



July 12, 2014

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

Matthew Brown  
Interim Director  
District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

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

Executive Director  
*Susan Eads Role*

VIA E-MAIL: [matthew.brown3@dc.gov](mailto:matthew.brown3@dc.gov); [christopher.lawson@dot.gov](mailto:christopher.lawson@dot.gov)

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RE: Comments on Virginia Avenue Tunnel Reconstruction Final Environmental Impact Statement

Dear Director Brown and Mr. Lawson:

During a properly noticed special call meeting of Advisory Neighborhood Commission 6B (ANC6B) on July 10, 2014, with a quorum present, the Commission voted 6-0 to send this letter to the Federal Highway Administration (FHWA) and the District Department of Transportation (DDOT). Although we are generally supportive of Alternative 3 as the Preferred Alternative, ANC6B believes there are still a number of issues that need to be resolved before this project should move forward.

As the Commission stated in previous communications to FHWA, DDOT, and the Mayor's office about this project, we are most focused on ensuring that the impacts of the construction phase of the project on quality of life, traffic flows, safety, and economic development are minimized and, where necessary, mitigated. Our community has been waiting almost five years to get this project behind us and the associated uncertainty has slowed the development of the directly affected ANC6B neighborhood. The community should not be subject to further delays.

We are generally supportive of the choice of Alternative 3 in the Final Environmental Impact Statement (FEIS) as the Preferred Alternative because it:

- has the shortest duration of construction (30-42 months), compared to the other alternatives in the Draft Environmental Impact Statement (DEIS);
- has the shortest duration of Maintenance of Traffic Phase 2, during which Virginia Avenue SE north of the Freeway will see increased traffic and congestion as a two-way street;
- has trains operating in a covered tunnel for the duration of construction, with the exception of the 200 block of Virginia Avenue;
- has the lowest levels of noise and vibration and does not require sheet piling; and
- will result in a reconstructed tunnel with a barrier between the tracks.

## COMMISSIONERS

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ANC6B plans to be actively involved in the post-construction plans included in the FEIS. In light of the significant inconvenience and disruption the community will experience for up to 42 months, it is important that the neighborhood be left in better condition than CSX found it. ANC6B supports the improved access to Garfield Park; the pedestrian and bicycle parkway connecting Garfield Park and Virginia Avenue Park; and the reconstruction of and improvements to Virginia Avenue Park.

In its response to the DEIS, the Commission expressed concern with the possible vibration impacts to the historic houses east of 7<sup>th</sup> Street SE that are adjacent to the Limits of Disturbance. Thus, we are pleased to find that, in the revised vibration study, monitors were placed in this area and that these property owners will be eligible to apply for pre-construction surveys. ANC6B also appreciates the detailed information on how the vibrations will be monitored during construction and the inclusion of a description of comprehensive rodent control and dust control plans in the FEIS. It will be critical that CSX and its contractors implement those plans thoroughly and effectively.

All that said, ANC6B still has concerns about the project that we think must be addressed in the Record of Decision:

- Repaving/Reconstruction of Virginia Avenue north of the Freeway. The project will require that Virginia Avenue north of the freeway be temporarily converted into a two-way street, which will result in increased traffic on that part of Virginia Avenue. In our comments on the DEIS, ANC6B requested that DDOT, after construction is complete, repave or otherwise repair as necessary this section of Virginia Avenue, as well as install traffic calming measures and improved landscaping, including planting street trees. As far as we can tell, the only information in the FEIS responsive to this request was the vague commitment to add “additional landscaping” and “street lighting, traffic signals and crosswalks” to Virginia Avenue. We, thus, repeat our request for a commitment from DDOT to reconstruct and improve (with funding from CSX as a mitigation) this section of Virginia Avenue north of the freeway, as outlined in our comments on the DEIS.
- Complaint Resolution Process. In our comments on the DEIS, we asked that CSX establish “a formal complaint process in the FEIS for when the community becomes aware that various mitigations promised are not being carried out.” We did not see any response to this request in the FEIS. Implementation of the plethora of commitments in the FEIS is critical to ensuring that the project’s impacts on the community are mitigated. We continue to believe that a formal complaint process must be established to ensure these commitments are properly implemented. General oversight and monitoring by DDOT or any other District agency is inadequate given the size and scope of this project.
- Community Advisory Group. In our comments on the DEIS, we asked that CSX “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.” Again, we did not see any response to this request in the FEIS. Establishing a community group to advise on the 11<sup>th</sup> Street Bridge project has been effective and successful, and we think it is critical that the Virginia Avenue Tunnel project have a similar group.

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- Assurances of Completion in 30 to 42 months. Because of the enormous impact this project will have on our community, the duration of construction is one of the most important elements of the proposal. Our comments on the FEIS take DDOT and FHWA at their word that 30 to 42 months is their best estimate of the duration of construction. That means there is an equal likelihood the project will be completed in under 30 months as there is that the project will go over 42 months. If our understanding of the meaning or certainty of this estimate is a mistake, we request that FHWA, DDOT, and CSX correct our misunderstanding as soon as possible. The FEIS mentions that the contractor will be subject to financial penalties if construction exceeds the estimated project duration, but does not specify the size of those penalties. ANC6B requests that these penalties be of sufficient size to ensure that the project will remain within the estimated 30 to 42 month timeframe. We note that DDOT's 11<sup>th</sup> Street Bridge project has managed, to date, to be ahead of schedule (and below estimated cost). We feel CSX and its contractors should apply the lessons learned there to its project.
- Utility Disruptions. In our comment on the DEIS, we requested more information about potential utility disruptions caused by the project and the process for notifying neighbors about those disruptions. While there is copious information in the FEIS on all the utility lines that will be affected by the project, the Commission is aware that the utility providers do not always forewarn their customers of planned outages and are not always quick to make repairs. Thus, we believe that CSX and its contractors will have to take on the major responsibility for this task.
- Mitigation Fund. The FEIS describes plans to "provide a one-time lump sum payment of \$500,000 split equally between ANC 6B and ANC 6D" to be used in accordance with D.C. Code § 1-207.38 "[t]o offset the temporary inconveniences to residences other than 'front row' residences that are located between 2nd Street SE and 12th Street SE, south of I-695" and "to promote community enhancements." District law does not authorize ANC6B to accept this payment, and ANC6B cannot accept it. ANC6B is comprised of ten volunteer commissioners and is supported by a limited administrative budget. ANC6B does not have the capacity to administer a fund to offset the project's impacts on nearby neighbors. ANC6B is supportive of a mitigation fund to assist nearby neighbors who will be negatively impacted, but we ask that a different agency or organization administer that fund.
- Emergency Management and Safety Concerns. We ask that DDOT, FHWA, and CSX work with railroad and safety experts to ensure that the proper safety precautions have been taken before approving this project, which may include limitations on what is transported on the rail line and should include near real time manifest information to appropriate DC and federal emergency management agencies. We also request that clear information be released to the community about what CSX is permitted to transport under the District (both during and after construction) and about the District's emergency response plans in the event of an emergency on or near the rail line. As provided for in federal law, ANC6B requests CSX, in coordination with DC Homeland Security and Emergency Management Agency and other appropriate agencies, conduct exercises that include residents to test and practice protective actions that would be implemented in the event of an emergency in or near the rail line.

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The Commission has focused throughout the study process on protecting the community as much as possible against the inevitable impacts. Once the project gets underway, we plan to stay committed to that role.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Flahaven', with a large, sweeping flourish at the end.

Brian Flahaven

Chair

cc: Mayor Vincent C. Gray, Mayor  
Council Chairman Phil Mendelson  
Councilmember Mary Cheh  
Councilmember Tommy Wells  
Commissioner Roger Moffat, Chair, ANC6D  
Commissioner Kirsten Oldenburg, Chair, ANC6B Transportation Committee  
Mr. Faisal Hameed, DDOT  
Mr. Michael Hicks, FHWA  
Mr. Stephen Flippin, CSX  
Mr. Michael Stevens, Capitol Riverfront BID  
Mr. Martin Smith, Barracks Row Main Street