Subdivision Book 169, Page 65

L Street, SE

Reservation 126

(Assessed as Square 952, A&T Lot 805)

Virginia Avenue Park "D.C. Playground"

Subdivision Book 130, Page 11

Transfer of Jurisdiction to the District of Columbia (For Recreation and Related Purposes) Subdivision Book 158, Page 11

Map #9524

Portion of Reservation 126 Transfer of Jurisdiction to the District of Columbia (For Highway Purposes) Subdivision Book 153, Page 58

Portion of Reservation 126 Transfer of Jurisdiction to the District of Columbia (For Highway Purposes) Subdivision Book 153, Page 45

7th Street, SE (Closed)

L Street, SE (Closed)

Lot 12

Lot 30

Lot 819

Lot 6

0930S

0977

2012 AERIAL PHOTO

LEGEND

CLOSED AREA	CONSTRUCTION DECK
EXISTING TRAFFIC DIRECTION	PEDESTRIAN CROSSING
PROPOSED TRAFFIC DIRECTION	TEMPORARY PROPERTY ACCESS
11TH STREET BRIDGES	TEMPORARY PEDESTRIAN ACCESS

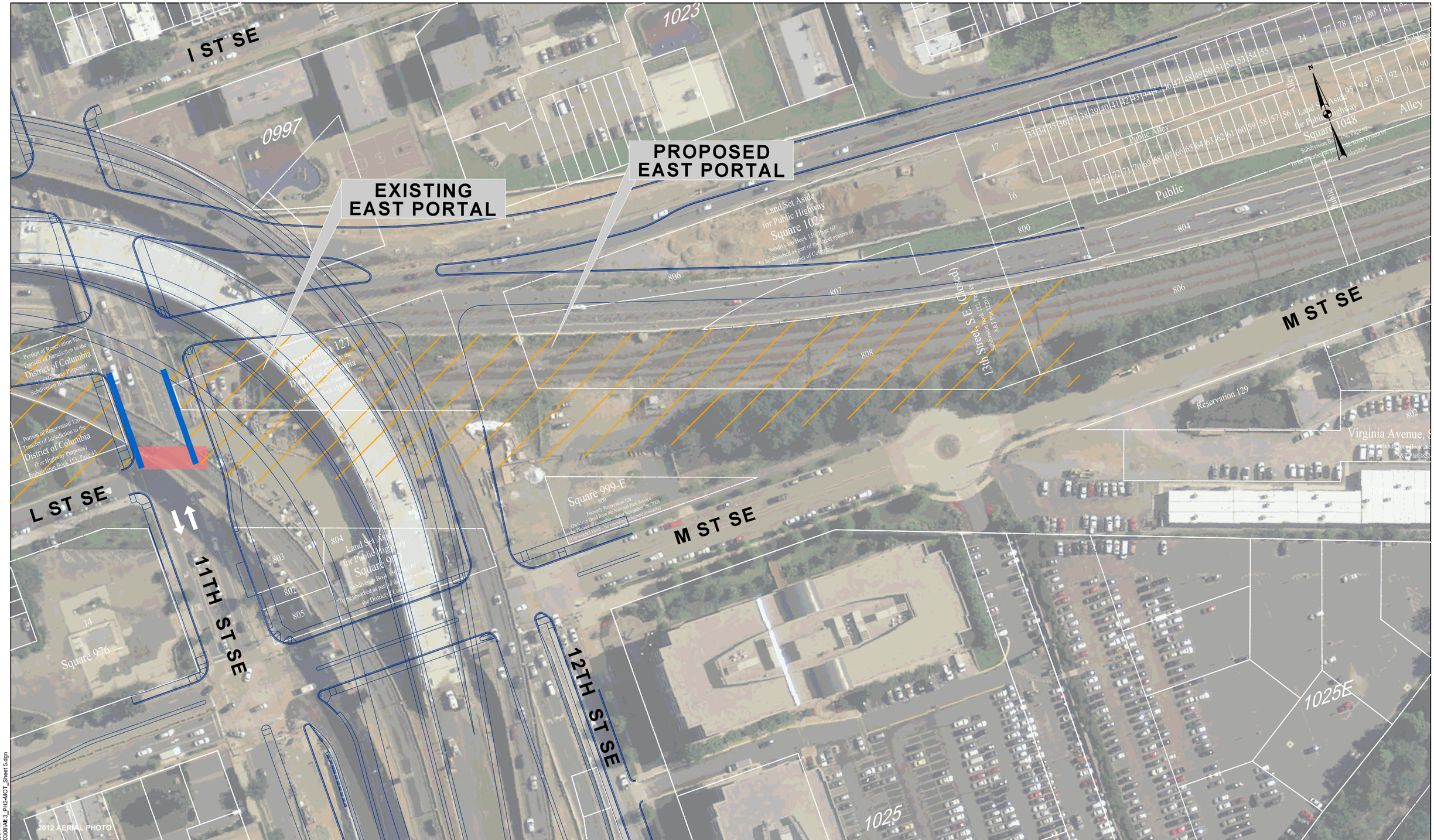
SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE
MAINTENANCE OF TRAFFIC - PHASE 2

SHEET 3 OF 4

Thursday, November 21, 2013 AT 06:48 PM
c:\pw_working\dcdotp\00225\07\oms00308\Alt 3_PH2-MOT_Sheet 4.dgn



LEGEND

- CLOSED AREA
- EXISTING TRAFFIC DIRECTION
- PROPOSED TRAFFIC DIRECTION
- 11TH STREET BRIDGES
- CONSTRUCTION DECK
- PEDESTRIAN CROSSING
- TEMPORARY PROPERTY ACCESS
- TEMPORARY PEDESTRIAN ACCESS

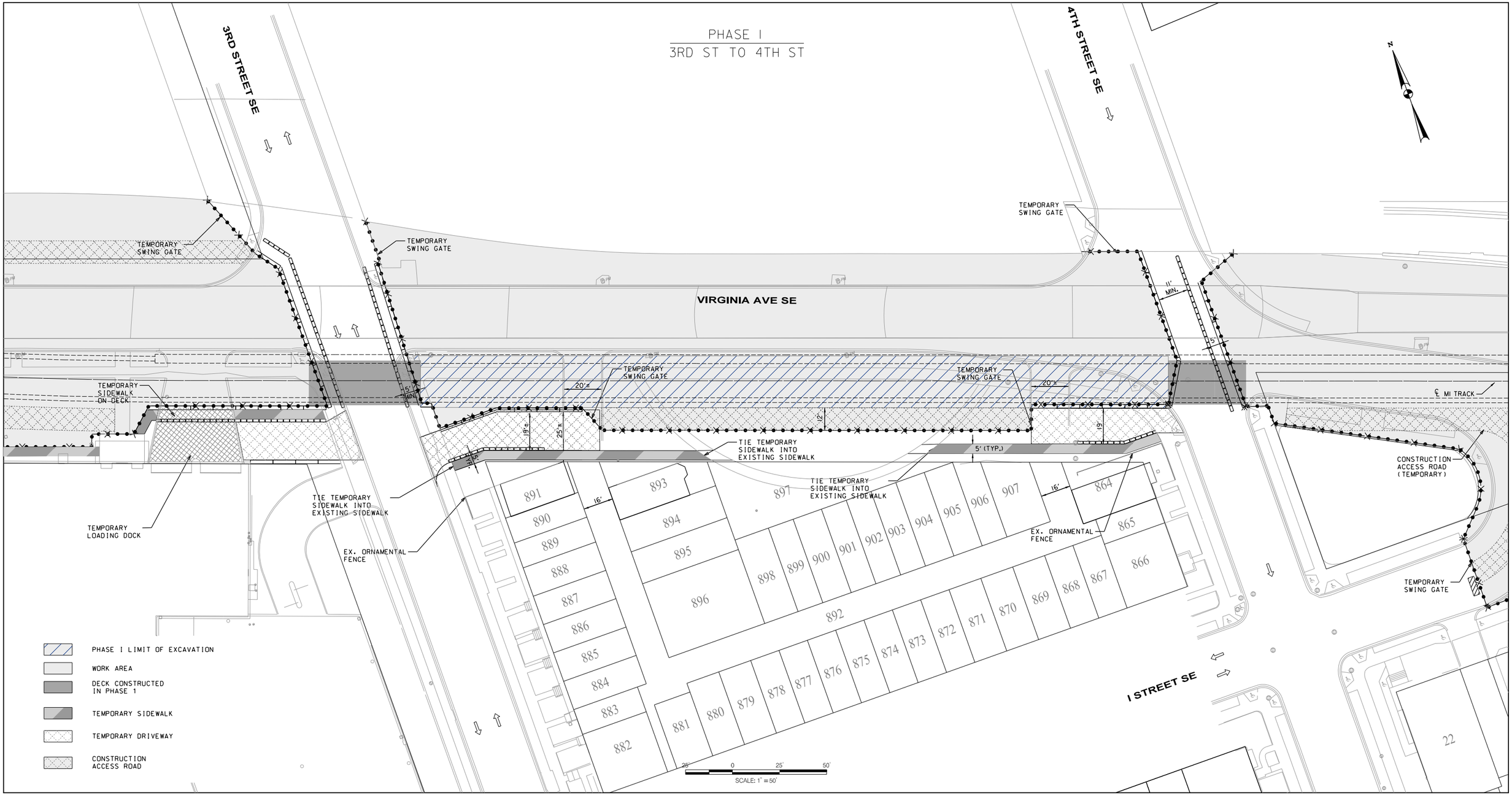
SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE
MAINTENANCE OF TRAFFIC - PHASE 2

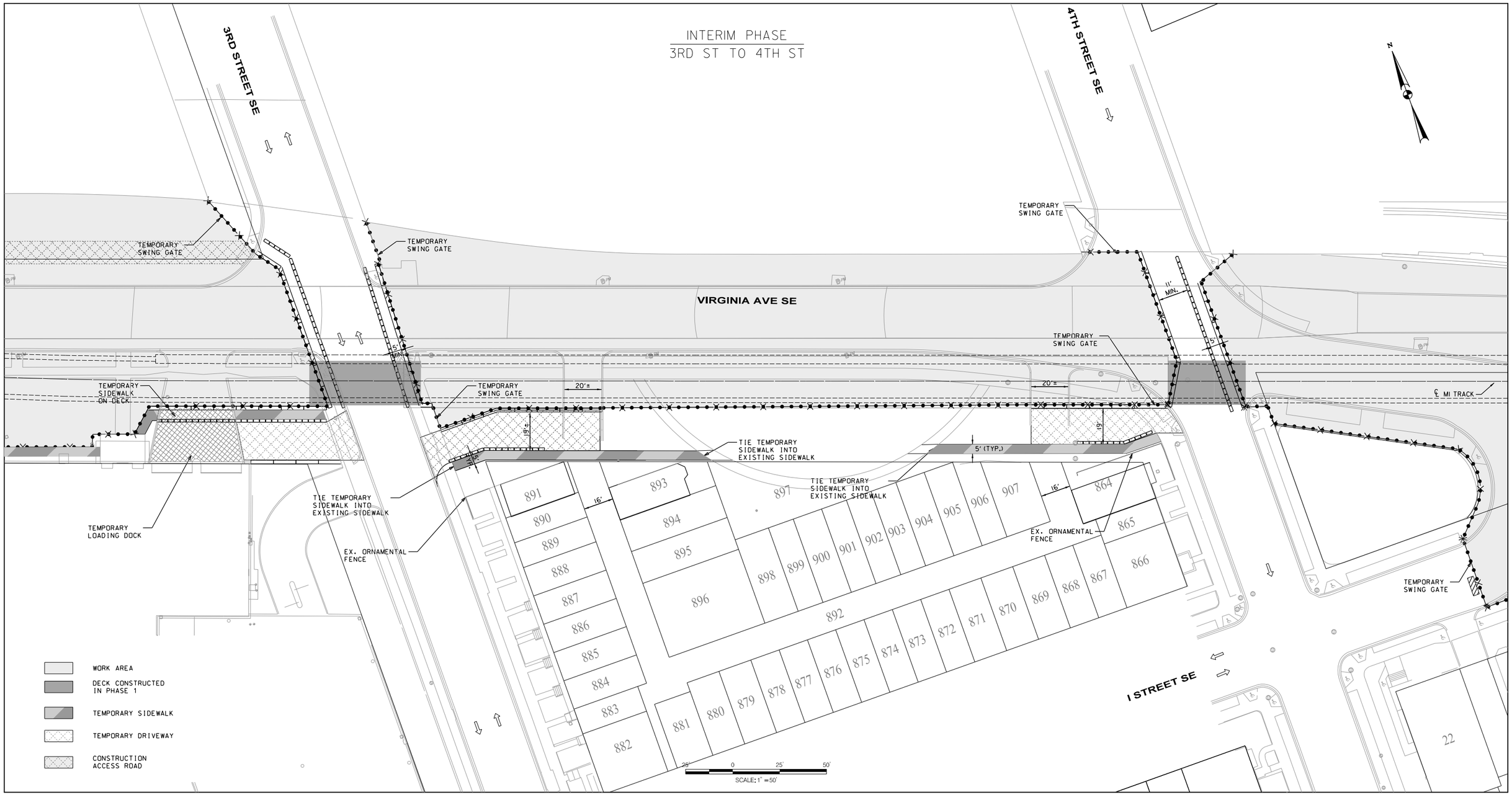
SHEET 4 OF 4

Thursday, November 21, 2013 AT 06:50 PM
c:\pw_working\dcdot\p0022507\dms00308\Alt-3_PH2-MOT_Sheet 5.dgn



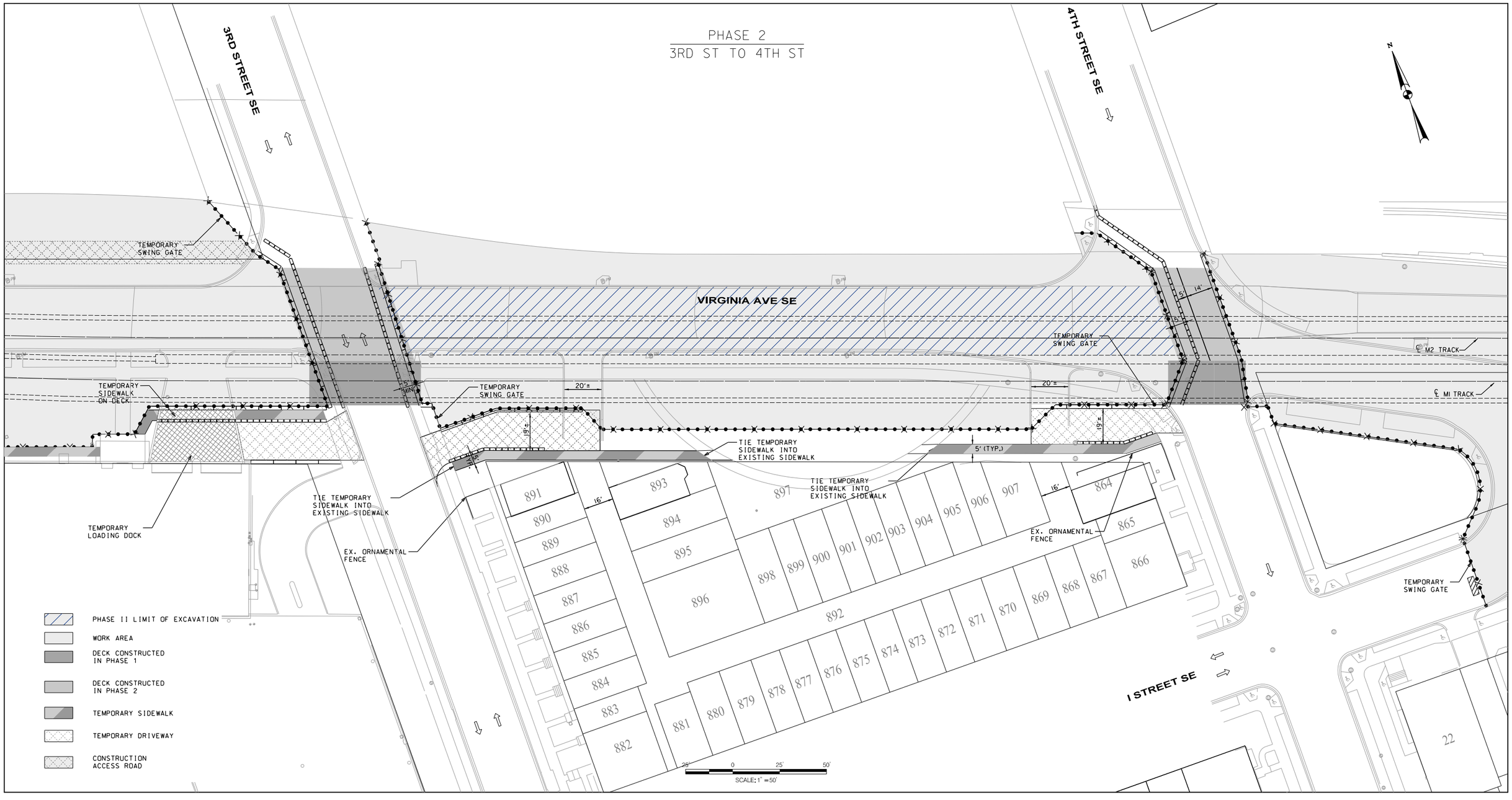
c:\pw_working\dcsdwp\p0022507\dms00308\MOT Exhibit_PHASE_I.dgn

p0022507



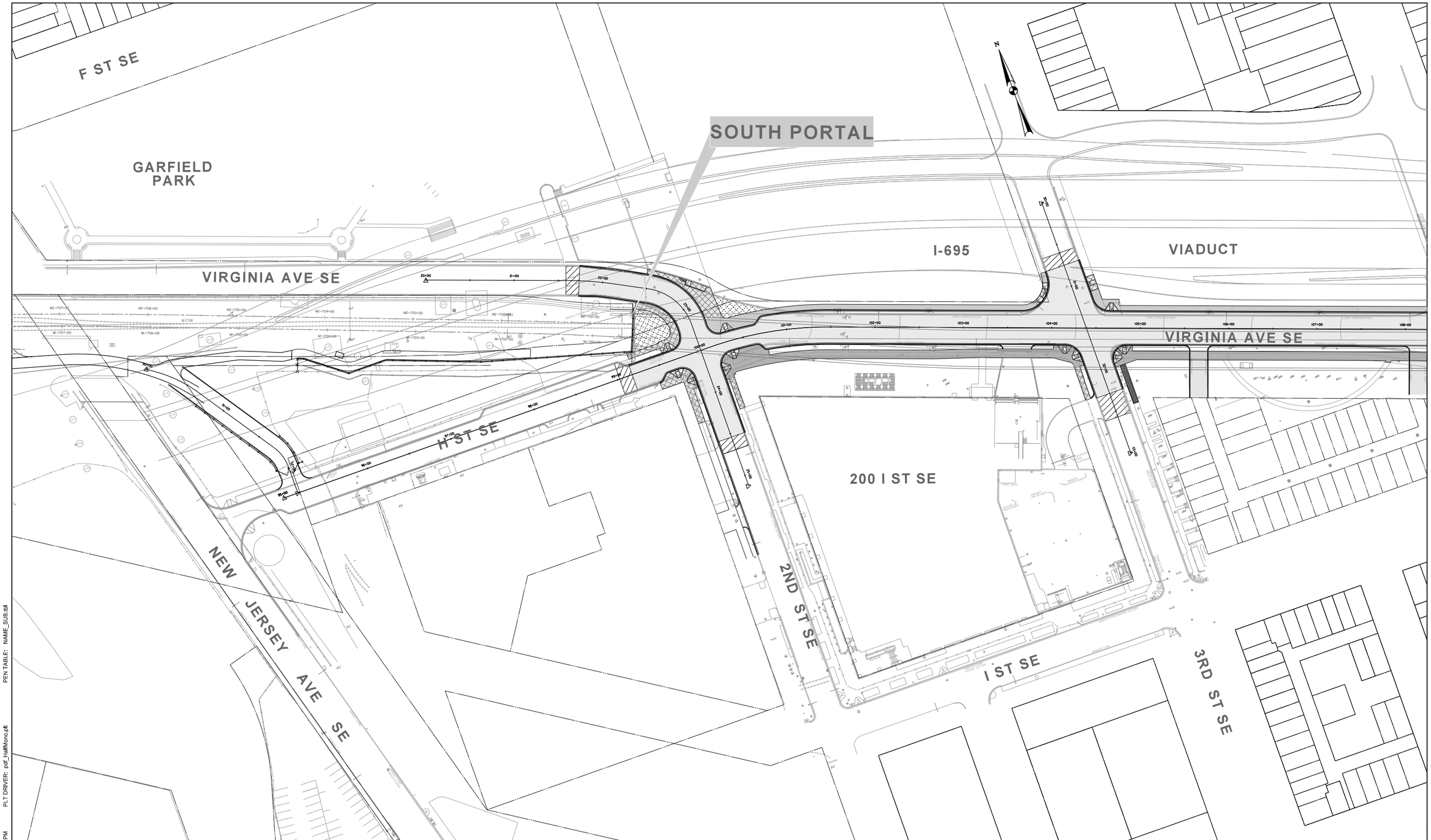
c:\pw_working\dcdot\p0022507\hms0308\MOT Exhibit_INTERIPHASE.dgn

p0022507



c:\pw_working\dcdot\pk0022507\dms03308\MOT Exhibit_PHASE_II.dgn

pk0022507



LEGEND

ASPHALT PAVEMENT	CONCRETE SIDEWALK	PROPOSED FENCE
POROUS ASPHALT PAVEMENT	MILL AND OVERLAY	EXISTING ROW / ℄
PERMEABLE PAVERS	LANDSCAPING	
BRICK SIDEWALK	PROPOSED ROW	

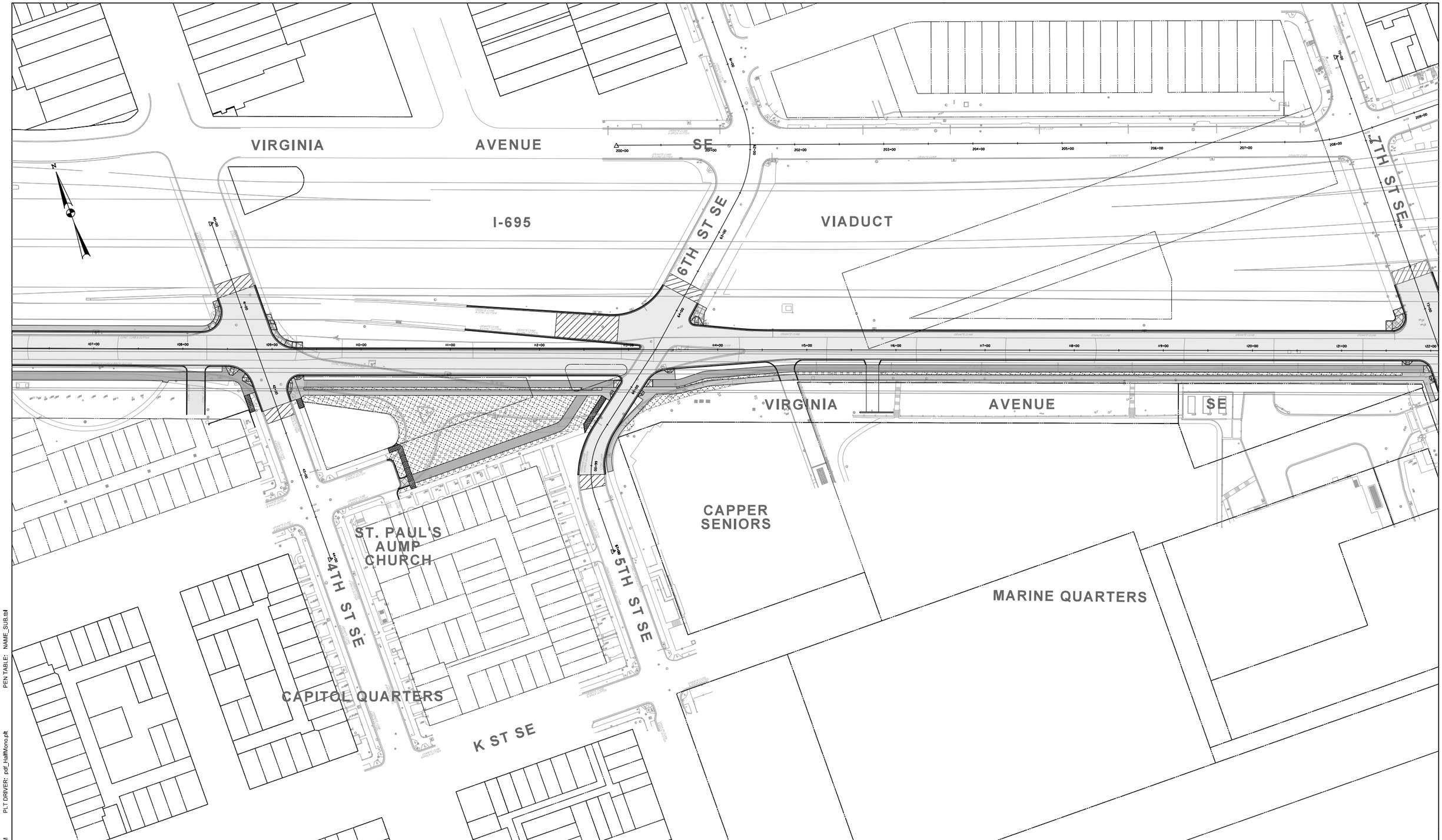
SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE - ROADWAY LAYOUT
FINAL

SHEET 1 OF 4

34972
Friday, February 21, 2014 AT 02:10 PM
c:\pw_working\dc\34972\dms02819\Alt 3_FINAL-Sheet 2 - Roadway.dgn
PLT DRIVER: pdf_HalfMono.plt
PEN TABLE: NAME_SUB.tbl



LEGEND

ASPHALT PAVEMENT		CONCRETE SIDEWALK		PROPOSED FENCE	
POROUS ASPHALT PAVEMENT		MILL AND OVERLAY		EXISTING ROW / ℄	
PERMEABLE PAVERS		LANDSCAPING			
BRICK SIDEWALK		PROPOSED ROW			

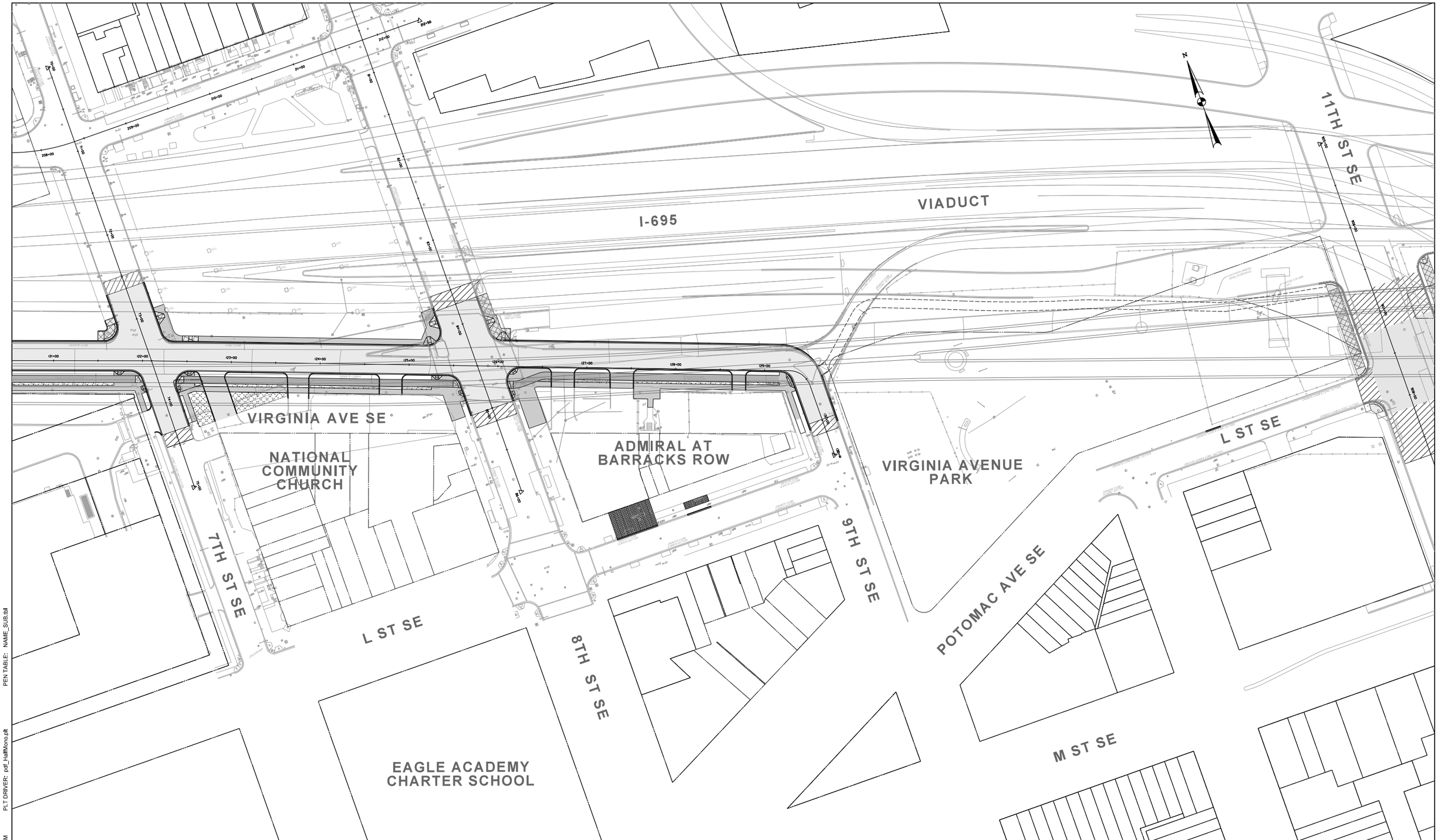
SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE - ROADWAY LAYOUT
FINAL

SHEET 2 OF 4

c:\pw_working\dc\34972\dms02819\Alt 3_FINAL-Sheet 3 - Roadway.dgn
PLT DRIVER: pdf_halfMono.plt PEN TABLE: NAME_SUB.tbl
34972
Friday, February 21, 2014 AT 01:59 PM



LEGEND

ASPHALT PAVEMENT	CONCRETE SIDEWALK	PROPOSED FENCE
POROUS ASPHALT PAVEMENT	MILL AND OVERLAY	EXISTING ROW / ℄
PERMEABLE PAVERS	LANDSCAPING	
BRICK SIDEWALK	PROPOSED ROW	

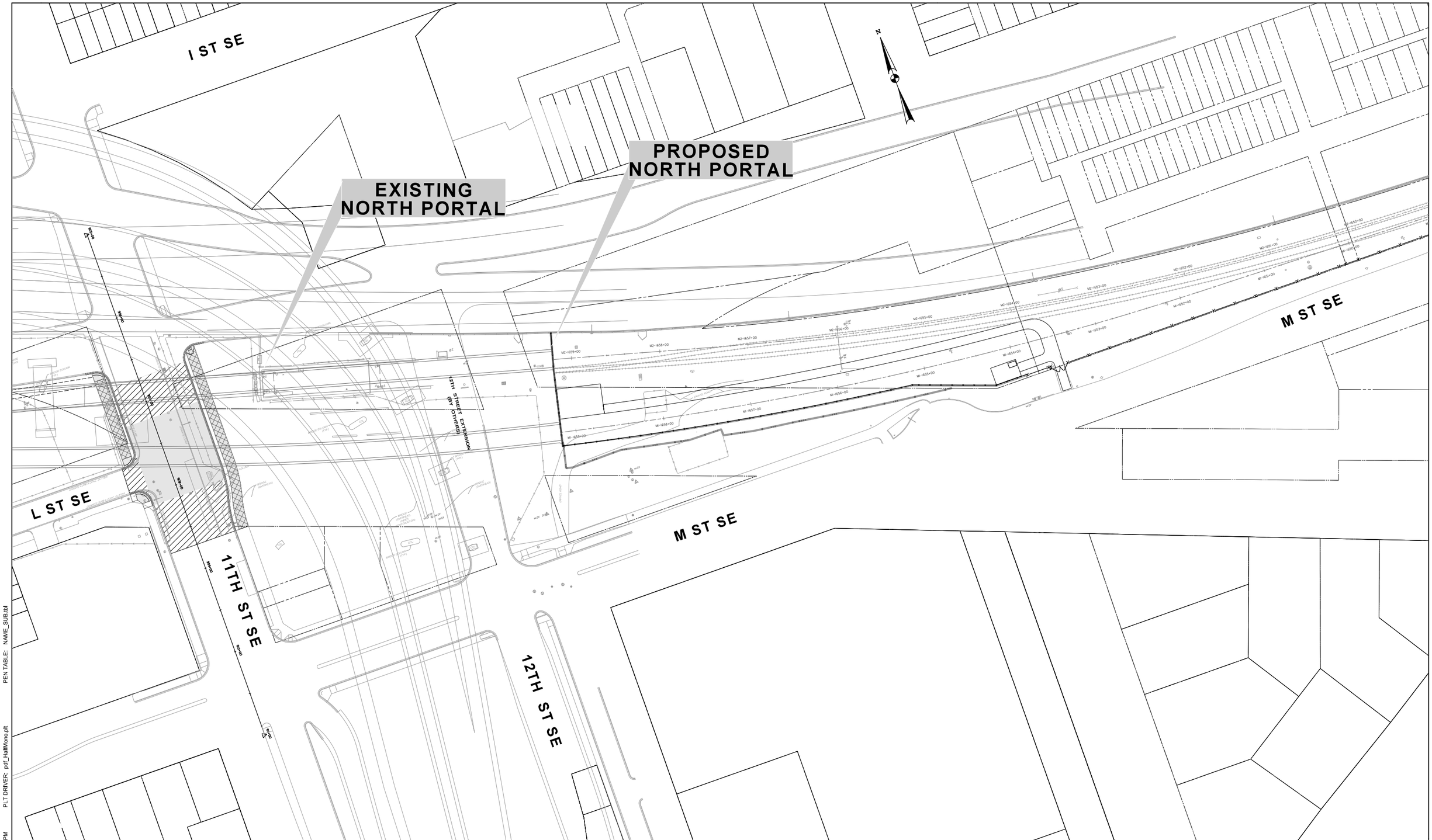
SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE - ROADWAY LAYOUT
FINAL

SHEET 3 OF 4

c:\pw_working\dc\34972\dms02819\Alt 3_FINAL-Sheet 4 - Roadway.dgn
PLT DRIVER: pdf_HalfMono.plt PEN TABLE: NAME_SUB.tbl
34972
Friday, February 21, 2014 AT 02:02 PM



LEGEND

ASPHALT PAVEMENT		CONCRETE SIDEWALK		PROPOSED FENCE	X——X—
POROUS ASPHALT PAVEMENT		MILL AND OVERLAY		EXISTING ROW / ℄	——— - - - ———
PERMEABLE PAVERS		LANDSCAPING			
BRICK SIDEWALK		PROPOSED ROW	——— - - - ———		

SCALE (FEET)

100 0 50 100

CSX VIRGINIA AVENUE TUNNEL
PREFERRED ALTERNATIVE - ROADWAY LAYOUT
FINAL

SHEET 4 OF 4

c:\pw_working\dc\34972\dms02819\Alt 3_FINAL-Sheet 5 - Roadway.dgn
PLT DRIVER: pdf_halfMono.plt
PEN TABLE: NAME_SUB.tbl
34972
Friday, February 21, 2014 AT 02:09 PM

VIRGINIA AVENUE TUNNEL RECONSTRUCTION

Federal Highway Administration

District Department of Transportation