

Cooperating Agency
Correspondence



U.S. Department
of Transportation

**Federal Highway
Administration**

District of Columbia Division
(202) 219-3570 FAX 219-3545

June 29, 2011

1990 K Street, NW
Suite 510
Washington, DC 20006-1103

In Reply Refer To: HDA-DC

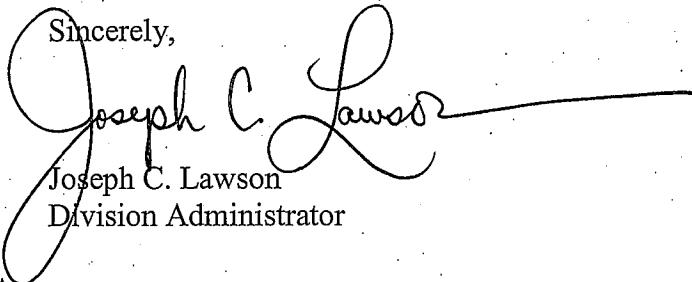
Mr. Steve Whitesell
Regional Director
National Park Service
National Capital Region
1100 Ohio Drive, SW
Washington, DC 20242

Dear Mr. Whitesell:

As you are aware, CSX Transportation, Inc. (CSXT) has initiated an environmental study, as required by the National Environmental Policy Act (NEPA), to determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel project in the District of Columbia. This environmental study is being developed in conjunction with the District Department of Transportation (DDOT), owners of the streets and Interstate facilities adjacent to the referenced tunnel project, and the Federal Highway Administration (FHWA), the lead Federal Agency in this undertaking. Since the National Park Service (NPS) meets the criteria for Cooperating Agency status due to potential impacts of the CSXT project on NPS facilities, FHWA invites NPS to become a Cooperating Agency in the development of the Environmental Assessment (EA) for the CSXT Virginia Avenue Tunnel project.

Please respond in writing within 30 days of receipt of this solicitation if you either accept or decline Cooperating Agency status regarding the referenced CSXT project EA. If you have any questions or require additional information, please contact either Michael Hicks of my staff at: (202) 219-3513 or by email at michael.hicks@dot.gov; or Faisal Hameed DDOT at (202-671-2326 or by email at faisal.hameed@dc.gov. Thank you for your cooperation and interest in this project.

Sincerely,



Joseph C. Lawson
Division Administrator

cc: Lavinia Thomas, Esq. FHWA
Vanessa Powell, Esq. FHWA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA



IN REPLY REFER TO

United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region

1100 Ohio Drive, S.W.

Washington, D.C. 20242

AUG 12 2011

Mr. Faisal Hameed
Manager, Project Development and Environment
District of Columbia Department of Transportation
55 M Street, S.E.
Washington, D.C. 20006

Dear Mr. Hameed:

I want to thank the Federal Highway Administration and the District of Columbia Department of Transportation for initiating an environmental study that will determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel between 2nd and 11th Streets, S.E.

The National Park Service (NPS) will accept being a cooperating agency with Federal Highway Administration being the lead agency for the referenced CSXT project in accordance with the National Environmental Policy Act, the National Historic Preservation Act as amended and all federal regulations that support these two federal acts. The NPS understands an Environmental Assessment (EA) will be developed that will identify a reasonable range of alternatives and analyze the environmental impacts from the proposed alternatives. The NPS anticipates an active coordination between the interested parties throughout the EA process and will adopt the EA after the public and agency review periods determine the proposed project does not identify any significant environmental impacts. Should the NPS determine that the preferred alternative will not have significant impacts on any resource analyzed in the EA, the NPS will develop its own Finding of No Significant Impact and submit a signed copy to the projects Administrative Record upon my signature.

If you have any questions, please contact David Hayes, National Capital Region Transportation Liaison at (202) 619-7277 or via E-mail david_hayes@nps.gov. I look forward to future opportunities to work together.

Sincerely,

Regional Director, National Capital Region



U.S. Department
of Transportation

**Federal Highway
Administration**

District of Columbia Division
(202) 219-3570 FAX 219-3545

May 2, 2012

1990 K Street, NW
Suite 510
Washington, DC 20006-1103

In Reply Refer To: HDA-DC

Mr. Steve Whitesell
Regional Director, National Park Service
National Capital Region
1100 Ohio Drive, SW
Washington, DC 20242

Dear Mr. Whitesell:

As the Lead Federal Agency for the CSX Transportation, Inc. (CSX) proposal to reconstruct the Virginia Avenue Tunnel (VAT), the Federal Highway Administration (FHWA), District of Columbia Division has determined that the current class of environmental action regarding the type or level of documentation required for the VAT project's National Environmental Policy Act (NEPA) process should be changed. Initially, the VAT project was federalized by FHWA due to the effects of the project on Interstate operations and the temporary usage of Interstate air rights, which at that time defined the Federal interest. Since the environmental impacts associated with the temporary Interstate ramp closures and usage of air rights was unclear, it was determined an environmental assessment (EA) was the appropriate level of documentation needed to comply with NEPA. The purpose of the EA was to address the transportation problem created by the VAT project which specifically included temporary closure of Interstate access points (6th and 8th Street ramps) and use of air rights under the Southeast Freeway and the 11th Street Bridge. Therefore, when originally making the decision on the NEPA classification of the project, it was our view that the EA would be narrowly focused on surface transportation issues.

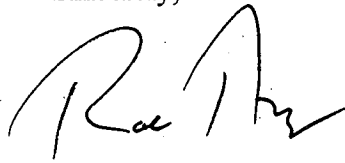
During the EA process, FHWA determined that the VAT project is likely to have a significant impact on the environment; therefore, the preparation of an Environmental Impact Statement (EIS) is warranted.

The VAT project is unique because it is not a District Department of Transportation (DDOT) undertaking. It is an undertaking proposed by CSX, a private freight rail Transportation Corporation. CSX owns and operates the Virginia Avenue Tunnel and other railroad tracks in the District. From the perspective of CSX, the purpose and need of the VAT project is to correct the deficiencies of the tunnel, some of which are attributable to the age of this facility, and to increase the capacity of the tunnel to meet future freight transportation demand. CSX requires maintaining freight traffic while undergoing the VAT reconstruction.

The CSX interest differs from the FHWA interest, which initially only involved the effects of the CSX undertaking on Interstate operations and air rights. The divergent Federal and private interests serve to compound the uniqueness of the project because the purpose and need by necessity must combine both Federal and private interest, in addition to the interests of DDOT, the owner of the city streets, including Virginia Avenue, S.E., that would be impacted by the project. As the project concepts advanced and the scope of the construction associated with the conceptual designs gained focus, it became clear to FHWA that it must assume responsibility to look at the project in its entirety with the assistance of those agencies with cooperating agency status.

This letter serves as notification to you as a Cooperating Agency that a Notice of Intent will be submitted to the Office of the Federal Register by FHWA for publication of the intent to develop an EIS for the VAT project. If you have questions or comments, please address them to Michael Hicks of my staff at (202) 219-3513, or by email to michael.hicks@dot.gov.

Sincerely,



FBI Joseph C. Lawson
Division Administrator

cc: Sharon Vaughn-Fair, ELS, FHWA
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Carol Braegelmann, FHWA
Keith Brinker, CSX
Stephen R. Flippin, CSX
Chip Dobson, CSX
Ronaldo T. Nicholson, DDOT, IPMA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Steve L. Plano, Parsons Brinckerhoff, Inc.
David Hayes, NPS



U.S. Department
of Transportation

**Federal Highway
Administration**

District of Columbia Division
(202) 219-3570 FAX 219-3545

June 29, 2011

1990 K Street, NW
Suite 510
Washington, DC 20006-1103

In Reply Refer To: HDA-DC


Mr. David E. Levy
Director Urban Design and Plan Review
National Capital Planning Commission
401 9th Street, NW #Suite 500
Washington, DC 20004

Dear Mr. Levy:

As you are aware, CSX Transportation, Inc. (CSXT) has initiated an environmental study, as required by the National Environmental Policy Act (NEPA), to determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel project in the District of Columbia. This environmental study is being developed in conjunction with the District Department of Transportation (DDOT), owners of the streets and Interstate facilities adjacent to the referenced tunnel project, and the Federal Highway Administration (FHWA), the lead Federal Agency in this undertaking. Since the National Capital Planning Commission (NCPC) meets the criteria for Cooperating Agency status due to the special expertise it has as the planning agency for the Federal government in the National Capital Region, FHWA invites NCPC to become a Cooperating Agency in the development of the Environmental Assessment (EA) for the CSXT Virginia Avenue Tunnel project.

Please respond in writing within 30 days of receipt of this solicitation if you either accept or decline Cooperating Agency status regarding the referenced CSXT project EA. If you have any questions or require additional information, please contact either Michael Hicks of my staff at (202) 219-3513 or by email at michael.hicks@dot.gov; or Faisal Hameed DDOT at (202-671-2326 or by email at faisal.hameed@dc.gov. Thank you for your cooperation and interest in this project.

Sincerely,



Joseph C. Lawson
Division Administrator

cc: Lavinia Thomas, Esq. FHWA
Vanessa Powell, Esq. FHWA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA



IN REPLY REFER TO:
NCPC File No. 7270

July 19, 2011

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

Re: HDA-DC: CSXT Virginia Avenue Tunnel Environmental Assessment

Dear Mr. Lawson:

Thank you for extending the opportunity for the National Capital Planning Commission (NCPC) to be a cooperating agency on the CSX Transportation Virginia Avenue Tunnel Environmental Assessment (EA). After reviewing the project description, we accept Federal Highway Administration's offer to be a cooperating agency for this project.

As you know, the project will traverse through the Capitol Hill Historic District and the historic L'Enfant Plan area of the city, and has the potential to affect National Park Service and Department of Defense lands, as well as federally owned streets. As a result, NCPC staff will be focused in particular on any potential impacts that the project may have on these cultural resources and affected federal lands.

We appreciate the opportunity to participate in this phase of the EA and look forward to continued involvement in the EA process and the project. If you have any questions regarding our comments, please contact Cheryl Kelly at (202) 482-7291 or cheryl.kelly@ncpc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Levy".

David W. Levy, RA, AICP
Director, Urban Design and Plan Review



U.S. Department
of Transportation

**Federal Highway
Administration**

District of Columbia Division
(202) 219-3570 FAX 219-3545

1990 K Street, NW
Suite 510
Washington, DC 20006-1103

May 2, 2012

In Reply Refer To: HDA-DC

Mr. Shane Detman
Acting Director Urban Design and Plan Review
National Capital Planning Commission
401 9th Street, NW (Suite 500)
Washington, DC 20004

Dear Mr. Detman:

As the Lead Federal Agency for the CSX Transportation, Inc. (CSX) proposal to reconstruct the Virginia Avenue Tunnel (VAT), the Federal Highway Administration (FHWA), District of Columbia Division has determined that the current class of environmental action regarding the type or level of documentation required for the VAT project's National Environmental Policy Act (NEPA) process should be changed. Initially, the VAT project was federalized by FHWA due to the effects of the project on Interstate operations and the temporary usage of Interstate air rights, which at that time defined the Federal interest. Since the environmental impacts associated with the temporary Interstate ramp closures and usage of air rights was unclear, it was determined an environmental assessment (EA) was the appropriate level of documentation needed to comply with NEPA. The purpose of the EA was to address the transportation problem created by the VAT project which specifically included temporary closure of Interstate access points (6th and 8th Street ramps) and use of air rights under the Southeast Freeway and the 11th Street Bridge. Therefore, when originally making the decision on the NEPA classification of the project, it was our view that the EA would be narrowly focused on surface transportation issues.

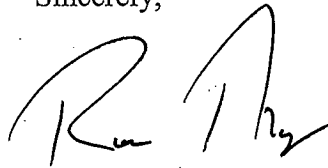
During the EA process, FHWA determined that the VAT project is likely to have a significant impact on the environment; therefore, the preparation of an Environmental Impact Statement (EIS) is warranted.

The VAT project is unique because it is not a District Department of Transportation (DDOT) undertaking. It is an undertaking proposed by CSX, a private freight rail Transportation Corporation. CSX owns and operates the Virginia Avenue Tunnel and other railroad tracks in the District. From the perspective of CSX, the purpose and need of the VAT project is to correct the deficiencies of the tunnel, some of which are attributable to the age of this facility, and to increase the capacity of the tunnel to meet future freight transportation demand. CSX requires maintaining freight traffic while undergoing the VAT reconstruction.

The CSX interest differs from the FHWA interest, which initially only involved the effects of the CSX undertaking on Interstate operations and air rights. The divergent Federal and private interests serve to compound the uniqueness of the project because the purpose and need by necessity must combine both Federal and private interest, in addition to the interests of DDOT, the owner of the city streets, including Virginia Avenue, S.E., that would be impacted by the project. As the project concepts advanced and the scope of the construction associated with the conceptual designs gained focus, it became clear to FHWA that it must assume responsibility to look at the project in its entirety with the assistance of those agencies with cooperating agency status.

This letter serves as notification to you as a Cooperating Agency that a Notice of Intent will be submitted to the Office of the Federal Register by FHWA for publication of the intent to develop an EIS for the VAT project. If you have questions or comments, please address them to Michael Hicks of my staff at (202) 219-3513, or by email to michael.hicks@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Lawson". The signature is stylized with a large, sweeping "L" and "W".

Joe Joseph C. Lawson
Division Administrator

cc: Sharon Vaughn-Fair, ELS, FHWA
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Cheryle Kelly, NCPC
Jeff Hinkle, NCPC
Carol Braegelmann, FHWA
Keith Brinker, CSX
Stephen R. Flippin, CSX
Chip Dobson, CSX
Ronaldo T. Nicholson, DDOT, IPMA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Steve L. Plano, Parsons Brinckerhoff, Inc.



U.S. Department
of Transportation

**Federal Highway
Administration**

District of Columbia Division
(202) 219-3536 FAX 219-3545

1990 K Street, NW
Suite 510
Washington, DC 20006-1103

December 16, 2011

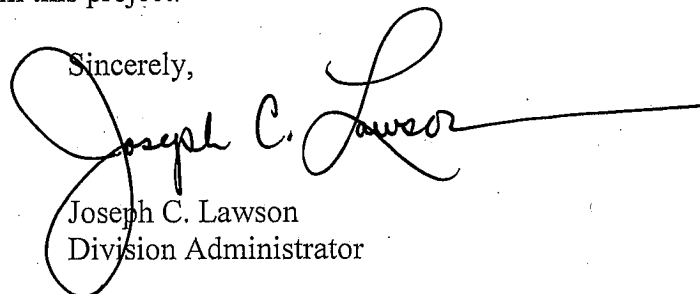
Mr. David Valenstein
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental and Systems Planning Division
1200 New Jersey Avenue, SE – Mail Stop 20
Washington, DC 20590

Dear Mr. Valenstein:

As you are aware, CSX Transportation, Inc. (CSXT) has initiated an environmental study, as required by the National Environmental Policy Act (NEPA), to determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel project in the District of Columbia. This environmental study is being developed in conjunction with the District Department of Transportation (DDOT), owners of the streets and Interstate facilities adjacent to the referenced tunnel project and the Federal Highway Administration (FHWA), the lead Federal Agency in this undertaking. The Federal Railroad Administration (FRA) meets the criteria for Cooperating Agency status under CEQ NEPA regulations due to the special expertise it has as in issues and concerns related to railroad planning and operations, such as safety, train noise and vibrations; therefore, FHWA invites the FRA to become a Cooperating Agency in the development of the Environmental Assessment (EA) for the CSXT Virginia Avenue Tunnel project.

Please respond in writing within 30 days of receipt of this solicitation if you either accept or decline Cooperating Agency status regarding the referenced CSXT project EA. If you have any questions or require additional information, please contact either Michael Hicks of my staff at: (202) 219-3513, or by email at michael.hicks@dot.gov; or Faisal Hameed (DDOT) at: (202-671-2326, or by email at faisal.hameed@dc.gov. Thank you for your cooperation and interest in this project.

Sincerely,



Joseph C. Lawson
Division Administrator

cc: Lavinia Thomas, Esq. FHWA
Vanessa Powell, Esq. FHWA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 31, 2012

Joseph C. Lawson
Division Administrator
District of Columbia Division
Federal Highway Administration
1900 K Street, NW; Suite 510
Washington, DC 20006-1103

RE: Cooperating Agency – CSXT Virginia Avenue Tunnel Project
District of Columbia

Dear Mr. Lawson:

The Federal Railroad Administration (FRA) received your December 16, 2011 letter extending an invitation to FRA to become a cooperating agency with the Federal Highway Administration (FHWA) regarding the proposed CSXT Virginia Avenue Tunnel project in the District of Columbia. The FRA understands that the District Department of Transportation (DDOT), as owners of the streets and Interstate facilities adjacent to the project, are developing an Environmental Assessment, pursuant to the National Environmental Policy Act of 1969 as amended, 42 USC 4321 et seq. (NEPA), the Council of Environmental Quality NEPA regulations (40 CFR parts 1500-1508) and, FRA NEPA procedures 64 FR28545 (May 26, 1999).

In accordance with 40 CFR 1501.6, the FRA accepts the invitation to participate as a cooperating agency in the development of the NEPA documentation. As a cooperating agency, our involvement may include the following activities:

- Participate in the NEPA process
- Assist with identifying interest groups
- Participate in the scoping process and coordination meetings.
- Provide information on alternatives
- Identify relevant technical studies or issues needed to fulfill NEPA and other regulatory permits or approvals for the project
- Assist FHWA in determining appropriate and practicable mitigation.
- Review pre-draft and pre-final environmental documents

If you have any questions, please contact Ms. Michelle Fishburne, the regional Environmental Protection Specialist, at (202) 493-0398 or Michelle.Fishburne@dot.gov. The FRA looks forward to working with FHWA and DDOT on this important project.

Sincerely,

David Valenstein
Division Chief
Environmental and Systems Planning



U.S. Department
of Transportation

**Federal Highway
Administration**

District of Columbia Division
(202) 219-3570 FAX 219-3545

May 2, 2012

1990 K Street, NW
Suite 510
Washington, DC 20006-1103

In Reply Refer To: HDA-DC

Mr. David Valenstein
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental and Systems Planning Division
1200 New Jersey Avenue, SE – Mail Stop 20
Washington, DC 20004

Dear Mr. Valenstein:

As the Lead Federal Agency for the CSX Transportation, Inc. (CSX) proposal to reconstruct the Virginia Avenue Tunnel (VAT), the Federal Highway Administration (FHWA), District of Columbia Division has determined that the current class of environmental action regarding the type or level of documentation required for the VAT project's National Environmental Policy Act (NEPA) process should be changed. Initially, the VAT project was federalized by FHWA due to the effects of the project on Interstate operations and the temporary usage of Interstate air rights, which at that time defined the Federal interest. Since the environmental impacts associated with the temporary Interstate ramp closures and usage of air rights was unclear, it was determined an environmental assessment (EA) was the appropriate level of documentation needed to comply with NEPA. The purpose of the EA was to address the transportation problem created by the VAT project which specifically included temporary closure of Interstate access points (6th and 8th Street ramps) and use of air rights under the Southeast Freeway and the 11th Street Bridge. Therefore, when originally making the decision on the NEPA classification of the project, it was our view that the EA would be narrowly focused on surface transportation issues.

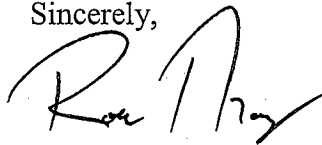
During the EA process, FHWA determined that the VAT project is likely to have a significant impact on the environment; therefore, the preparation of an Environmental Impact Statement (EIS) is warranted.

The VAT project is unique because it is not a District Department of Transportation (DDOT) undertaking. It is an undertaking proposed by CSX, a private freight rail Transportation Corporation. CSX owns and operates the Virginia Avenue Tunnel and other railroad tracks in the District. From the perspective of CSX, the purpose and need of the VAT project is to correct the deficiencies of the tunnel, some of which are attributable to the age of this facility, and to increase the capacity of the tunnel to meet future freight transportation demand. CSX requires maintaining freight traffic while undergoing the VAT reconstruction.

The CSX interest differs from the FHWA interest, which initially only involved the effects of the CSX undertaking on Interstate operations and air rights. The divergent Federal and private interests serve to compound the uniqueness of the project because the purpose and need by necessity must combine both Federal and private interest, in addition to the interests of DDOT, the owner of the city streets, including Virginia Avenue, S.E., that would be impacted by the project. As the project concepts advanced and the scope of the construction associated with the conceptual designs gained focus, it became clear to FHWA that it must assume responsibility to look at the project in its entirety with the assistance of those agencies with cooperating agency status.

This letter serves as notification to you as a Cooperating Agency that a Notice of Intent will be submitted to the Office of the Federal Register by FHWA for publication of the intent to develop an EIS for the VAT project. If you have questions or comments, please address them to Michael Hicks of my staff at (202) 219-3513, or by email to michael.hicks@dot.gov.

Sincerely,



Joe Joseph C. Lawson
Division Administrator

cc: Sharon Vaughn-Fair, ELS, FHWA
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Michelle Fishburne, FRA
Carol Braegelmann, FHWA
Keith Brinker, CSX
Stephen R. Flippin, CSX
Chip Dobson, CSX
Ronaldo T. Nicholson, DDOT, IPMA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Steve L. Plano, Parsons Brinckerhoff, Inc.



U.S. Department
of Transportation

**Federal Highway
Administration**

District of Columbia Division
(202) 219-3570 FAX 219-3545

1990 K Street, NW
Suite 510
Washington, DC 20006-1103

March 5, 2012

In Reply Refer To: HDA-DC

Colonel Paul D. Montanus
Commanding Officer
Marine Barracks, Washington, DC
8th and I Streets, SE 20390
Washington, DC 20590

Dear Colonel Montanus:

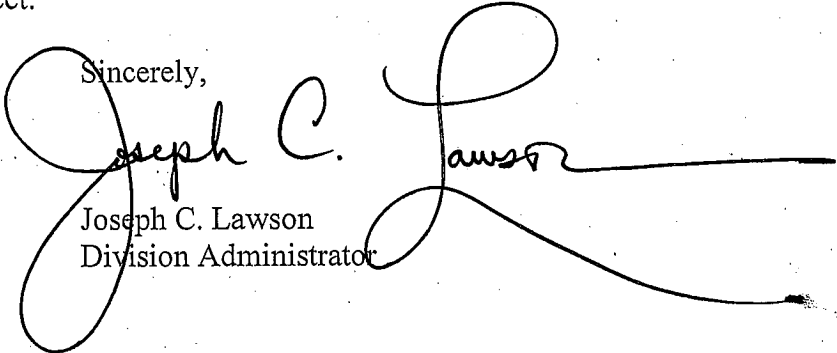
As you are aware, CSX Transportation, Inc. (CSXT) has initiated an environmental study, as required by the National Environmental Policy Act (NEPA), to determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel (VAT) project in the District of Columbia. This environmental study is being developed in conjunction with the District Department of Transportation (DDOT), owner of the streets and Interstate facilities adjacent to the referenced tunnel project, and the Federal Highway Administration (FHWA). FHWA is the lead Federal Agency in this undertaking.

The Marine Barracks meets the criteria for Cooperating Agency status under the Council of Environmental Quality and NEPA regulations due to your expertise in developing and reviewing information pertaining to potential impacts to your facility. This letter serves as an invitation to the Marine Barracks to become a Cooperating Agency in the development of the Environmental Assessment (EA) for the CSXT Virginia Avenue Tunnel project.

Please respond in writing within 30 days of receipt of this solicitation if you either accept or decline Cooperating Agency status regarding the referenced CSXT VAT project EA.

If you have any questions or require additional information, please contact either Michael Hicks of my staff at (202) 219-3513 (michael.hicks@dot.gov); or Faisal Hameed (DDOT) at (202) 671-2326 (faisal.hameed@dc.gov). Thank you for your cooperation and interest in this project.

Sincerely,


Joseph C. Lawson
Division Administrator

cc: Lavinia Thomas, Esq. FHWA
Vanessa Powell, Esq. FHWA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Captain Kenneth W. Branch, NAVFAC Washington
Kevin Montgomery, NAVFAC Washington

United States Marine Corps
Marine Barracks
8th & I STREETS S. E.
WASHINGTON D.C. 20390-5000


5216
April 04, 2012

Mr. J. C. Lawson
Division Administrator
U.S. Department of Transportation
1990 K Street
Suite 510
Washington, DC 20006-1103

Dear Mr. Lawson:

SUBJECT: CSX VIRGINIA AVENUE TUNNEL PROJECT

1. Your letter of March 5, 2012 invited Marine Barracks Washington (MBW) to participate in the CSX Transportation Virginia Avenue Tunnel project as a National Environmental Policy Act cooperating agency. Marine Barracks Washington accepts Cooperating Agency status.
2. The appropriate contact within this organization is Major Christopher Johnson at (202) 433-6269 or (Christopher.I.Johnson@usmc.mil). Thanks you for soliciting Marine Barracks Washington participation.

Sincerely,

Christopher I. Johnson
Major, United States Marine Corps



U.S. Department
of Transportation

**Federal Highway
Administration**

District of Columbia Division
(202) 219-3570 FAX 219-3545

May 2, 2012

1990 K Street, NW
Suite 510
Washington, DC 20006-1103

In Reply Refer To: HDA-DC

Colonel Paul D. Montanus
Commanding Officer
Marine Barracks, Washington, DC
8th and I Streets, SE 20390
Washington, DC 20590

Dear Colonel Montanus:

As the Lead Federal Agency for the CSX Transportation, Inc. (CSX) proposal to reconstruct the Virginia Avenue Tunnel (VAT), the Federal Highway Administration (FHWA), District of Columbia Division has determined that the current class of environmental action regarding the type or level of documentation required for the VAT project's National Environmental Policy Act (NEPA) process should be changed. Initially, the VAT project was federalized by FHWA due to the effects of the project on Interstate operations and the temporary usage of Interstate air rights, which at that time defined the Federal interest. Since the environmental impacts associated with the temporary Interstate ramp closures and usage of air rights was unclear, it was determined an environmental assessment (EA) was the appropriate level of documentation needed to comply with NEPA. The purpose of the EA was to address the transportation problem created by the VAT project which specifically included temporary closure of Interstate access points (6th and 8th Street ramps) and use of air rights under the Southeast Freeway and the 11th Street Bridge. Therefore, when originally making the decision on the NEPA classification of the project, it was our view that the EA would be narrowly focused on surface transportation issues.

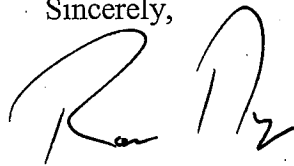
During the EA process, FHWA determined that the VAT project is likely to have a significant impact on the environment; therefore, the preparation of an Environmental Impact Statement (EIS) is warranted.

The VAT project is unique because it is not a District Department of Transportation (DDOT) undertaking. It is an undertaking proposed by CSX, a private freight rail Transportation Corporation. CSX owns and operates the Virginia Avenue Tunnel and other railroad tracks in the District. From the perspective of CSX, the purpose and need of the VAT project is to correct the deficiencies of the tunnel, some of which are attributable to the age of this facility, and to increase the capacity of the tunnel to meet future freight transportation demand. CSX requires maintaining freight traffic while undergoing the VAT reconstruction.

The CSX interest differs from the FHWA interest, which initially only involved the effects of the CSX undertaking on Interstate operations and air rights. The divergent Federal and private interests serve to compound the uniqueness of the project because the purpose and need by necessity must combine both Federal and private interest, in addition to the interests of DDOT, the owner of the city streets, including Virginia Avenue, S.E., that would be impacted by the project. As the project concepts advanced and the scope of the construction associated with the conceptual designs gained focus, it became clear to FHWA that it must assume responsibility to look at the project in its entirety with the assistance of those agencies with cooperating agency status.

This letter serves as notification to you as a Cooperating Agency that a Notice of Intent will be submitted to the Office of the Federal Register by FHWA for publication of the intent to develop an EIS for the VAT project. If you have questions or comments, please address them to Michael Hicks of my staff at (202) 219-3513, or by email to michael.hicks@dot.gov.

Sincerely,



For Joseph C. Lawson
Division Administrator

cc: Sharon Vaughn-Fair, ELS, FHWA
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Kevin Montgomery, NAVFAC Washington
Carol Braegelmann, FHWA
Keith Brinker, CSX
Stephen R. Flippin, CSX
Chip Dobson, CSX
Ronaldo T. Nicholson, DDOT, IPMA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Steve L. Plano, Parsons Brinckerhoff, Inc.
Major Christopher I. Johnson

