



January 28, 2014

ANC 6B Commissioners  
921 Pennsylvania Ave NW  
Washington, DC 20003

Dear ANC 6B Commissioners:

Thank you to those of you who were able to attend the January 16<sup>th</sup> community meeting with Mayor Gray about CSX's proposed plan to expand the Virginia Avenue Tunnel freight rail line. The meeting was well attended by more than 400 neighbors, businesses, organizations, agencies, and environmental and rail experts. DCSafeRail, the community group that helped organize the meeting, formed from concerned citizens asking for accountability and oversight in ensuring the community's health, safety, and security interests are protected as the Virginia Avenue Tunnel expansion project is considered for approval by federal and city agencies.

CSX's proposal to expand the Virginia Avenue Tunnel is complex. The Draft Environmental Impact Statement (DEIS) is more than 1,600 pages and, as has been raised by many comments submitted in the DEIS process, the document often contradicts itself, omits sections of information, and fails to address many of the questions the community has been asking for years.

On January 19<sup>th</sup>, it was brought to our attention that ANC6B Commissioner Kirsten Oldenburg distributed a piece titled, "CSX VAT Opposition Misinforms," in which she states that those who oppose CSX's proposed expansion of the Virginia Avenue Tunnel—including DC residents, agencies, and environmental and rail experts—are "making up information." We are disappointed that Ms. Oldenburg minimizes the concerns raised by members of the community, including her own constituents, without offering to first meet and discuss their concerns. She judges these folks as "opponents," and says they are "whipping people up into a frenzy." What she doesn't mention, which was highlighted at the Mayor Gray meeting, is that these "opponents" began questioning the adverse impacts and offering mitigation solutions for years before the NEPA process even began. CSX and the federal and city agencies promised that the questions would be answered in the DEIS. That promise was broken. The DEIS spoke with one voice – that of CSX. The public safety impacts to the community were not criteria for analysis. Because the community has been ignored, we have turned to our elected leaders to hear our voices.

The DEIS is a dense, long, and, at times, confusing document, so we went to industry experts not associated with the project and independent researchers to help us more fully understand what this community will face if CSX's plans are approved as provided. We feel it important to provide the ANC 6B Commission with our response to the points raised in Ms. Oldenburg's piece.

1. **Facts.**

- a. **Trains Running Through an Open Trench.** Ms. Oldenburg states in her piece that one "alternative does not involve running trains through an open trench during construction." This is not true unfortunately. Page S-5 of the DEIS Executive Summary states that under "Alternative 3 – Two New Tunnels", trains will be, "operating in a protected open trench for approximately 230 feet immediately east of the 2<sup>nd</sup> Street portal." The document explains that the proposed "protection" is merely a construction fence, such as a chain link fence.

This open trench will be in front of the children's playground at Garfield Park, adjacent to employees working at the 200 I St government building (where the meeting with Mayor Gray was held), in front of residential homes, and on the front steps of the newly planned Whole Foods. This open trench option results in approximately a 5-acre gift of public land to CSX to construct the second tunnel outside of their existing tunnel. Alternative 3 will allow CSX to permanently expand its footprint in the District by the largest amount and bring the project significantly closer to offices, residents, retail, and park space along Virginia Avenue.

The DEIS does not provide a measurement in feet for the length of open trench for Alternative 2 – Rebuilt Tunnel/Temporary Runaround Track and Alternative 4 – New Partitioned Tunnel/Online Rebuild. The only description is that the open trench will run from 2<sup>nd</sup> St SE to 11<sup>th</sup> St SE. A google map search shows this length to be approximately 3,600 feet of proposed open trench construction. Alternative 1 is the No Build.

- b. **Duration.** The DEIS contradicts itself in terms of the projected construction duration. In some places, it states 3 to 5 years. In other places, it states from 3.5 to 5.5 years. Some have rounded up this latter figure to 4 to 6 years, which is not unreasonable, as it is very common for construction projects (particularly one as complex as this) to finish later than projected. With CSX's design-as-you-build approach, many experts familiar with construction projects like this are saying it could most likely be 5 to 8 years or more. One weakness identified in CSX's plans is that there is no incentive for the company to finish on time or early. All plans will have trains running through the period of construction so operations continue with expanded double-stacked trains for CSX. This is one of the reasons—along with safety—we have strongly called for a re-evaluation of any temporary rerouting options for at least the period of construction.
- c. **Vibration.** Ms. Oldenburg mentions the issue of the five-fold increase in vibration, about which she says, "I do not understand." We had the same reaction when we first read the meandering data dump of information in CSX's vibration analysis. Therefore, we consulted two separate and independent engineers to help us out. On page 25 of the vibration analysis report it uses "Meas." for the current vibration and "Calc." for the vibration after the project. Top Row, Site 2. Measured now is 0.013. Calculated measure is 0.063. What this means is that the permanent impact of vibration at "Site 2" is 5 times higher. It's important to note that Site 2 is right next to family homes. In addition, it's important to understand that the vibration study assumes one train through the tunnel. CSX plans to run two trains in opposite directions under the expanded tunnel. The study also assumes this train will be traveling at 19mph. However, the DEIS documents say CSX will be running its trains more than twice as fast (current industry standards are a minimum of 40mph). On its face, the DEIS calls for a five-fold increase, but faulty assumptions in the document appear to suggest it could be higher.
- d. **Asbestos & Other Environmental Impacts.** Ms. Oldenburg post diminishes the health concerns raised by the 8,000 square feet of asbestos in the tunnel as well as the other air pollutants that would be released by this proposed project. We all know the harmful effects of asbestos. What do the planning documents say about asbestos? The DEIS states that asbestos "should not be disturbed or handled," but that it should be "removed."

What about other harmful air contaminants and environmental impacts? Comments filed by Environmental Protection Agency (EPA) further highlight the fact that the DEIS does not provide enough information about how it will handle environmental impact, especially on children. EPA's 12 pages of comments contain necessary questions, concerns, and deficiencies identified in the DEIS documents. The EPA notes, "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." You can see EPA suggestions and questions at: <http://1.usa.gov/1liPz7K>.

In addition to the EPA, DC Water filed comments, which address CSX's plan to relocate a major DC Water sewer line. DC Water's comments include concerns that the documents are "not completely in sync" with other conceptual plans, include "significant discrepancies" on the proposed work, and have "misleading" assumptions about what is actually feasible. We do not believe that these agencies are spreading misinformation. We believe these are legitimate and important concerns that need to be answered before an alternative is selected and a Final EIS is released.

- e. **Access.** CSX's own traffic study admits that several intersections and streets receive "unacceptable" grades (i.e., closures or significant negative impacts). And this traffic study did not even take into consideration baseball stadium traffic or the planned reconstruction of South Capitol Street. It also does not address the numerous projects that will include D.C. Housing Authority buildings, including the community center project directly on the other side of the Arthur Capper Building at 5<sup>th</sup> Street. Contrary to Ms. Oldenburg's statements, access to residences and businesses will be negatively impacted. Last summer, CSX officials specifically told certain homeowners that construction activities may restrict access to their front doors. CSX has not provided a reasonable plan showing how some residents will have access to their garages or how emergency vehicles will be able to access sharp corner entry points and exit points, which will run between homes and open trench construction. We believe these are legitimate and important concerns that need to be answered before an alternative is selected and the Final EIS is released.
2. **Hazardous Materials.** Ms. Oldenburg's post misses an important point about the threat of hazardous materials and highly flammable Bakken crude oil. We all know these dangerous materials travel through the tunnel today. That is a concern but not the issue. The issue is that running freight trains through an open trench in an active construction zone increases the vulnerability of the hazardous material to accident or attack. The current DEIS build alternatives proposed by CSX increase the risk of a hazmat or crude oil derailment like the ones that happened in Willard, Ohio or Casselton, ND. There were other alternatives, not brought forward to the DEIS, that would create a much less risky construction environment. In all proposed build alternatives, CSX is proposing to significantly increase hazmat and crude oil shipments through the District. Even if these materials pass through DC today, how is it appropriate for CSX to increase the amount of hazmats and crude oil shipped through our Nation's Capital? Why do we want to increase the risk of accident, derailment, or attack? Serious District leaders will recognize this threat and should do what they can to prevent it. Serious District leaders will heed the warnings issued by the National Transportation

Safety Board (NTSB) just this month. Reroute around urban centers.

- 3. Rail Accidents.** The DEIS completely omits the possibility of rail accidents. Search for the words “derailment” or “accident” in the documents, and you will find no mention of it. CSX has completely brushed this issue under the rug, but it is a serious risk of all of the build alternatives presented in the proposal. Ms. Oldenburg expressed comfort with CSX’s safety record. More than 200 accidents per year. We are not comforted by that fact. As mentioned, the NTSB published a report describing what could happen with just one accident: “The NTSB is concerned that major loss of life, property damage, and environmental consequences can occur when large volumes of crude oil or other flammable materials are on a single train involved in an accident.” (See NPR’s coverage of this report on January 24, 2014: <http://n.pr/1ecwi2y>.)

CSX explains away the safety concerns by stating that single commodity “unit trains” of hazmats and Bakken crude oil do not pass through the District, and Ms. Oldenburg repeated those points. A unit train is a train in which all cargo train cars are filled with the same material. We believe that this is a distinction without a difference. It does not take an entire train full of crude to explode – the explosions in Lac Megantic and Casselton were only triggered by a handful of crude oil cars. The explosion in Plaster Rock, Canada a few weeks ago was triggered by a mixed cargo train (i.e. trains that CSX admits run through the tunnel) with propane and crude oil.

In the meeting with Congresswoman Norton on November 23rd, CSX admitted to potentially “unlimited” transport of crude and hazmat rail cars through DC, just not in a “unit train.” At the community meeting on January 25th, CSX acknowledged that three cars of crude oil passed through the Virginia Avenue Tunnel last year. This admission finally came after CSX refused to tell anyone – even Congresswoman Norton herself—for months. CSX also very carefully articulated past statistics. When asked about CSX's strategic initiative to increase its crude-by-rail shipments by 50% in 2014 (particularly to its new crude-by-rail transport terminal in Yorktown, Virginia), CSX again refused to comment on how many highly flammable crude tankers it could likely transport through the District. This lack of transparency is not only disturbing, but also reflective of how they treat every question asked. If CSX demands that Washington DC bear the sacrifice of being a way-station for its crude-by-rail business, then CSX should be transparent about the risks.

The real issue here is that when it comes to highly dangerous material, there is no “appropriate” number of accidents. It takes just one. And these significantly increased risks to our community and the District need to be addressed.

- 4. Wait until the Process Concludes.** Ms. Oldenburg asks the community to “wait” until the “process” concludes. Waiting until the end of the process is too late. The DEIS process is not perfect and it is the responsibility of the community to ask questions and be engaged. The process failed the senior citizens at the Arthur Capper Senior building (among others), many of whom do not have easy access to the Internet and were not aware of the 1,600 pages of documents produced by CSX’s consultants. Ms. Oldenburg states in her post that concerned citizens are “working in opposition on the outside of this formal study process.” We believe people have the right to have an opinion, and to express that opinion. We urge that they not be attacked for expressing those opinions. DCSafeRail shares the opinion that the NEPA process to date has been flawed and too many questions remain unanswered. Our community should not sit idly by while those in positions of

power fail to ask the right questions, get answers and, ultimately, support the desires and needs of the community.

5. **Legitimate Questions.** Residents who ask serious and legitimate questions should not be mocked—especially not by those who purport to be community leaders. In the meeting with Mayor Gray, a single mother who would be directly impacted by the project stood up and asked the Mayor if he could promise to protect the interests of her child with special needs. Ms. Oldenburg’s reaction is: “Where do people get these ideas?” and “I fault the opponents,” she concludes. Her reaction is disappointing. Should the Environmental Protection Agency, other government agencies, and community groups be faulted for asking the same questions? We have a right to ask questions. We have a duty to ask questions. And when the city holds a decision like this in its hands, our elected leaders have a duty to respond to those questions without demeaning those who ask.
6. **“What does this group want?”** We want what most across our city want. We want to live in our homes, build a sense of community, make positive contributions to our community, and enjoy our lives in peace. We also want to see the city make the decision that is best for the city, not just best for CSX.

**We are asking the District to withhold approval for the proposed project unless and until:**

- I. A comprehensive and holistic analysis has been conducted by the District Department of Transportation to consider the cumulative impacts CSX’s proposal would have on the larger rail infrastructure system as well as other city planning and environmental considerations; and;
- II. CSX proposes and concludes a thorough review of a wider range of safer and more reasonable alternatives, including rerouting alternatives, that eliminate and/or greatly mitigate the severe risks to the health and safety of the public and to the environment at large.

In regards to the first point, the Virginia Avenue Tunnel is just one piece of aging rail infrastructure in Washington DC. Passenger and commuter rail are growing rapidly and are already at or near capacity, and, unlike freight rail, they do make stops within the District. The proposed Virginia Avenue Tunnel studies and project should not be looked at in isolation, but should be looked at in the context of other ongoing efforts to address the city’s rail needs (*e.g.* the Long Bridge study, the Union Station Master Plan, and the Southwest EcoDistrict Plan). By looking solely at the Virginia Avenue Tunnel, and by looking only at the needs of CSX, this proposed project would severely limit the options available to address other rail needs in the near and distant future.

Rail infrastructure experts such as the Committee of 100 on the Federal City, National Capitol Planning Commission, and others have proposed safer and more comprehensive alternatives. Those alternatives were summarily dismissed by CSX without appropriate oversight or community involvement.

In regards to our second point, we have specifically asked CSX, and the federal, city, and local authorities to take a more rigorous look at rerouting at least during construction as a reasonable alternative to decrease health and safety risks as well as the time period for, and construction footprint of, the proposed expansion project. This greatly mitigates many of the negative impacts associated with CSX’s plans.

CSX dismissed rerouting only saying on page 3-17 of the DEIS: “Although rerouting is common railroad practice under emergency conditions that are usually short in duration, negotiating a 2 plus-year operating agreement would be very difficult.” This is not true. First, the documents show that Norfolk-Southern (NS)—the most likely rerouting partner— was never consulted. Second, history shows that NS would be able to grant CSX trackage rights for a rerouting option between Alexandria and Hagerstown for Capitol Gateway traffic not originating or terminating in the District. The DEIS opines that it would be difficult, if not impossible, to obtain temporary trackage rights for two years. This is false. The Surface Transportation Board recently approved NS grant of temporary trackage rights for two years' time, for four years' time, and for ten years' time. It is because CSX refuses such a reasonable alternative that DCSafeRail is asking the Mayor to select the “No Build” alternative. CSX must find a safer and more reasonable alternative, including rerouting.

7. **Lifeless space.** Ms. Oldenburg called Virginia Avenue a “lifeless space” in her piece. We disagree. The Navy Yard community is full of life, energy, promise, and diversity. Neighbors spend time together in their front yards, walking their dogs, and playing with their children. Ms. Oldenburg talks of “major re-designs” and “linear parks” but these plans are not found in the DEIS or any document that binds CSX. CSX’s “benefits” include “restoring” what they’ve destroyed, and they “might” add a bike lane. Perhaps she refers to a statement found in Chapter 5.12.4: “As there is no conversion of Section 6(f) lands attributable to the Project, there is neither a statutory obligation to replace converted lands. Nevertheless, at the conclusion of this Project, CSX would provide the affected community with a number of general benefits...to include enhancements to Virginia Avenue Park, and thereby acknowledge the temporary use of this Section 6(f) land for this Project.”

A possible dog park, interpretive signs, or a new pathway do not counter the increased human health and safety burdens to the Washington DC city blocks along Virginia Avenue populated by children, seniors, and those who must ask the questions before the digging starts.

It takes engaged citizens, asking tough questions, to impact the future of our community and our region’s rail system. We would hope that tactics to demonize residents for asking questions and raising concerns do not dissuade them from speaking. It takes an engaged community to protect a community. Constituents that insist on accountability are not a liability—they are exercising responsibility. We hope and ask that our elected officials do the same.

Sincerely,

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#MayorNoBuild