

# ★ ★ ★ ANC 6D

## *Near Southeast/Southwest* Advisory Neighborhood Commission 6D

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Washington, DC 20024  
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Email: [office@anc6d.org](mailto:office@anc6d.org)  
Website: [www.anc6d.org](http://www.anc6d.org)

May 17, 2012

Dear Sirs:

### OFFICERS

Chairman  
*Andy Litsky*  
Vice Chairman  
*David Garber*  
Secretary  
*Bob Craycraft*  
Treasurer  
*Cara Shockley*

### COMMISSIONERS

SMD 1 *Bob Craycraft*  
SMD 2 *Cara Shockley*  
SMD 3 *Ron McBee*  
SMD 4 *Andy Litsky*  
SMD 5 *Roger Moffatt*  
SMD 6 *Rhonda Hamilton*  
SMD 7 *David Garber*

RE: ANC 6D Recommendations Regarding Proposed CSX Virginia Avenue Tunnel

On May, 14, 2012, at a regularly scheduled monthly meeting of Advisory Commission 6D, representing Southwest and Near SE, the Commission voted to send the following letter stating our concerns and recommendations regarding the proposed project by CSX to expand the Virginia Avenue Railroad Tunnel.

CSX has proposed to adapt the current rail tunnel to allow for both an additional rail track and for double-stacked trains within the tunnel. Among the current proposed build options is the option to dig an open trench the entire width and length of Virginia Avenue from 2<sup>nd</sup> St., SE to 11<sup>th</sup> St., SE to widen and deepen the existing tunnel under the roadway, and construct temporary train tracks in an open trench to use during construction. The project is currently undergoing environmental review under NEPA and historic preservation review under Section 106.

The ANC's primary concerns relate to the safety, health, and quality of life (e.g. noise, mobility, property value, and aesthetic considerations) of our great diversity of residents; the economic and physical well-being of our businesses, parks, religious institutions, homes, 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 tunnel use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, 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.

We are also deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic -- including the transport of hazardous materials -- would put people, homes, businesses, and fragile historic resources at risk both during the proposed construction process and during operation after the proposed construction is completed. We are especially concerned about any build option that would allow trains to run during construction -- especially in an open trench -- or that would place a new tunnel a closer distance to homes and other buildings than exists today.

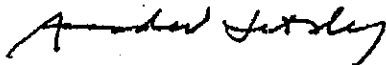
Page 2  
ANC 6D  
May 14, 2012

Therefore, after a thorough review of the official project concept alternatives presented by the CSX project team, we strongly believe that the best options for our community are for CSX to either leave the Virginia Avenue Tunnel in its current state (Concept 1) -- with the suggestion that if this option were chosen that the tunnel would be fully maintained for the safety of both the trains below and the communities above, or to reroute additional train traffic outside the District of Columbia (Concepts 9 and 10 -- as recommended by the National Capital Planning Commission, Concept 11, and other possibilities for alternative routes), instead of in an expanded Virginia Avenue Tunnel.

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. In that event, we will work together with CSX and government agencies to ensure that our many interests are protected, and that our community is left stronger, safer, quieter, and more seamlessly connected than it is today.

Thank you for your consideration.

Sincerely,



Andy Litsky  
Chairman, ANC-6D  
Southwest & Near Southeast

To:

Mayor Vincent Gray  
Council Chairman Kwame Brown  
Councilmember David Catania  
Councilmember Phil Mendelson  
Councilmember Michael Brown  
Councilmember Vincent Orange  
Councilmember Tommy Wells  
Director of DDOT, Terry Bellamy  
Michael Hicks, Federal Highway Administration  
Parsons Brinkerhoff

# COMMENT CARD

**Public Alternative Meeting  
Virginia Avenue Tunnel Environmental Assessment  
Project Alternatives & Section 106 Evaluation**

**Washington, D.C. (May 21, 2012)**

*Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send them through the mail.*

**Name:**

**Email Address (please include if you want to be added to the email mailing list):**

**Mailing Address (please include if you want to be added to the mailing list):**

**How did you hear about the meeting?**

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## COMMENTS

Your opinions are important to this project. Please use the spaces below to write your questions and comments. All comments will be taken into consideration. All written comments received during the course of the study will be made available for review.

**Was the open house format of tonight's meeting effective?**  Yes  No

**In the future, how would you like the project team to share updates and new developments?**

Website     Newsletter     Email Mailing List     Additional Meetings



Do you have any comments regarding the project?

What is the projected number of trains that will traverse the tunnel each day (North/South) after the tunnel is completed? 5 years after completion?

What is the amount of fuel consumed to cross from the Potomac to the Annapostia for an average freight train?

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 ~~em~~ emissions expressed per unit of fuel

Did the meeting answer your questions? If not, please explain.

and per mile at the speed trains will traverse the tunnel after it is rebuilt

Please return your comment cards tonight or mail to the following address by June 21, 2012.

Stephen L. Plano  
Parsons Brinckerhoff  
1401 K Street NW, Suite 701  
Washington, DC 20005

You may also email your comments to [contact@virginiaavenuetunnel.com](mailto:contact@virginiaavenuetunnel.com)

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Do you have any comments regarding the project?

I came to the meeting to get a better understanding of the project. I was disappointed at the fact that I left without any clarity.

Did the meeting answer your questions? If not, please explain.

Most of the questions asked were left unanswered. We were told over and over again to refer to the "DEIS" in the fall. So what was the purpose of the meeting?

Also the panel was filled with people who didn't seem knowledgeable to give explanations.

The meeting seemed thrown together just to appease the public.

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Do you have any comments regarding the project?

My comments are related to the meeting process:

- ① I believe the meeting should have been extended, if approved by all the parties present. This extension would be to handle all those who signed up at the beginning of the meeting to ask questions.
- ② I think it would be helpful to have each inquiry limited to "one" question. They could ask more after the first round of questions were answered. A one minute time limit.
- ③ I would suggest again to have people submit questions via email, etc. before
- ④ All Q&As should be posted on the website.
- ⑤ All the tables, graphs, etc should be posted in a power point presentation on the website
- ⑥ What I also wanted was a short briefing on each alternative that was removed from the NEPA list of possibilities
- ⑦ We the audience was too far from the podium and screens to see specific details. Also the screen on the left was not clear - perhaps sun light or the operator of the event did not know how to correct the problem
- ⑧ Additionally it would have been helpful to have

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time after the Q&A for participation at each of the stations put forth now that we had a dialogue and would have made those presentations more helpful for the audience.



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Do you have any comments regarding the project?

There are many studies being performed and many more to follow. This might become a matter of concern at some point during the Capitol Quarters housing project construction, rodents/specifically mice/rats become a problem due to digging & moving of the earth. Is there anything that can be done to lessen this problem? Perhaps industrial traps and/or poison. The rodents will come, we're just concerned about measures to deal with this problem.

Did the meeting answer your questions? If not, please explain.

Yes thank you one and all for keeping all interested/concerned parties abreast of plans, changes, timelines, etc. as best of you can at this time.  
God Bless You!

Please return your comment cards tonight or mail to the following address by June 21, 2012.

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Do you have any comments regarding the project?

Yes. Room in the tunnels must be provided for future rail electrification. Oil is a finite resource. It is time for CSX to actively study rail electrification at 25,000 volts 60 cycles alternating current. The US railroads should not and must not remain locked in on diesel fuel as a source of propulsion. I'm talking about main-line electrification. I trust CSX will give this the highest consideration.

Did the meeting answer your questions? If not, please explain.

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Parsons Brinckerhoff  
1401 K Street NW, Suite 701  
Washington, DC 20005

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**From:**  
**Sent:** Monday, June 04, 2012 1:27 PM  
**To:** contact@virginiaavenuetunnel.com  
**Subject:** block 929-821 virginia Ave.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sirs.

In looking at your plans regarding the closing of Virginia Ave. between 8th. and 9th. street, from your Traffic Plan (page 20), it appears that you plan to install two (2) new driveway entrances, one on L st. and the other on 9th. to replace the entrances located on Virginia Ave.

A third driveway will need to be installed on L st. between 8010 L st. and 816 L st. to service the parking lot that is now in use on 812 and 814 L st. The entrance to this lot was served by the driveway on Virginia Ave., using the wide public space on that north side. L st. does not have that wide of a public space area to reach that lot.

Please advice at your earliest convenience.

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**From:**  
**Sent:** Friday, June 15, 2012 4:49 PM  
**To:** contact@virginiaavenuetunnel.com  
**Subject:** Comments on Alternatives

Dear Sir/Madam,

I was unable to attend the recent public meeting for the Virginia Ave CSX project on May 21, 2012. I have reviewed the materials posted to the website from the meeting, and wanted to provide comments and raise questions on the alternatives being considered and those that were eliminated.

- 1) What was the basis for deciding which alternatives to retain and which to eliminate? It appears that the only or primary criteria may have been cost to CSX or benefits to CSX, and not considerations for the local residents and businesses, commuters, or visitors to the ballpark. Why were no alternatives retained to reroute trains - temporarily or permanently? Why were no alternatives retained that affect the northside of SE/SW Freeway?
- 2) This city, businesses, residents, and the Nationals have made significant efforts and investments in the last few years to improve the area of the City near the proposed project. CSX says this is a 100-year construction project. This construction, if it was going to be done, should have been done in year 95 or 96, before all these other investments were made and all these residents and businesses moved into the area. Why wasn't the CSX project done then, when it would have had far, far fewer impacts on residents, businesses, commuters, and recreational visitors?
- 3) This project does not appear to benefit the local community. It is to support global trade and bring profits to CSX. The benefits all go elsewhere, but all of the many and significant construction impacts will be borne by local residents and businesses. Rather than expanding rail capacity at Virginia Avenue, CSX should re-route the trains so that the rail line does not run through one of the largest cities in the country and its neighborhoods.
- 4) CSX says it would raise the height of the tunnel because it wants to accommodate double-stack trains, and water table and other concerns keep it from going much lower than the current tunnel. How will this elevation change affect the neighborhood and the road network and access from the 6th St ramp to go south toward M Street? This access to homes and businesses to the south is very important and needs to be retained both during and after the project.
- 5) CSX is proposing to add bike paths and more greenspace on the south side of the SE/SW Freeway after the project. Any such efforts need to leave in place the same number of road lanes and access to the neighborhoods and businesses to the south of the SE/SW Freeway. For the neighborhood to remain a desirable place to live and work, and for all of the recent investments made by the city, residents, and businesses to retain their value, the same ability to access the area by car as exists now must be retained or increased.
- 6) Your maintenance of traffic options all show drastically restricting access to the neighborhoods and streets to the south of the SE/SW Freeway by not allowing traffic from the SE/SW Freeway ramps to make turning movements to the south. The neighborhood is now rife with stop signs and with pedestrians. Forcing everyone to divert to the north off the ramps and circle around to ultimately go south will significantly delay traffic trying to get to the residences and businesses to the south of the SE/SW Freeway and will increase safety risks. These delays and risks are not tolerable.

Thank you for the opportunity to comment. Please acknowledge receipt of my email. I look forward to hearing how these issues are considered and addressed.

June 18, 2012

Dear Virginia Avenue Tunnel Project,

Below are my comments for public record in response to the May 21, 2012 Virginia Avenue Tunnel (VAT) Meeting at Nationals Park. As a resident living on Virginia Avenue, I will be significantly impacted by this project. I request that you give great weight to my comments.

The letter below will address four main points:

- 1) Add back into the NEPA evaluation Concept 4 (rebuild VAT with temporary combination runaround) and Concept 7 (rebuild VAT with temporary reroute).
- 2) Of the proposed Concepts presented at the May 21, 2012 public meeting, I support Concept 1 (no build) and I support Concept 6 (rebuild online in existing tunnel).
- 3) Of the proposed Concepts presented at the May 21, 2012 public meeting, I do not support Concept 2 (temporary south side runaround) and I do not support Concept 5 (permanent twin tunnels).
- 4) Future presentation material and maps need to be improved to include a key for map colors and patterns, as well as the maps need to list the distance from the tunnel (s) and construction staging area to home of residents living along Virginia Avenue.

#### **Add Back into NEPA Concept 4 and Concept 7**

I strongly support adding back into the NEPA evaluation Concept 4 (rebuild VAT with temporary combination runaround) and Concept 7 (rebuild Vat with temporary reroute). These two concepts were included in the initial listing of VAT rebuild options and are the best proposed concepts to date to achieve the NEPA objective of minimized construction duration and impact to the community. It is important for these two concepts to be analyzed and compared to the other options to ensure that the project will truly be undertaken in the best way possible and adhere to the principles of NEPA.

Minimize construction duration--Concept 4 and Concept 7 minimize construction duration because they do not require the building of a new, additional tunnel alongside the existing tunnel as proposed in Concepts 2 and 5. Building a new tunnel is a significant construction project that requires a significant construction team and is a significant change to the physical environment—taking over public space, removing dirt, building tunnel walls, laying tracks, etc. Instead, Concept 4 and Concept 7 temporarily reroute trains, which means NO temporary track is built, eliminating the duration of this construction. With Concept 4 and Concept 7, the construction duration is limited to the time to repair the existing tunnel. In addition, the construction time of Concepts 4 and 7 should be less than Concept 6 which will require stop/start construction to allow trains to operate in the tunnel at the same time as the rebuild construction.

Minimize impact to the community—Concepts 4 and 7 best minimize the impact to the community because they do not require the building of a second train tunnel. Not building a second train tunnel reduces the duration of construction (as outlined above) and there is less physical construction work being done, which means there is less noise, dust, debris, etc. Also, Concepts 4 and 7 minimize the VAT expansion into public space both during and after the project. In comparison, Concepts 2 and 5 allow CSX to expand the duration of the VAT project because they require building a new tunnel and they take additional public space away from the community to build a second tunnel. Concepts 4 and 7 are the



best choices to reduce the impact on the community because they do not require the building of a second tunnel.

Bringing Concepts 4 and 7 back into the NEPA evaluation process is necessary to determine if it is possible or not possible to reroute trains during the entire rebuild possible and to allow the public to see the cost-benefit analysis of temporary rerouting. I also suggest that Concepts 4 and 7 need to be evaluated to determine that if it is not possible to reroute during the entire process, then what other options are feasible to temporarily reroute just during the tunnel reconstruction just from 3<sup>rd</sup> St SE to 5<sup>th</sup> St SE—the blocks of Virginia Avenue that have residents living closest to the project.

Adding Concepts 4 and 7 into the NEPA evaluation is incredibly important to ensure that the community is given full and transparent information about the options for and the impacts of rebuilding the Virginia Avenue Tunnel. Concepts 4 and 7 may provide the best choice for the rebuild of Virginia Avenue Tunnel that minimizes construction duration and impact to the community.

#### **Support Concept 1 and Concept 6**

Of the proposed concepts presented at the May 21, 2012 public meeting, I support Concept 1 and Concept 6 because both concepts minimize the impact to the community by keeping the area of construction to the existing tunnel width, do not require building a second tunnel, and keep the construction the farthest away from homes and residents living along Virginia Avenue. Concept 6 may require a slightly longer construction duration if trains will be running in the tunnel. However, I believe that is worth it because overall there will be a minimized impact on the community by keeping the VAT rebuild contained to the area of the existing tunnel.

#### **Oppose Concept 2 and Concept 5**

I oppose Concept 2 and Concept 5 because they maximize the construction and community impact. Both concepts propose building a new trench adjacent to the existing trench. CSX has not stated the time duration for this, however I believe this will certainly increase the construction complexity (as well as potential for delays) and construction impact of noise, debris, vibrations, etc. compared to if the project just focused on repairing the existing tunnel. Both concepts expand the area of public space that will be taken for construction, which I oppose. I also oppose these concepts because they move the impacts of construction and the running of trains closer to the existing residents living along Virginia Avenue. Overall, Concept 2 and Concept 5 increase the negative impacts to the community.

#### **Future Presentation Materials**

Future presentation materials, especially the maps, need to include a key with the meaning of colors and patterns on the maps. The maps also need to list the distance from the existing tunnel, proposed temporary/new tunnel, and the construction staging area to the homes of residents along Virginia Avenue. This is important information to provide for each concept so that the public can best understand the implications of the proposed concept and provide future comments.

Sincerely,

# Capitol Quarter

## Homeowners' Association

June 20, 2012

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

RE: Comments on Virginia Avenue Tunnel Project Environmental Impact Statement (EIS) Concepts

The Capitol Quarter Homeowners' Association Board of Directors (HOA) submits this letter on behalf of the residents of Capitol Quarter to address the concept alternatives presented on May 21, 2012 for the Virginia Avenue Tunnel project. We incorporate the statements and concerns noted in our previous filings in this document, and individual residents of the community may also provide their own comments.

### **I. The Capitol Quarter Community**

As you are aware, the Capitol Quarter and Capper communities encompass the area bound by Virginia Avenue SE to the north, 6th St., SE to the east, 3rd St., SE to the west, and M St., SE to the south. There are more than 485 housing units, most of which have multiple residents. Capitol Quarter consists of 324 units. The 161 units in Phase I were completed and occupied by August 2010. The second phase of an additional 163 units is entirely sold and its residents should be completely moved in by the end of 2012.

Capitol Quarter is a new community being redeveloped on the former Arthur Capper/Carrollsborg Housing site as part of the Federal HUD HOPE VI program. Capitol Quarter is a mixed income and mixed housing community that includes market and affordable housing. The homes consist of market rate and affordable homeownership units as well as public housing units managed and operated by the DC Housing Authority. Capitol Quarter is an economically and racially diverse community with ages ranging from newborns to elderly residents. As we have previously stated, the 2010 census is not an accurate source of demographic information about Capitol Quarter because the census was completed in April 2010 before a large number of the residents moved into their homes.

### **II. The Concepts Chosen for EIS Review**

#### **A. The More Rigorous EIS Review is Warranted**

We were pleased to hear that the NEPA process will result in an Environmental Impact Statement, rather than an Environmental Assessment (EA). We have always believed the project will have a significant environmental impact, and we strongly support the decision that the more rigorous level of scrutiny was chosen.

B. We Continue to Support a No Build Option

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. We believe that it is extremely unlikely that this project can proceed without significant environmental, traffic, and human impact, and we thus urge that the no build option be chosen as the preferred alternative.

C. A Rerouting Option Should Be Included in the EIS Review

We are extremely disappointed that there was not a rerouting option selected for further review in the EIS process. The NEPA agencies and CSX have removed all of the rerouting options from further public consideration or comment, stating that they do not meet the need of the project or are not feasible. There has been no public explanation, however, detailing the specific reasons for that decision nor an opportunity to examine the evidence used in arriving at that determination.

We strongly believe that 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 be considered. 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 was included for EIS review, the review 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 the needs of all interested stakeholders. At a minimum, these alternatives certainly warrant a full EIS review.

### III. The Build Alternatives

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 – where we have been told very few details about specific construction techniques we would like to address concerns we have with the three build options presented for further EIS review.

#### 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. Thus, we oppose EIS concepts 2 (rebuild with temporary south side runaround) and 6 (rebuild tunnel online). 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, that these impacts can be adequately addressed for concepts that involve trains in open trenches.<sup>1</sup>

#### B. Concept Five

Concept Five involves rebuilding the current tunnel and building a single track tunnel to the south of the existing tunnel. Between the Scylla of trains running in an open trench and the Charybdis of Concept Five,<sup>2</sup> we have no choice but to believe that this is the least noxious build option presented to us.<sup>3</sup> We have several principles, however, that we believe must be adhered to if Concept Five is chosen as the preferred alternative.

First, although we assume it is not the case, it is not entirely clear from the May 21, 2012 presentation materials or the website FAQs that there will not actually be trains running in an open trench with this concept. CSX representatives stated that the new tunnel construction will be closed off before trains begin running in it (and it would seem

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<sup>1</sup> We are concerned that the metrics used to evaluate the human impact of these factors are subjective and request that the criteria used to evaluate these factors be made public and available for comment.

<sup>2</sup> See [http://en.wikipedia.org/wiki/Between\\_Scylla\\_and\\_Charybdis](http://en.wikipedia.org/wiki/Between_Scylla_and_Charybdis).

<sup>3</sup> We emphasize that we take this view given the facts of construction known to us now. If, for instance, the construction time frame for concept 6 would be substantially shorter than concept 5, those facts may affect our analysis of the preferred alternative. In any event, concept 5 is the most disruptive in terms of proximity to housing and potential utility disruption.

from a layman's perspective that the roof of a tunnel is an integral part of its structure). However, this fact needs to be clarified immediately in writing to us and on the FAQ section of the website.<sup>4</sup>

Second, if Concept Five, 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.

Third, 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. We believe that the 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.

Fourth, we do not believe that CSX has a valid right of way to complete construction as contemplated in Concept Five. 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.

The construction staging area as outlined for Concept Five would encroach on the common area that the HOA is responsible for maintaining. Thus, we request an immediate explanation from the NEPA agencies 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.

#### **IV. Precautions, Techniques, and Improvements During and Post-Construction**

In the event that either Concept Five or one of the other build options is chosen, there are certain precautions and techniques that should be employed to cause the minimal

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<sup>4</sup> We also believe the EIS should examine the possibility of not having an open trench construction process only in the blocks in which there are residences, from 3<sup>rd</sup> to 5<sup>th</sup> Streets SE. We do not believe that a limited trenchless tunneling construction alternative has been considered or publicly addressed.

amount of environmental, health, and safety impacts. Additionally, there should be a number of improvements that should be mandated in a post-construction environment.

#### A. Precautions and Techniques Necessary During Construction

Under any build alternative, we believe that overarching concern must be given to limit and shorten the time that construction is happening in front of residences from 3<sup>rd</sup> to 5<sup>th</sup> Streets SE. For instance, we believe there should be staged project completion in which open trench construction first occurs at the far eastern end of the tunnel area furthest away from residents (including residents in the Capper Senior Center), with the ground first closed back at the far western end closest to the residents (almost in a zipper fashion so that the blocks with residences will be the least disrupted by open trench construction). We also believe that the EIS should seek construction limitations that would provide for the least disruption to residents, such as prohibiting any construction or trains running during a designated dead zone period overnight, prohibiting construction at times when residents are most likely to be at home (such as no construction until after 9:00 am on Saturdays or at any time on federal holidays or Sundays), sound and safety barriers between the homes and any construction activity, limitations on horns and train speed, and no pile-driving.<sup>5</sup>

We also believe that the EIS should empower the residents most directly affected by the project by providing independent consultants chosen by the residents at CSX expense. The consultant should be empowered to mandate construction methods, on a rolling and unilateral basis, to protect the structural impact of our homes, to minimize the health impacts (such as air quality, debris, and exposure), and to protect against noise.

Finally, after many repeated requests, we still have not received answers regarding the time frame for construction and any claims or remediation processes. We believe that the EIS should make CSX accountable to a time certain for construction, with increasing benefits due to the residents affected by any delay in construction, whether unanticipated or not. We also believe that an independent consultant chosen by the homeowners and paid by CSX should be empowered to address any damages to person or property as a result of the construction. And, very importantly, the EIS should require that residents be compensated for any short-term or long-term reduction in value as a result of the construction project.<sup>6</sup>

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<sup>5</sup> The NEPA agencies seem to have mandated that north/south pedestrian and vehicular access be maintained over Virginia Avenue. We encourage that pedestrian and bicycle access be well-lit, safe, and wide enough for our residents and others to effectively take advantage of that access.

<sup>6</sup> One FAQ on the project website relating to home values states as follows: "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 would be subjective and difficult to quantify." This FAQ is so facially incorrect and insulting to the residents affected by the project that its inclusion on the official project website throws extreme doubt on all of the other information included there. We strongly question the credibility of anyone who would state that they would pay the exact same amount for a house located along within feet from a construction project than if the construction were not located there. We

## B. Post-Construction Improvements

Without a doubt, the EIS should require CSX to leave the neighborhood better off than it was before, with vast improvements and amenities. The simple bike lane concepts presented at the May 21, 2012 meeting were presented as being real community amenities after forcing the community to endure more than three years of construction and after complete destruction of the existing mature tree canopy. The NEPA agencies and CSX should begin a process of discussing benefits with the community, in the event that a build option is ultimately chosen, and those outcomes should be included in the EIS. We, of course, will actively participate in that process.

## V. Conclusion

In conclusion, the Capitol Quarter HOA strongly believes that the no build option is still the preferred option. We also believe that a rerouting option should be included immediately in the EIS review, and given the facts of construction that we know now, we are concerned with options that would involve trains running in an open trench within feet from our homes.

We appreciate your consideration of our comments and look forward to working with you further during this process.

Sincerely,

The Capitol Quarter HOA Board of Directors

CC:

Delegate Eleanor Holmes Norton

Mayor Vincent Gray

Councilmember Tommy Wells

Deputy Mayor Victor Hoskins

David Garber, ANC 6D07

Mike Hicks, FHA

Faisal Hameed, DDOT

Jamie Henson, DDOT

DC City Council

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also do not believe the statement that construction projects make home values “subjective and difficult to quantify.” Real estate agents and appraisers consistently take into account the effect on home value of construction and many other “subjective” characteristics (for both the ability to sell and the ability to rent one’s home). We request that the answer to this FAQ be removed and that a substantive and accurate response be provided.