

Capital Reporting Company
Virginia Avenue Tunnel Reconstruction Project Public Meeting 07-01-2014

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VIRGINIA AVENUE TUNNEL RECONSTRUCTION PROJECT
PUBLIC MEETING

Tuesday, July 1, 2014

Capitol Skyline Hotel

10 Eye Street, SW

Washington, D.C. 20024

Reported by: Irene Gray
Capital Reporting Company

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1 P A R T I C I P A N T S

2 OFFICIALS:

3 Keith Brinker, CSX

4 Chip Dobson, CSX

5 Stephen Flippin, CSX

6 Chuck Gullakson, CSX

7 Faisal Hameed
District Department of Transportation

8 Mike Hicks
9 U.S. Federal Highway Administration

10 Arash Parham
Clark/Parsons, A Joint Venture

11 John Undeland
12 StrataComm
(Moderator)

13 Jason Yazawa
14 Parsons Brinckerhoff

15 PUBLIC SPEAKERS:

16 Seda Atam (ph)

17 Pranav Badhwar

18 Tomas Bilbao

19 Monte Edwards

20 Anya Landau French

21 Chris French

22 Maureen Cohen Harrington

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1 P A R T I C I P A N T S
(Continued)

2 PUBLIC SPEAKERS (Continued):

- 3 Shawna Holmes
4 Shamika Jones
5 K. Denise Rucker Krepp
6 Robert Krughoff
7 Melissa Lee
8 Kevin McDonald
9 Melvin Mills
10 Kirsten Oldenburg
11 Dale Owen
12 Claire Schaefer
13 William Shively
14 Natalie Skidmore
15 Derrick Torey (ph)
16 Max Velagra (ph)

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1 P R O C E E D I N G S

2 MR. UNDELAND: All right. Good evening,
3 folks. Thanks so much for coming out to our
4 public meeting on the Virginia Avenue Tunnel
5 Reconstruction Final Environmental Impact
6 Statement. We're pleased to see so many of you
7 here.

8 My name is John Undeland, and I will be
9 moderating tonight's meeting. With me here is
10 Mike Hicks, Environmental Manager with the Federal
11 Highway Administration; Faisal Hameed, Deputy
12 Chief Engineer with the District Department of
13 Transportation; and Jason Yazawa, with the project
14 team, from whom you will hear next.

15 On behalf of the full project team, let
16 me say we keenly understand there are concerns
17 about the project, and that's the reason why we're
18 holding this meeting, to answer your concerns to
19 the best of our ability. We are committed to
20 completing this project the right way, safely,
21 efficiently, and in a way that leaves an already
22 great neighborhood even better.

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1 Specifically, we will present to you the
2 findings of the Final Environmental Impact
3 Statement, we'll describe the preferred
4 alternative, what it comprises, and what the next
5 steps in the process are. We will outline the
6 commitments we are making to you, the community,
7 to mitigate construction impacts, and we'll answer
8 your questions.

9 As many of you have discovered, we've
10 got display boards in the room down the hall. If
11 you haven't had a chance to review them, please
12 feel free to do so during the course of the
13 meeting. You can also see them on the project
14 website, which is virginiaavenuetunnel.com, where
15 they'll be posted after the meeting.

16 In addition to your questions and
17 statements at tonight's meeting, please know that
18 you can also e-mail your input to
19 contact@virginiaavenuetunnel.com. If you just go
20 to the website, you'll see all the contact
21 information.

22 The Final Environmental Impact Statement

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1 was posted on the project website on June 13th,
2 and by requirement, was published in the Federal
3 Register that day. Before I turn the program over
4 to Jason, let me note that we will entertain your
5 questions following the presentation, and if you
6 want to ask a question and you haven't signed up,
7 please do so at the sign-in table in front.

8 And with that, I'll turn it over to
9 Jason.

10 MR. YAZAWA: Good evening. I'm going to
11 start off talking about the purpose of the
12 project, and this is something that you've
13 probably heard before, but it's worth repeating.
14 The purpose of the project, as described in both
15 the Draft and Final EIS, is to address the
16 deficiencies of an aging tunnel. It is also to
17 address clearance issues that limit the existing
18 tunnel to single-track operations, which causes a
19 bottleneck to the system. The purpose also
20 addresses the need to accommodate future freight
21 transportation demand and also is very important
22 that the purpose address the need for maintaining

1 freight operations during construction while the
2 functions of the existing tunnel are being
3 replaced.

4 Oh, I'm sorry. I didn't have the right
5 slide. Sorry about that.

6 The Draft EIS evaluated four
7 alternatives. Three of them are build
8 alternatives. Among these four alternatives,
9 Alternative 3 was identified in the Final EIS as
10 the preferred alternative. This alternative will
11 replace the existing tunnel with two new tunnels.
12 Each tunnel will have a single rail with enough
13 vertical clearance to allow double-stack
14 intermodal container freight trains.

15 The decision to identify Alternative 3
16 as the preferred alternative was based on analyses
17 contained in the Draft EIS which compared the
18 alternatives in terms of the impacts to various
19 aspects of the environment. The decision was also
20 based on input that we heard throughout the NEPA
21 process including comments that we received during
22 the Draft EIS comment period. In fact,

1 Alternative 3 was developed as a direct result of
2 feedback we heard from the community during the
3 NEPA process.

4 Alternative 3 was identified as the
5 preferred alternative because it will meet the
6 project's purpose and need. In addition, it all
7 but eliminates the need for trains to operate in
8 the open during construction except for a 230-foot
9 section located immediately east of the 2nd Street
10 portal. This section will only extend halfway
11 between 2nd and 3rd Street.

12 At 30 to 42 months, Alternative 3 has
13 the shortest construction duration among the build
14 alternatives which will minimize impacts to the
15 surrounding communities. Once completed,
16 Alternative 3 will allow the trains to operate in
17 separate tunnels, which will benefit both safety
18 and operations.

19 All right. At this time, I am going to
20 be showing two videos. The first video will show
21 how Alternative 3, the preferred alternative,
22 would be constructed. And the second will show a

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1 simulation of how Virginia Avenue Tunnel would
2 appear after construction.

3 (Showing video.)

4 MR. YAZAWA: All right. For the next
5 video, there is no voiceover for that, so I will
6 serve as the voiceover for that particular video.

7 (Showing video.)

8 MR. YAZAWA: All right. Before I get
9 into the environmental commitments, I would first
10 like to inform you on how the project complied
11 with Section 106 of the National Historic
12 Preservation Act. A Memorandum of Agreement, or
13 MOA, was signed by the Federal Highway
14 Administration, the D.C. Historic Preservation
15 Officer, the District Department of
16 Transportation, CSX, the Marine Corps, the
17 National Parks Service, and the D.C. Department of
18 Parks and Recreation. An MOA is meant to address
19 situations in which a project would cause an
20 adverse effect to at least one historic property,
21 or one historic property or more.

22 The MOA for this project includes a

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1 number of mitigation measures. Just to name a
2 few, it will establish a \$200,000 preservation
3 fund for historic preservation activities for
4 areas near the project. It calls for the
5 restoration of Virginia Avenue and Virginia Avenue
6 Park. It calls for providing interpretive signage
7 about Virginia Avenue Tunnel, which is historic,
8 and the relationship between Virginia Avenue and
9 the L'Enfant Plan. It allows for the donation of
10 portal stones to eligible entities such as the
11 Friends of Garfield Park and the National Parks
12 Service. It calls for the rehabilitation of
13 Control Point Virginia Avenue Tunnel (sic), which
14 is located in Southwest D.C. on 2nd Street. This
15 is a photograph of Control Point Virginia Tower.
16 And there is more later as well.

17 A sequenced mitigation approach was used
18 by the project team in assessing the short- and
19 long-term impacts of the project. First, we want
20 to avoid the impact. If we cannot avoid the
21 impact, we will try to minimize the effects of the
22 impacts. Alternatively, we may restore the

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1 element of the environment affected by the impact,
2 in some type we will compensate for the impact.
3 The majority of impacts of this project will occur
4 during construction, and therefore most of the
5 environmental commitments will also occur during
6 construction.

7 Chapter 4 of the Final EIS contains an
8 extensive discussion of the proposed environmental
9 commitments that will occur during construction.
10 If you have time, I really encourage you to review
11 that chapter and review the environmental
12 commitments, but just to name a few, we will
13 provide a public outreach program which is for the
14 purpose of informing the public about construction
15 activities that may affect people's daily
16 activities. We will continually establish a
17 community office that will serve as the point of
18 contact between the project team and the
19 community. Fencing of at least 8 feet tall will
20 be provided along the perimeter of the
21 construction area, which will help provide for the
22 safety and security of the construction area. Any

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1 fencing in residential areas will be of materials
2 that will provide some noise reduction in order to
3 reduce the amount of noise just outside of the
4 construction area.

5 Our maintenance of traffic plan will
6 ensure that movement by vehicles, pedestrians, and
7 cyclists is maintained throughout the community.
8 Properties directly adjacent to the construction
9 area will have access maintained at all times,
10 including for emergency responders. Noise,
11 vibration, and dust monitoring will be conducted
12 throughout construction, and if unacceptable
13 levels are detected, actions will take place.

14 We will offer preconstruction inspection
15 of all buildings adjacent to the construction
16 area. This is something that we really highly
17 recommend people accept because it will expedite
18 the clearance process if construction does cause
19 damage to any building.

20 Despite the extensive environmental
21 commitments that will be employed during
22 construction, there is still going to be some

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1 level of inconvenience, especially to those who
2 live directly adjacent to the major construction
3 activities. Therefore, the project sponsor will
4 offer compensation to residents of each front row
5 property - the amount of \$500 per residence per
6 month for 42 months, which is the minimum
7 estimated construction duration.

8 In the other room, if you go to the
9 other room, there is a map that shows the location
10 of the front row properties, and this includes 36
11 apartment units in Capper Senior Center, which
12 face Virginia Avenue. In addition, Capper Senior
13 Center will receive \$250,000 to offset temporary
14 inconvenience and to support community
15 enhancements. Both ANC 6B and 6D will each
16 receive \$250,000 to offset temporary
17 inconveniences to residences other than the front
18 row properties and to support community
19 enhancements.

20 It is possible that construction could
21 affect the market value of front row properties
22 during construction. This will be a temporary

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1 effect. Therefore, the project sponsor has offered
2 compensation up to \$75,000 at closing if a front
3 row property owner needs to sell their residence
4 during construction for an unforeseen reason.

5 After construction is completed, a
6 number of environmental commitments will be
7 provided. As you saw from the video, the
8 streetscape of Virginia Avenue will be improved.
9 It will include more and enhanced green space.
10 The section between 4th and 5th Street will be
11 straightened. A continuous bike path will be
12 provided between 2nd and 9th Streets which will
13 connect Garfield Park and Virginia Avenue Park.
14 And new and improved sidewalks will be provided.

15 The project will require construction
16 within the Marine Corps property. Therefore, as
17 an environmental commitment, this property will be
18 restored to at least its condition today. We will
19 also restore Virginia Avenue Park to a condition
20 as good or better than today and include a new dog
21 park.

22 Construction will require work within

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1 the area underneath I-695 at 2nd Street. In the
2 restoration of this area, it will be made ADA
3 compliant that will provide this connection
4 between Garfield Park and Virginia Avenue and 2nd
5 Street.

6 We really encourage you to visit the
7 project website, www.virginiaavenuetunnel.com for
8 the latest project information. The Final EIS is
9 available for viewing and download. In addition,
10 this presentation, the videos, the boards in the
11 other room will be available at the project
12 website after this meeting.

13 At the end of the Final EIS review
14 period, FHWA will issue a Record of Decision,
15 which will complete the NEPA process.

16 I appreciate your attention, and I would
17 like to turn it over to John at this time, who
18 will go over the ground rules for the question and
19 answer period.

20 MR. UNDELAND: Thanks, Jason.

21 Before we go to the Q&A, I do want to
22 introduce the elected officials in the room.

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1 Congresswoman Eleanor Holmes Norton is with us.

2 Thank you for coming out tonight.

3 (Applause.)

4 MR. UNDELAND: And Councilman Tommy

5 Wells is with us as well. Thank you.

6 (Applause.)

7 MR. UNDELAND: All right, folks. This
8 is the part of the program that you all turned out
9 for, and so we're looking forward to answering the
10 questions as well as we possibly can. Let me go
11 over a couple of ground rules just to keep the
12 program moving to make sure that as many people
13 have the chance to ask questions and comment as
14 possible.

15 So as mentioned at the top of the
16 program, we have a sign-in sheet. Those who have
17 signed up are going to be called up to the
18 microphone. If you want to ask a question and you
19 have not yet signed up, please do so out in the
20 hallway.

21 Promptly ask your question when I call
22 your number and name. And to ensure as many

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1 people can speak as possible, please move to the
2 microphone when you hear the number prior to yours
3 called. So if I'm calling Number 15 and you've
4 got Ticket 16, if you would move to the mike. If
5 you miss your turn, if you're not available at the
6 moment when your name and number is called, please
7 understand that your name will be placed at the
8 bottom of the list and we'll call you then.

9 It's important for the record for you to
10 come and ask your question at the microphone so it
11 can be part of the record.

12 Clearly state your name and spell it if
13 necessary.

14 If you wish only to make a statement, we
15 would appreciate it if you could be as brief as
16 possible. You will have 2 minutes to complete
17 your statement.

18 If you have a longer statement and you
19 wish to submit that for the record, you can do
20 that by emailing it to us at
21 contact@virginiaavenuetunnel.com.

22 We request that you show respect for the

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1 project team and all of your neighbors and friends
2 here by keeping no jeering, no cheering, just
3 listen respectfully as people make their comments.

4 And our public meeting is scheduled to
5 end at 8:00 p.m.

6 UNIDENTIFIED FEMALE SPEAKER: Could I
7 add to that comment?

8 MR. UNDELAND: Oh.

9 UNIDENTIFIED FEMALE SPEAKER: The
10 meeting started late. In light of the fact that
11 the meeting didn't start (off mike).

12 MR. UNDELAND: It actually did start at
13 6:30. We're not going to do a hard cut at 8:00.
14 If there are more questions, we will certainly be
15 entertaining them.

16 All right. Let's get to it then.

17 Question Number 1, Dale Owen.

18 MR. OWEN: I'm Dale Owen, from [REDACTED]
19 [REDACTED]. I'm considered a front rower. One quick
20 statement and then a question.

21 The statement is I'm not sure where the
22 project team thinks they have the right to decide

1 when I can sell my house. In your compensation
2 package, it says you'll compensate me for up to
3 \$75,000 for loss in value of my house, not if I
4 choose to leave, but if I'm forced to leave for
5 some reason, i.e., if I was in the military and
6 got PCS orders. I don't see where it's up to you
7 to decide when I can and cannot leave my own
8 property.

9 My question, which is -- one of my
10 original concerns, which was highlighted again in
11 your video, is emergency access. Your plan has
12 the fence line going right up to my walkway. I
13 don't see how the fire department is going to be
14 able to get to my property, which is in the center
15 of that block, because you're not going to get a
16 ladder truck and you're not going to get pumpers
17 through the alleyway, so I'm not sure where the
18 access of emergency vehicles comes into play.

19 Thank you.

20 MR. UNDELAND: All right. Thanks for
21 the question.

22 Jason, do you want to start off?

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1 MR. YAZAWA: Certainly. I may ask Chuck
2 or Arash here to add more, but what I understand
3 is that for those front row areas, there will be
4 provisions in which a fire truck can park right in
5 front and the fence can be removed so firefighters
6 can get through there. That's my understanding,
7 and if you --

8 MR. PARHAM: To add just to what Jason
9 said, all of the MOT plans ultimately have to be
10 reviewed and approved by DDOT, and part of that
11 review is coordination with the EMS to make sure
12 that the connection or connectivity is maintained
13 for all the front row residents and all other
14 properties in the area.

15 MR. UNDELAND: Yes. Okay. Speaking
16 there was Arash Parham, who is with our project
17 team.

18 The question about your property and if
19 you were to sell it, Steve, would you like to take
20 that one?

21 MR. FLIPPIN: The overall plan that was
22 offered up for the residential property mitigation

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1 was done to address a number of things, and the
2 comment came -- you know, specifically the
3 comments that were submitted address the necessity
4 to sell homes during the construction period and
5 what was put forth was what was viewed as a
6 response to that, and in terms of the exact
7 details, it's understood that additional details
8 may need to be put in there, but it was basically
9 to allow and to show that there would be a
10 methodology to address if there was a need to
11 temporarily sell a home or -- pardon me, to sell a
12 home during the construction period because of
13 temporary loss of value perhaps.

14 MR. UNDELAND: Question 2. Seda Atam
15 (ph). I'm sorry if I mispronounced your name.

16 MS. ATAM: No problem. Seda Atam.

17 MR. UNDELAND: Seda.

18 MS. ATAM: I live a half a block of
19 grass away from Virginia Avenue with a clear
20 sightline to Virginia Avenue, as shown actually in
21 your second video, and this project will severely
22 affect our parking, sound, rodent issues, and our

1 property value, but we're not considered front
2 line. What is the exact criteria used in
3 determining the front line residences, and what is
4 going to be -- what do you plan to do for people
5 like us?

6 MR. UNDELAND: All right.

7 Jason, go ahead.

8 MR. YAZAWA: The front row residents
9 were determined based on what major construction
10 activities would occur on Virginia Avenue. So it
11 is those properties that are directly adjacent to
12 that. That's how the front row properties was
13 determined. It has to be directly adjacent to
14 those major construction activities that include
15 demolition and that sort on Virginia Avenue.
16 That's basically the methodology. I can ask Chip
17 to elaborate more, but that was basically it.

18 MR. DOBSON: So again several aspects to
19 the residential mitigation plan. One of them,
20 referred to in the last question, was the
21 compensation for sale of a house. Secondly is the
22 front row residences, which is \$500 per month for

1 42 months, the maximum construction time. An
2 additional aspect of that is -- which acknowledged
3 that there may be homes other than front row homes
4 that have impacts and it was put forth in the FEIS
5 that there would be \$250,000 to each of the ANCs
6 to administer to address those types of issues
7 specific to what the construction impacts.

8 And the specifics of some of the other
9 things you mentioned in terms of parking and
10 rodents, I mean, there are numerous aspects in the
11 overall mitigation plan and what will be the
12 construction methodology and the requirements that
13 address those things, but specific to your case
14 that you are proximate to --

15 MS. ATAM: Full sightline.

16 MR. DOBSON: You are approximate to the
17 construction --

18 MS. ATAM: Full sightline.

19 MR. DOBSON: I understand that, and
20 that's why we --

21 MS. ATAM: Just a block away.

22 MR. DOBSON: Yes, we acknowledge that,

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1 but there was a -- and that's why those funds of
2 \$500,000 collectively to each of the two ANCs, ANC
3 6B and ANC 6D, is that is what was put in there to
4 address those issues for other residences.

5 UNIDENTIFIED FEMALE SPEAKER: Our ANC
6 guy has got something to say, though, about that.

7 UNIDENTIFIED MALE SPEAKER: It's not
8 ANC's responsibility that (off mike).

9 (Applause.)

10 MS. ATAM: And what's the process for us
11 to gain access to those funds from the ANC?

12 MR. UNDELAND: All right. Let me --
13 Go ahead, Chip.

14 MR. DOBSON: I mean, I think that would
15 -- I mean, we could look it up and read from the
16 FEIS, but in general it was viewed that that would
17 be a third party administrator of those funds.

18 MR. UNDELAND: All right. The third
19 person to speak or ask questions, Shawna Holmes.

20 MS. HOLMES: Thank you. My question has
21 two parts. One, how long will DDOT, FHWA, CSX, et
22 cetera, how long will they take to evaluate the

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1 comments that are provided on the FEIS and how
2 might those comments be taken into consideration
3 before the ROD is issued and how would they impact
4 the ROD?

5 My second question, the second part,
6 also has to do with the ROD, the Record of
7 Decision. The 11th Street Bridge ROD omitted a
8 number of environmental commitments that were in
9 the FEIS for that project including five out of
10 six regarding Virginia Avenue Park. We understand
11 this violates the National Environmental Policy
12 Act. How confident can we be that this won't
13 happen in this Record of Decision?

14 Actually a third question, you showed
15 July 14th as the closing date for comments on the
16 FEIS, but we have a news release from
17 Representative Norton saying that it was extended
18 from 30 to 60 days. Would you please clarify that?

19 Thank you.

20 MR. UNDELAND: Yes, the comment period
21 was extended. Congresswoman Norton appealed for
22 an extension, and it was late this afternoon.

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1 This afternoon it was decided, yes, it would be
2 extended, not just the standard 30 -- so the
3 period wouldn't be the standard 30 days, it would
4 be extended to a 60-day period, so with the period
5 ending August 12th.

6 MS. HOLMES: August 12th.

7 UNIDENTIFIED FEMALE SPEAKER: Thank you,
8 Congresswoman Norton.

9 UNIDENTIFIED FEMALE SPEAKER: Yea, thank
10 you!

11 (Applause.)

12 MR. HICKS: Okay. Shawna, your first
13 question was, how long will it take us to review
14 the comments made on the FEIS?

15 MS. HOLMES: And influence the ROD.

16 MR. HICKS: And influence the ROD.
17 There is no time limit. When the comments come
18 in, we'll look at them and we'll respond to them
19 as quickly as we can. Those comments that in
20 terms of the document that maybe there is some
21 issue that we did not respond to from the
22 community, we'll address those in the ROD. Those

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1 comments that basically are sort of typical of
2 what we've been getting or something to that
3 effect, we'll attach an addendum to the ROD that
4 will address each and every one of those.

5 Now, your second question had to do with
6 11th Street as I understand it, and --

7 MS. HOLMES: That's right, because I
8 counted them. I have that in my file. There were
9 a number of environmental commitments --

10 MR. HICKS: Okay.

11 MS. HOLMES: -- that were dropped that
12 did not appear in the ROD that had been included
13 in the FEIS. There were originally in the FEIS
14 six environmental commitments pertaining to the
15 Virginia Avenue Park alone. When the ROD was
16 issued, only one of those survived.

17 MR. HICKS: Well, that's the first I've
18 heard this, so I'll have to go back --

19 MS. HOLMES: I brought this to the
20 attention of FHWA and a number of its attorneys
21 and officials at the settlement meeting --

22 MR. HICKS: Settlement meeting.

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1 MS. HOLMES: -- in November of 2009 or
2 '10 asking that those commitments be reinstated,
3 and FHWA said absolutely not. That was the
4 response we got.

5 MR. HICKS: Well, you know, I don't know
6 whether I was at that settlement meeting --

7 MS. HOLMES: You were there.

8 (Laughter.)

9 MR. HICKS: Okay. That was 2009. I'll
10 have to -- okay, I'll have to -- you know, we'll
11 have to go back and look at that. I'm not certain
12 of the circumstances, I'm not certain of what took
13 place there, so I mean I'll have to do a little
14 research on what took place.

15 Now, your third question --

16 MS. HOLMES: How -- but --

17 MR. HICKS: I can't answer that question
18 here. I'll have to do a little research to
19 determine what's your --

20 MS. HOLMES: How confident can we be
21 that this will not happen again? There were a
22 number of environmental commitments, not just

1 about Virginia Avenue Park. I made a list of
2 them.

3 MR. HICKS: Well, again, you're
4 characterizing them as environmental commitments.
5 I have to do some research. I'm not really sure
6 what the circumstances are because typically when
7 we -- when environmental commitments are spelled
8 out in a document, they're moved over to the
9 construction documents and they are -- you know,
10 they're commitments, they're taken care of.

11 So, again, I wasn't aware of this issue,
12 we'll have to do a little research and determine
13 exactly what took place. I honestly can't address
14 that here because I don't know.

15 MS. HOLMES: Can we rely on the ones
16 that we had the EIS?

17 MR. HICKS: When we make a commitment,
18 an environmental commitment, we carry those out.
19 That's the responsibility that we have, we take it
20 seriously, and so that -- again, that's why I'm so
21 stunned by what you're saying to me, because we do
22 not make a commitment and then not live up to it.

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1 So I'll have to look into that, but, yes, I'm
2 saying when a commitment is made, we will follow
3 through on that commitment.

4 MS. HOLMES: Thank you.

5 MR. HICKS: All right. Now, you had a
6 third question? Is that right?

7 UNIDENTIFIED MALE SPEAKER: I think John
8 answered it.

9 UNIDENTIFIED MALE SPEAKER: John
10 answered it.

11 MR. UNDELAND: Okay, folks, thank you.
12 A good exchange.

13 The fourth speaker is Monte Edwards.

14 MR. EDWARDS: Good evening. I'm Monte
15 Edwards. I am Vice-Chair of the Committee of 100
16 on the Federal City. We have heard about the 2012
17 permit being characterized as a secret agreement
18 or rubber stamp. That is contained in Appendix A
19 of the FEIS, which contains another document that
20 I would like to talk about. That is a Memorandum
21 of Agreement entered into in 2010 between the
22 Department of Transportation and CSX. That

1 provided for the redesign and change of
2 construction of the 11th Street Bridge to
3 accommodate what became the preferred alternative
4 in the Final Environmental Impact Statement. That
5 is, in 2012, there's an agreement to spend over \$4
6 million to redesign and reconfigure the 11th
7 Street Bridge to accommodate the Virginia Avenue
8 Tunnel in the preferred alignment, which now
9 appears in the Final Environmental Impact
10 Statement.

11 My question goes to DDOT and the Federal
12 Highway Administration because while the agreement
13 was between DDOT and CSX, the Federal Highway
14 Administration was also very much involved in the
15 11th Street Bridge project.

16 My question is, if accommodations for
17 the preferred alignment were agreed on in 2012 in
18 the Memorandum of Agreement, how can DDOT and
19 Federal Highway Administration provide an
20 objective evaluation of all the different
21 alternatives that they claim they have evaluated
22 in this Environmental Impact process?

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1 Thank you.

2 (Applause and cheering.)

3 MR. HAMEED: I'm Faisal Hameed, DDOT.

4 So the question about the MOAs, yes, there was an
5 agreement in 2010, and we actually made it public,
6 part of the FEIS process. If you look at that
7 agreement, that was between DDOT and CSX to
8 resolve a number of projects including 11th Street
9 Bridge, and that mentioned Virginia Avenue Tunnel
10 as well. So it was included in that to
11 accommodate any of the alternatives, not one, in
12 case any of the alternatives moves forward and
13 there is accommodation because once a bridge
14 project is built, it's very hard to go back and
15 reconstruct it. So that was the sole purpose of
16 that. It was not intended to make any backdoor
17 deals, and if you again look at that MOA, it is
18 for a number of projects, not just one.

19 UNIDENTIFIED FEMALE SPEAKER: And the
20 2012 agreement?

21 MR. HICKS: Well, wait a minute. Let me
22 -- I'm sorry, Monte, I was sort of writing

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1 Shawna's issue down. You said, what was it about
2 the 11th Street Bridge project and Federal
3 Highways agreeing to some -- let me hear that
4 again. I'm sorry.

5 MR. EDWARDS: Federal Highway was not a
6 party to the Memorandum of Agreement. However,
7 Federal Highway Administration was involved in the
8 11th Street Bridge in the design, in the
9 reconfiguration, and in how it was paid for.

10 MR. HICKS: Okay. So what are you
11 saying? Are you saying we have some responsibility
12 for this agreement? I mean, I don't --

13 UNIDENTIFIED MALE SPEAKER: I answered
14 the question.

15 MR. HICKS: You answered the question?

16 UNIDENTIFIED MALE SPEAKER: Yeah, I
17 think I did.

18 MR. HICKS: All right. Because we have
19 no awareness of it. We have no involvement with
20 that. So I just want to make sure that's clear.
21 Okay? Whatever this agreement is, Federal Highway
22 didn't have any involvement with it.

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1 MR. EDWARDS: But the alignment of the
2 11th Street Bridge was modified to accommodate the
3 eastern portal of the tunnel in accordance with
4 what is now the preferred alternative, and that
5 change in the alignment and design of the 11th
6 Street Bridge was a part of the 11th Street Bridge
7 project of which Federal Highway Administration
8 was involved. That's my question to you.

9 MR. HAMEED: So we would have needed to
10 reconfigure that even to accommodate temporary
11 trenching, which was actually in the other two
12 alternatives. So like I said before, it was not
13 for one alternative, it was to accommodate any of
14 the build or no-build alternatives as they move
15 forward. And again, as I said, the agreement was
16 between CSX and DDOT for a number of projects, and
17 11th Street and Virginia Avenue Tunnel happened to
18 be one of those many, many that CSX and DDOT have
19 in the city.

20 MR. EDWARD: Thank you, but the
21 Memorandum of Agreement quantifies the amount at
22 over \$4 million, which is a very substantial and

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1 irretrievable commitment of resources that
2 influence this Virginia Avenue project.

3 (Applause.)

4 MR. UNDELAND: All right. Thank you.

5 Our next speaker,, Number 5, is Kirsten
6 Oldenburg, please.

7 Thank you, Commissioner.

8 MS. OLDENBURG: Hi. I'm speaking for
9 myself and not the Commission. Just quickly, I
10 just want to make a statement that there are a
11 number of people in this community that are
12 looking, hoping, that this project gets going and
13 gets done in a shorter time than is estimated
14 because we need it to get beyond this so that we
15 can do other things in the community which are on
16 hold waiting for this to go forward.

17 And in that vein, I would like to ask a
18 question about the process beyond the ROD. I
19 understand there is some kind of -- obviously
20 there has to be a construction firm hired, there
21 has to be construction plans made, detailed plans,
22 but there is something -- is there some kind of a

1 construction plan that comes out that the
2 community is privy to at some point that gives a
3 lot of details about the project? I'm just trying
4 to think ahead in the process what will happen
5 after the ROD, after everything is settled and we
6 move forward, in terms of process.

7 Thank you.

8 MR. HAMEED: So yes, the answer to all
9 of that is yes. After the Record of Decision is
10 signed there will be a construction permit. There
11 will be actually design plans. And as Jason
12 pointed out in his presentation about commitments,
13 there will be a public involvement plan, so the
14 public engagement will continue during design and
15 construction. And I think some of the details are
16 in the FEIS, but we will continue to develop those
17 details as we move forward.

18 MR. UNDELAND: All right. Our sixth
19 question comes from K. Denise Rucker Krepp.

20 MS. KREPP: Hi. My name is Denise
21 Krepp. I'm the former Agency Chief Counsel for the
22 U.S. Department of Transportation. I'm a little

1 bit puzzled by this document. Your list of
2 preparers just listed Mr. Hicks, but we just heard
3 him say "we." So my question with regards to the
4 ROD is, who is "we"?

5 MR. HICKS: Well, we at Federal Highway.

6 MS. KREPP: Sir, if I can finish my
7 question. And I say that knowing the process, how
8 it works, at the U.S. Department of Transportation
9 within the political appointees. You won't have
10 final decision on this because now it involves
11 Congresswoman Norton. So who is "we"? Is it
12 going to be you, sir? Is it going to be the head
13 of the Federal Highway? Is it going to be the
14 Secretary of Transportation? And I think we need
15 to know that because we need to know who is going
16 to be involved in the decision-making process.

17 MR. HICKS: I am a representative of
18 Federal Highway.

19 MS. KREPP: Mm-hmm.

20 MR. HICKS: Federal Highway, as you
21 know, it's a big agency. I alone -- no single
22 person will make -- in terms of the Record of

1 Decision, that's going to be determined by the
2 lawyers and others as well, including
3 headquarters. We're all going to be involved in
4 that decision. So when I say "we," I mean the
5 collective we of the family of Federal Highway.

6 MS. KREPP: And then I think that, sir,
7 that for clarification purposes for the neighbors
8 here that you should provide names and titles of
9 those individuals that are involved because you,
10 sir, are the representative, but you're not the
11 final decision maker, and so the neighbors would
12 like to know, who is the final decision maker?

13 MR. HICKS: Well, I've never known of
14 any ROD or any -- I've never known of an instance
15 where we provide names of who's involved in making
16 a decision in terms of Record of -- I don't know
17 of any instance where that's ever happened. As I
18 said, the Agency will make the decision in terms
19 of this project, and that's -- you know, there is
20 not going to be any individual names that are
21 going to be attached to that decision, it will be
22 a Federal Highway decision. Okay?

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1 MR. UNDELAND: All right. It looks like
2 we've got a duo speaking at seven, Derrick Torey
3 and Kevin McDonald.

4 MR. TOREY: Good evening. My name is
5 Derrick Torey. I live in Southwest now about a
6 half a block away from the open part of the train
7 tracks, but I lived right nearby in Southeast for
8 a number of years. I would like to start by
9 thanking you all for doing this outreach and being
10 here and listening. I think it's important and I
11 appreciate that you're doing it, and to our
12 elected officials for being here with us as well.

13 I think that this project is necessary.
14 I know it's a view that not everybody shares here,
15 but we have a 100-ish-year-old tunnel here, and I
16 think it needs to be said, concerns on the safety
17 side, of not doing anything about the tunnel we
18 have now and what could happen if something were
19 to go wrong in this current tunnel, and so I think
20 there are a lot of issues that still need to be
21 worked out and folks that need to be heard and
22 folks that need to be worked with on this.

1 But on a more question side, I'm curious
2 about the timeframe of the preferred alternative,
3 the 30 to 42 months. And is that something that
4 is lengthened by a limited amount of time in the
5 day that the project can be worked on, or is there
6 anything that can be done to shorten that? Where
7 does that time period come from?

8 MR. UNDELAND: Arash or Chuck?

9 MR. PARHAM: That's a pretty good
10 question. So there are many factors that when you
11 schedule a construction project will impact the
12 project for the whole duration, and as you can
13 imagine, there are many stakeholders involved in
14 this project, including many utility owners, and a
15 major part of the schedule, or at least early
16 work, is relocating of all those utilities. So
17 you need commitment from those utilities at a
18 certain time that certain utility relocation work
19 is done. That is not there yet because it's too
20 early in the timing process. So that's why we
21 have that bracket in the total duration to
22 accommodate for that.

1 And on top of that, you have other
2 uncertainties like weather conditions that could
3 also impact the construction duration. So there
4 are many factors that could impact the total
5 duration of the project. So that's why this
6 bracket was established, to take into
7 consideration all those worst case scenarios, if
8 you will.

9 MR. McDONALD: Are there any city
10 regulations that have the amount of time it can be
11 worked on through the --

12 UNIDENTIFIED FEMALE SPEAKER: Go to the
13 mike, please.

14 MR. McDONALD: I'm sorry. Are there any
15 city regulations that are restricting the amount
16 of time that you guys can get in there and work?
17 Is there an 8-hour limit? Or what is the D.C.
18 government doing to sort of make sure that you
19 guys can work as much as you can to try to speed
20 this along? Because I know there are a lot of
21 rules.

22 MR. PARHAM: That is a very good point.

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1 There is a regulation in the District that the
2 construction hours are limited from 7:00 in the
3 morning until 7:00 p.m.

4 MR. UNDELAND: Arash, do you want to
5 come forward?

6 MR. PARHAM: So, yes, there is the
7 regulation there that limits construction hours
8 from 7:00 in the morning until 7:00 in the
9 afternoon and also limits the work during the
10 weekends, and that's one of the major concerns of
11 the community, to limit those hours at the same
12 time. So we have to balance the community
13 expectations versus the work that could be done in
14 the field.

15 MR. McDONALD: Thank you.

16 MR. UNDELAND: All right. The eighth
17 person coming forward, Bill Shively.

18 MR. SHIVELY: Yes. I'm William Shively.

19 And I wanted to make a comment on the
20 video presentation to begin with. And we're
21 losing a lot of old growth trees as part of this
22 process, that's a given, but in your video

1 presentation, you don't really show a lot of trees
2 along the streets and the highways as you did the
3 view. Now, I don't know if that was an oversight
4 or maybe you can comment a little bit more on your
5 landscape restoration plan.

6 Secondly, I wanted you to describe more
7 about the route for construction traffic because
8 residences along that route, if it's 3rd and 4th
9 Street, those are going to have front row impacts
10 as well, maybe not as serious or severe as
11 Virginia Avenue residents, but that will be a
12 front row impact for the duration of the project.

13 And then the third thing -- and I guess
14 this is maybe for DDOT -- is to talk about your
15 mitigation of the parking effects in the
16 neighborhood. We already have a lot of concerns
17 about parking being mismanaged in that
18 neighborhood, and this is only going to make it
19 worse.

20 Thank you.

21 MR. UNDELAND: All right, for the first
22 part of the question, Jason, do you want to talk

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1 about the video?

2 MR. YAZAWA: Yeah, right. The video was
3 meant to show you the streetscape of Virginia
4 Avenue. Obviously there will be trees planted.
5 The project has to require -- the project does --
6 I'm sorry. DDOT Urban Forestry does require the
7 replanting of trees, and we will follow their
8 procedures, but obviously the first trees that we
9 planted there are not going to be old growth trees
10 because -- I am not an arborist, but I do know
11 that you can't plant older trees. So they will be
12 younger, but over time they will, of course,
13 growth older.

14 (Laughter.)

15 MR. YAZAWA: I'm not very articulate.

16 (Laughter.)

17 MR. YAZAWA: But, yes, but we will
18 follow the regulations of DDOT's Urban Forestry
19 Administration.

20 MR. UNDELAND: As far as the haul routes
21 and other questions, Arash, do you want to touch
22 on that?

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1 MR. PARHAM: Sure. So as I mentioned
2 earlier, the ultimate MOT plan when we get to
3 construction, if we get to construction, will be
4 developed by DDOT's direct input and ultimately
5 has to be approved by DDOT. So certainly, I mean,
6 the concerns about the routing of the traffic,
7 construction traffic, will be all considered in
8 that, and that is a relatively well-established
9 process in the District to take those into
10 consideration, those concerns into consideration.

11 MR. SHIVELY: Well, my concern, as
12 you've already said, are front row impacts.

13 UNIDENTIFIED FEMALE SPEAKER: Go to the
14 mike.

15 MR. SHIVELY: You've already addressed
16 what you feel are front row impacts, and in my
17 view and many of my neighbors' views, you haven't
18 addressed front row impacts.

19 MR. PARHAM: I will defer that to Chip.
20 Do you want to?

21 UNIDENTIFIED MALE SPEAKER: I don't
22 recall the question.

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1 MR. PARHAM: I think the question is if
2 the people who are on those roads are also
3 considered front row impact people or impacted the
4 same as front row people? I think I will defer
5 that to the CSX team if they want to.

6 MR. HAMEED: I can talk a little bit
7 about the maintenance traffic while Chip gets his
8 thoughts together. So the maintenance of traffic,
9 actually there is a conceptual maintenance of
10 traffic plan, not just for the front houses, but
11 for the entire area in the FEIS. It's not
12 completely done. We still need to work on it a
13 little bit more, but it gives you a concept how
14 traffic and access will be maintained for
15 pedestrians, for vehicles, for emergency vehicles,
16 in all those areas, and part of what the video was
17 showing is basically the commitment to accommodate
18 and allow all north-south connections. So that
19 was just one element. The video was not supposed
20 to show everything. So there are more details in
21 the FEIS, and there will be actually a maintenance
22 of traffic plan also created.

1 In terms of truck hauling routes, there
2 will be a traffic control plan as we move forward
3 with the design process as the project moves
4 forward that will also include how the truck
5 routing will occur and what routes the trucks will
6 take.

7 I don't know if, Chip or Chuck, if you
8 want to add something more to that.

9 MR. SHIVELY: Also parking for
10 residents.

11 MR. HAMEED: So parking actually it will
12 be an issue, you are correct, during the
13 construction, so again in the FEIS it's also
14 addressed. So we will actually work with the
15 project team to figure out how the construction
16 will work and where the parking needs to be moved.
17 I believe there is a commitment to provide some of
18 the parking at a CSX location. In addition, the
19 construction crews will actually -- will not be
20 allowed to park on the streets, so that will
21 actually help eliminate some of the additional
22 parking load that may get on the streets.

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1 So, yes, there is actually in the FEIS,
2 there is a parking maintenance plan. It's not
3 very detailed. We're still working on it. But we
4 are trying to actually bring the number of parking
5 spaces that we lost, especially on Virginia
6 Avenue, to accommodate some of them on other
7 streets and actually also on the space which CSX
8 has.

9 MR. UNDELAND: Our next speaker, Number
10 9, Maureen Cohen Harrington.

11 MS. HARRINGTON: Hi. I am Maureen Cohen
12 Harrington, and I live on Virginia Avenue. My
13 home is about as far from the construction, not
14 much further than the distance between you and I.
15 So I raised a question in my Draft Environmental
16 Impact Statement comments saying, "What are you
17 going to do to address the problems faced by
18 workforce homes which have legal and practical
19 restrictions on moving and affordable rental
20 housing, which has long wait lists? There are a
21 lot of residents in the affordable rental housing,
22 including seniors who have COPD, asthma, all kinds

1 of health conditions, oxygen tents, and there is
2 also pregnant women on our block, there are young
3 children. So I said, what is going to happen if
4 they have to move because they can't live through
5 this construction? It's a threat to their health?
6 And the response was conditions are going to be
7 all puppy yards and rainbows during construction,
8 no one is going to have to move during
9 construction, so we don't have to face that.

10 So my first question is, really? CSX
11 had more than \$12 billion in revenue last year,
12 and they can't afford to look out for these
13 residents who they are making very vulnerable by
14 pursuing their own profits.

15 Second question is CSX has admitted that
16 it can ship unlimited quantities of Bakken crude
17 through the monument core including the tunnel.
18 It's said that it has shipped very little so far
19 and it has no intention to ship more. So will CSX
20 make a binding public permanent commitment to
21 reroute that and other highly hazardous materials,
22 such as chlorine gas and other toxic-by-

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1 inhalations away from the nation's Capital and
2 will the agencies hold them to that? If they're
3 not going to ship this stuff through there anyway,
4 what do they have to lose?

5 (Applause and cheering.)

6 MR. UNDELAND: All right. Chip, I think
7 maybe you or Steve would be the best equipped to
8 answer that.

9 MR. FLIPPIN: Okay. First of all,
10 getting to the hazmat issue because that's what
11 continues to come up, the project is about moving
12 consumer goods, not hazardous materials, as we've
13 said on numerous occasions.

14 MS. HARRINGTON: Which will make it easy
15 for you to enter into a binding agreement.

16 MR. FLIPPIN: In response to actions by
17 D.C. Council and other communities, the federal
18 government stepped in, in 2008, to pass new
19 regulations governing the routing of hazardous
20 materials. In compliance with those regulations,
21 CSX does not route the most hazardous materials
22 through the District, which, as we've talked

1 about, are poison bio inhalation, toxic-by-
2 inhalations, which is chlorine, ammonia, and other
3 materials, as well as Class 1.1, 1.2, 1.3
4 explosives, and spent nuclear fuel. We have
5 passed all the audits on that and will continue to
6 do so and do not ship those through here based on
7 the government regulations that we follow.

8 MS. HARRINGTON: You're really making
9 the argument stronger because if you're not doing
10 it and have no intention to do it and you claim
11 you're legally restricted from doing it, why not
12 go public with it? Why not get credit for it?
13 Why not say, "We, CSX, will never ship this stuff
14 through here," and we can negotiate what that
15 stuff is, and be held to it?

16 MR. FLIPPIN: Because right now we abide
17 by the federal regulations that are in law, and we
18 are compliant with them.

19 MS. HARRINGTON: But even Secretary Foxx
20 admits that he can't keep up.

21 MR. FLIPPIN: That's -- we're compliant
22 with the law.

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1 MS. HARRINGTON: Okay. So you basically
2 don't want to do anything to make the situation
3 better, you want to get away with as much as you
4 can, you want to use as much legal weaseling,
5 which --

6 MR. UNDELAND: I'm sorry. You know, he
7 did answer the question. The -- CSX --

8 MS. HARRINGTON: Okay. I think, yeah,
9 the answer is that you will not do it and the
10 agencies --

11 MR. UNDELAND: That was not the -- the
12 answer was that CSX is doing it by virtue of
13 obeying federal regulations.

14 MS. HARRINGTON: No. He is not entering
15 into a legally binding public agreement to do
16 this.

17 MR. UNDELAND: Okay. All right.

18 MS. HARRINGTON: And the other half of
19 that question, as you may recall, was, will the
20 agencies require them to do that as a condition of
21 granting approval for this project? You may
22 recall that D.C. did try to reroute the worst of

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1 the hazmats just within 2 miles of the monument
2 core, just within 2 miles of the Capitol. CSX
3 sued immediately to try and get a preliminary
4 injunction. They eventually defeated that
5 legislation. So this is not something -- the D.C.
6 Circuit said that only the federal government can
7 regulate the railroads, it was preempted. This is
8 not regulation, this is contract. This is an
9 opportunity here to achieve through contract what
10 the city cannot do to protect itself by
11 regulation, and why are we missing that
12 opportunity?

13 UNIDENTIFIED FEMALE SPEAKER: Right.

14 (Applause and cheering.)

15 MR. FLIPPIN: And as a common carrier,
16 we're required to follow federal law, and we
17 follow the federal law.

18 MS. HARRINGTON: You're working with a
19 federal agency, or is that something to be worked
20 out?

21 MR. UNDELAND: I don't think there is
22 anybody here from FRA who regulates the industry,

1 but --

2 MS. HARRINGTON: That's part of the
3 problem.

4 (Laughter.)

5 MR. UNDELAND: Well -- all right.

6 MS. HARRINGTON: Okay. So I did have
7 the other question about the workforce homes and
8 the affordable rental housing and the lack of
9 compensation for anyone -- like I have a workforce
10 home, and I can't imagine living through this. I
11 have problems sleeping as it is. If there is
12 construction 12 hours a day, trains running at
13 night, you know, what if I want to move somewhere
14 else until this is over? I don't want to give up
15 my home, but I can't do that. There is no
16 compensation here for that, and there is nothing
17 that deals with the legal and practical
18 restrictions associated with workforce housing to
19 seniors and the other affordable rental housing
20 units. They have it even worse, and they've got
21 much more vulnerable populations who were
22 underrepresented in this process. They still

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1 don't have a copy of the Final Environmental
2 Impact Statement. None of them have even seen a
3 copy of the Draft Environmental Impact Statement,
4 they're on the other side of the digital divide.

5 MR. UNDELAND: Well, okay. I mean, I
6 think the accommodation can be made to make sure
7 that hard copies are provided. You heard earlier
8 about what the railroad is doing for the front-
9 facing residents.

10 MS. HARRINGTON: I'm a front-facing
11 resident, and trust me, \$500 barely gets you a
12 parking space in D.C. I could not find someplace
13 else to live during the construction for that.

14 MR. UNDELAND: Okay.

15 UNIDENTIFIED MALE SPEAKER: 300. It
16 will be taxed.

17 (Laughter.)

18 MR. UNDELAND: All right. I think we've
19 answered the question to the best of our ability
20 at this point.

21 MS. HARRINGTON: Actually, you didn't
22 answer it at all. What are you going to be doing?

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1 MR. UNDELAND: Well, the answer was the
2 \$500 per month during the construction period.

3 MS. HARRINGTON: Okay. Which isn't even
4 available to half of the seniors, but aside from
5 that, what if people have to -- seriously, you
6 can't -- where do you know in D.C. that you can
7 find a place, especially if you're having years to
8 wait for another home under an affordable rental
9 housing arrangement?

10 MR. UNDELAND: Yeah. And you also heard
11 the answer about the parking issue, of providing
12 parking on the CSX property. It's very -- almost
13 catty-corner from your properties.

14 MS. HARRINGTON: So the residents can
15 live in the parking lot? I'm not sure --

16 MR. UNDELAND: No, not live in the
17 parking lot, but park, making accommodation.

18 UNIDENTIFIED MALE SPEAKER: You are not
19 listening to her.

20 MS. HARRINGTON: Yeah. What are you
21 going to do about the affordable rental housing
22 residents and the workforce residents who can't

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1 just up and move? There is no compensation for
2 the money, there is no compensation for the wait
3 list, there is no way to address the legal
4 restrictions, none of that. You just brushed it
5 over by saying nobody is going to have to move.
6 That's ludicrous. That's ludicrous. These people
7 in the senior center can smell the grass when the
8 lawn is mowed when their windows are closed.

9 MR. UNDELAND: Okay.

10 MS. HARRINGTON: They're going to smell
11 the stuff and the construction coming in, they're
12 going to hear relentless. They're home all day.
13 How can you say they're not going to have to move
14 and you don't have to address it?

15 UNIDENTIFIED FEMALE SPEAKER: What's
16 your plan to answer this question?

17 MR. UNDELAND: Chuck, do you want to?

18 MR. BRINKER: Maureen, your question was
19 revolving around the smells, the odors. I take
20 that from an exposure standpoint.

21 MS. HARRINGTON: The noise --

22 MR. BRINKER: The noise and so forth.

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1 MS. HARRINGTON: -- the vibrations, the
2 everything. It's going to be unlivable. I also
3 asked at the end of one of the public hearings,
4 would any of you seriously be willing to live in a
5 home like this? And I've actually asked in two
6 public forums now, Think Progress and the Hill
7 Rag, if CSX CEO Michael Ward would be willing to
8 live with me during construction. If it's all
9 wonderful during construction, then he would have
10 the chance to oversee personally this important
11 CSX project, and I would even be willing to share
12 with him this wonderful bounty of \$500 a month, or
13 1,644 cents a day, which could compensate, you
14 know, since he's only getting paid \$12 million
15 plus a year by CSX, you know, that would be
16 tempting, too.

17 MR. BRINKER: To answer your question
18 regarding exposures, in the studies that were done
19 throughout the DEIS process, also taking into
20 consideration your comments and other comments
21 from the community, is what Jason articulated.
22 There are various environmental commitments, but

1 specifically to air, you know, several air studies
2 were completed, and while those air studies
3 demonstrated that exposure to the residents
4 wouldn't be present, CSX, the project sponsor, has
5 committed to implement monitoring programs to
6 ensure and to prove the negative that the studies
7 that were completed during the DEIS are actually
8 true, and if there would be situations that
9 demonstrated that data exceeded thresholds, the
10 work would stop, would be addressed. Additional
11 engineering controls would be implemented, and
12 that's not only true for air, but that's also true
13 for noise and vibration, too.

14 MS. HARRINGTON: You know, and that's
15 the thing. It's cumulative. We're not just going
16 to have air problems, we're going to have noise
17 problems, we're going to have vibration problems,
18 we're going to have possibly rats and other pests,
19 there is going to be possibly structural damage.
20 There are going to be a million reasons why these
21 very vulnerable residents only a few feet from the
22 construction -- I'm focusing on the senior center

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1 right now -- why they won't be able to continue to
2 live there. A lot of them are mobility impaired.
3 Why can't you even fathom the possibility that
4 someone might have to move because of this and how
5 you, big government here, big corporation here,
6 can't come up with a way to address that problem?
7 It's insulting.

8 (Applause.)

9 MR. BRINKER: And to respond to your
10 comment, you know, this is one of the reasons for
11 this forum, is to give the community the
12 opportunity to provide this input. And so with
13 the input that you've provided, I'm sure Federal
14 Highways and DDOT will take that into
15 consideration, and as it's being worked through in
16 making a final decision on this project, that will
17 be taken into consideration.

18 UNIDENTIFIED MALE SPEAKER: (Off mike)
19 considering some agreement regarding hazmat.

20 MS. HARRINGTON: They already --

21 MR. UNDELAND: Okay. Folks, we are
22 going to get back to the program and our process

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1 here. By all means, if you are planning to ask
2 that question, please sign up and we'll hear it at
3 the -- during -- in order.

4 Our tenth speaker, Shamira (sic) Jones,
5 please.

6 MS. JONES: Good evening. And first, my
7 name is Shamika Jones, it is not Shamira Jones.

8 MR. UNDELAND: I beg your pardon.

9 MS. JONES: I am a -- I live on 4th
10 Street, and I am an affordable housing resident
11 who does have a critically ill son. Before I ask
12 my question, I am a little bothered by the amount
13 of community meetings that you guys have already
14 said that you had and the feedback that you've
15 gotten and you still cannot answer questions here
16 today whether it's a --

17 (Applause.)

18 MS. JONES: -- you guys don't have the
19 answer, and that's a problem. So you -- these
20 things are not the first time that you're hearing
21 them, whether it was in 2009, '10, '11, and '12,
22 these are not the first time. They've been

1 submitted online. For you guys that cannot stand
2 here and answer these questions, it's very
3 concerning to me to support your project whether
4 you gave a legitimate reason or not. I can't
5 support anything that it doesn't seem that you've
6 invested in so far.

7 In addition, my concern still comes for
8 those, like my son, who is critically ill, the
9 senior citizens, who will have long-term -- we're
10 talking 42 months. What happens after the 42
11 months? You're talking about there is a
12 possibility that we're going to do these studies
13 and hopefully that it proves that there is not an
14 air quality issue, but what happens when it does
15 prove that it's an air quality issue? You're going
16 to revisit it and then do what? You're going to
17 continue with your project. Because it seems that
18 if Eleanor Holmes didn't submit anything to stop
19 this process, you would have moved forward whether
20 you had this forum or not. So what do you guys
21 want to do long term for those families like
22 myself who maybe cannot live in this situation?

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1 MR. UNDELAND: Do you guys want to --
2 Mike?

3 MR. HICKS: That's a good comment, and,
4 again, as Keith has said, that's why we're here.
5 We're listening to you. I mean, and so we will be
6 addressing that. Again, what you're referring to
7 is what we call a cumulative impact. So I thought
8 that we addressed air quality in the document, but
9 we'll go back, we'll take a look at that, and so
10 we'll definitely address that issue in the Record
11 of Decision, or we have to make revisions to the
12 document. I don't think that's going to be
13 necessary, but it will be addressed.

14 MS. JONES: But you need to make
15 revisions only because you're only talking about
16 the people directly impacted, but you have to
17 realize that everything is a domino impact, so we,
18 too, who do not sit along that line will also be
19 impacted by this decision. These seniors who may
20 have to come out for fresh air will be still
21 impacted, even if not directly with this \$500 and
22 this \$75,000 that you want to blind people by to

1 think that that's okay to jeopardize their health
2 because of that.

3 MR. HICKS: All right. And let me say
4 this about the \$500 compensation mitigation that's
5 being offered. Okay, again, it's characterized as
6 being offered for inconvenience because we've
7 mitigated for many other issues involved with this
8 project. What that means is if you need to -- if
9 you're fastidious in terms of you keep your car
10 washed. I mean, it's for incidentals like -- or
11 whatever you consider the inconvenience.

12 MS. JONES: Really?

13 (Laughter.)

14 MR. HICKS: Wait a minute.

15 MS. JONES: For me to wash my car?

16 (Laughter.)

17 MR. HICKS: That was just an example.
18 That was just an example in terms of dust and
19 things like that. It's a mitigation for the
20 inconveniences that you are going to possibly go
21 through because you're in that proximity to the
22 project.

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1 MS. JONES: And I'm not in proximity,
2 but I live in this community and my son's health
3 is in jeopardy, so what compensation do we have
4 that he's inhaling it? What compensation do our
5 seniors have that they're inhaling this same
6 stuff? Because you said that you're going to
7 create these like these rails and these
8 handicapped-accessible units so they can continue
9 to use these properties. So what compensation do
10 they make?

11 MR. HICKS: All right. Now, the
12 residential mitigation plan is not intended for
13 those issues.

14 MS. JONES: Exactly.

15 MR. HICKS: We've addressed those issues
16 in terms of I think EPA made comments and we did
17 respond to those comments in terms of health
18 issues that were involved with this project.

19 MS. JONES: I haven't heard you address
20 any health care issues at this point.

21 MR. HICKS: Well, we did address EPA's
22 issues that talked about child health and those

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1 things of that nature. So they are in the
2 document; we have addressed those. Okay?

3 MS. JONES: Mm-hmm. Can't answer any
4 questions.

5 UNIDENTIFIED FEMALE SPEAKER: Can you
6 tell us where in the document they are?

7 MR. UNDELAND: You know, I think we
8 would be glad to get with you after and we're glad
9 to walk you through specifically where it is in
10 the document. The whole reason we do an EIS is to
11 assess all of the environmental impacts, and
12 there's a whole group of regulatory agencies to
13 make sure that water quality is protected, that
14 air quality is protected, and so forth, and the
15 document and the Federal Highway, DDOT, will not
16 sign off on it unless those issues are addressed.
17 Glad to get with you and walk you through that.

18 MS. JONES: Okay. And I think you guys
19 need to definitely give direct responses. Kind of
20 all these beating around the bush, cover-up,
21 indirect statements does not give us concrete
22 feedback on what we need in order for us to make a

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1 valid, informed decision.

2 (Applause.)

3 MR. UNDELAND: Okay. There are certain
4 things that are not known at this point, but we
5 are trying to answer as directly as we can.

6 All right. Our next person is Natalie
7 Skidmore?

8 MS. SKIDMORE: Yes. Hello. I would
9 like to first of all thank Congresswoman Norton
10 for advocating on our behalf.

11 (Applause and cheering.)

12 MS. SKIDMORE: Thank you very much for
13 getting this extension and an additional public
14 meeting before a Record of Decision can be issued
15 in this project. I would like to ask you to
16 continue your efforts advocating for us by
17 requesting a meeting with U.S. Department of
18 Transportation Secretary Foxx so we can explain
19 our concerns about the apparent rubberstamping of
20 this project years before the environmental study
21 was concluded.

22 Also, I would like to thank

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1 Councilmember Wells for his attendance, and also
2 Councilmember-elect Allen, who is in the back of
3 the room and was not announced at the beginning of
4 the meeting.

5 (Applause.)

6 MS. SKIDMORE: Thank you both for being
7 here this evening. And I would like to ask you to
8 please advocate for the Comprehensive Rail Study,
9 which is in the D.C. budget, and not allow a final
10 decision to be issued in this project, no further
11 progress in this project, until that Rail Study is
12 complete.

13 Thank you.

14 (Applause and cheering.)

15 MR. UNDELAND: Our next speaker, Number
16 12, Anya Landau Fernan (sic)? Forgive me if I got
17 it wrong. Maybe that's "French."

18 MS. FRENCH: Yes. Anya Landau French.
19 I have two children under four, and I live less
20 than a block from the LOD just shy of what you all
21 are calling the front row and I kind of think of
22 as the front line.

1 (Laughter.)

2 MS. FRENCH: I have two concerns that
3 countless families I think have shared with you
4 all for years and continue to have about the
5 extremely adverse impacts on our children.

6 First, the FEIS claims that we have far
7 below the rest of the city's number of children
8 for our area, but I believe that was based on 2010
9 census data, which if you know our community, you
10 know hundreds of new homes have been built and
11 families have moved in and the Capitol Hill and
12 Navy Yard area is teeming with very young
13 children.

14 It also said that there are no schools
15 adjacent to the LOD, but in fact there are three:
16 Capitol Hill Day School, Richard Wright Charter,
17 and next year, Van Ness Elementary School, and
18 that will be a block and a half from the LOD.

19 Then also there are several, I think at
20 least three, other schools within 3 blocks of the
21 LOD, and no fewer than 10 playgrounds, parks, and
22 sport fields in close proximity. The FEIS takes

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1 none of this data into account. Why not and
2 shouldn't it?

3 And secondly -- and this was just
4 briefly raised -- the EPA concerns, and I have not
5 gotten through the thousands of pages of
6 documents, and I appreciate Congresswoman Norton
7 getting us the extra time to try and get through
8 them, but tonight is an opportunity for you all to
9 tell us. The DEIS did not address the adverse
10 environmental impacts on children. That's what the
11 EPA had said.

12 So I would like to know, what specific
13 new steps were taken in consultation with the EPA
14 that will actually mitigate families' concerns for
15 our children?

16 (Applause.)

17 MR. UNDELAND: Thanks for the question.
18 Jason, I think you're best equipped.

19 MR. YAZAWA: The studies that was
20 conducted for the EIS, particularly air and noise,
21 were prepared based on accepted standards by EPA.
22 We followed -- in particular, air quality, we

1 followed EPA's methodology to do those studies.

2 Getting back to your question about the
3 census information, that is correct. The best
4 data we have is in 2010, so we used that census
5 information in the document, but we also
6 acknowledge that, yes, this is a growing community
7 and we do acknowledge that, yes, there are
8 families with children there. It is very
9 important -- I think I can speak for the entire
10 team here. You know, they want to make sure that
11 the construction site is safe and secure and do
12 not jeopardize the safety to any family and any
13 child.

14 Due to our maintenance of traffic plan,
15 we will make sure that all schools and -- we'll
16 check your information on the schools to make sure
17 that we covered them all in the document, and we
18 may cover that in the Record of Decision, if
19 there's a school that somehow we missed.

20 MS. FRENCH: I'm happy to list them for
21 you.

22 MR. YAZAWA: That's great, and I really

1 appreciate it. We did mention Van Ness, though, I
2 do recall that.

3 But due to the maintenance of traffic
4 plan, we will make sure all schools are accessible
5 during construction.

6 MS. FRENCH: Well, I mean, it's not
7 about accessibility; right? I mean, it's about
8 whether or not there are concerns for the school
9 children. I mean, I'm feeling like they're going
10 to be dealing with all of this morning, noon, and
11 night. If they live in the neighborhood, outside
12 their home, whenever they walk to school, being at
13 school. I just feel like they're going to be
14 surrounded by it. And I appreciate that you're
15 saying that you have all tried to take into
16 account our concerns for our children, but I'm one
17 parent of many standing here telling you that
18 nothing you have said to us yet over all this time
19 has made us feel like those concerns can be
20 allayed. I mean, I'm not saying -- I'm not
21 standing here just wasting my breath trying to be
22 a needle in your side here, I am truly worried

1 about my children, and everybody else in this
2 community who has young children.

3 (Applause.)

4 MR. UNDELAND: Thank you for that. And
5 on behalf of the team, we hear you on that, and we
6 want -- not everything is exactly spelled out
7 right now. As the design moves forward, it becomes
8 more crystal clear on exactly what's going to take
9 place when, and then --

10 MS. FRENCH: But when relative to the
11 Record of Decision?

12 MR. UNDELAND: Well, the Record -- in
13 the process --

14 MS. FRENCH: You see, the lack of
15 clarity is concerning with the Record of Decision
16 that's coming.

17 MR. UNDELAND: Sure. And the Record of
18 Decision concludes the study, the planning
19 process, and then you move into design and
20 construction. So it's sort of a cart before the
21 horse.

22 MS. FRENCH: Well, then, of course, we

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1 have --

2 MR. UNDELAND: There certainly are a
3 number --

4 MS. FRENCH: -- to stop it if we don't
5 like what you come up with.

6 MR. UNDELAND: A number of things were
7 mentioned in the presentation in terms of the 8-
8 foot fence that surrounds all of the construction
9 areas. There are going to be a lot of things that
10 are --

11 Go ahead, Faisal.

12 MR. HAMEED: So in terms of like the
13 children's health that you brought up, it was also
14 in the EPA comments. So it did actually address
15 that in the FEIS. Actually, it should be in the
16 Environmental Consequences section, which is --

17 MS. FRENCH: Do you want to just
18 highlight a couple of the major things that you
19 all --

20 MR. HAMEED: Yeah. So which is Chapter
21 4, and it is in the Appendix as well. The Health
22 Impact Assessment, especially in transportation

1 and construction, is an emerging science; even EPA
2 recognizes that. So there is no established
3 methodology to evaluate that, particularly for
4 children. So we actually worked with the EPA, we
5 actually used what the state of the art was, we
6 actually elaborated more on those issues that were
7 -- unfortunately, there is no exact science to
8 actually evaluate every single impact on children,
9 especially in terms of health and transportation.

10 Like actually Jason said, the
11 methodologies that we used are the methodologies
12 approved by EPA. Those are national standards.
13 Those are used all across the country. So even
14 with that, we actually went ahead and worked with
15 EPA to see if we can elaborate that even further.
16 I mean, that's the best information that we have
17 at this point. I can understand your frustration,
18 but like I said, I mean, that is the best
19 methodology or the state of practice that we have.
20 So please see if that address that -- I mean, if
21 the document still answers your question. If it
22 does not, I will be more than happy to actually

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1 talk with you further and see how actually we can
2 eliminate those concerns.

3 MS. FRENCH: Okay. I will just say that
4 -- I mean, I appreciate that, it's just it's not
5 telling me anything, it's not -- there are no
6 details there.

7 MR. UNDELAND: Listen, I'm afraid we're
8 going to have to move along, we've got seven more
9 speakers and it's 8:20 now. So I really do want
10 to make sure we get to all of our speakers.

11 The next speaker is Tomas Bilbao.

12 MR. BILBAO: Good evening. My name is
13 Tomas Bilbao. I'm a resident in the townhomes on
14 Capitol Hill just a block from Virginia Avenue on
15 the north side of the highway. I'm also a member
16 of the Board. We're 154 mixed-unit, mixed-income
17 development. We have seniors, people with
18 disability, children. We're very concerned with
19 this project and specifically with the fact that
20 in both the Final EIS and the earlier versions,
21 the explanation as to the impact mitigation for
22 the community north of the highway was simply

1 we're protected by the highway. We've provided
2 comments regarding our concern that the highway
3 doesn't protect us from construction. Especially
4 following the video you showed, I'm actually more
5 concerned now because I understand the
6 construction is actually happening on that side.

7 So I would like to hear from the team as
8 to how exactly the highway is supposed to protect
9 all the community north of it especially given the
10 fact that this will be happening on the second
11 tunnel on the north.

12 MR. UNDELAND: Jason?

13 MR. YAZAWA: So you're saying -- is the
14 mike on? So you live on the north side of I-695.

15 MR. BILBAO: Correct.

16 MR. YAZAWA: So what we do is, just as
17 an example, one of the things that we do like --
18 I'm going to take noise as an example. We go to
19 the community, we take noise measurements, we go
20 to the south side and we go to the north side, and
21 so what the noise analyst would do, he would model
22 like the structures because they do block noise,

1 so for that particular case, because that
2 structure is providing some kind of noise barrier,
3 obviously noise from a construction site happening
4 on the south side is going to affect a house on
5 the south side more than the north side simply
6 because you have a barrier there that blocks the
7 noise. So that's what the studies have shown and
8 that's what we kind of meant, that usually that
9 particular structure is -- and also from a visual
10 perspective as well. Right?

11 I mean, you know, there is a
12 construction -- construction has some visual
13 impact. We document it in the document, and so
14 obviously if you're on the south side, you can see
15 a lot more than you can from the north side. So
16 that's what we meant in the document, that that
17 particular structure does provide for some element
18 that minimize the impacts more on the north side.

19 MR. BILBAO: If I recall correctly, it
20 doesn't say it provides some element, it says that
21 the community north of the highway won't be
22 impacted because it will be protected by the

1 highway. Could you also clarify -- the video
2 suggests some level of construction occurring
3 north of the highway for the second tunnel in the
4 second phase. If the argument here is that
5 construction occurring half a block from the
6 underpass on 5th Street is somehow asbestos (tape
7 skips) traffic concerns aren't going to impact me
8 because I'm half a block from the underpass of
9 Virginia Avenue, I'm sorry, but that's just not
10 convincing.

11 So I'm hoping that you're not going to
12 just give me one of these, "We'll come back and
13 look at it, and that's what these meetings are
14 for." I hope you'll actually give me an answer
15 and explain to me how I'm protected.

16 MR. PARHAM: So what Jason just said, to
17 add to that, is there is no construction, major
18 construction, activity happening on the north side
19 of the highway. All the excavation and tunnel
20 construction is all on the south side. So you
21 won't see any major construction activity on the
22 north side.

1 MR. BILBAO: Well, to be clear, my
2 concern isn't visual, my concern is that if
3 utilities will be interrupted, if there will be
4 noise, if there will be air quality issues, if
5 there will be accessibility of emergency vehicles,
6 and all these other things which, of course, you
7 tell us are all in the 3,000-plus pages, how can
8 you tell us that the community north of the
9 highway then is protected by virtue of the fact
10 that there is a highway there. How am I protected
11 from utility disruptions because there is a
12 highway between me and half a block where the
13 construction is occurring? How is the air quality
14 suddenly better 50 feet north because of the fact
15 that there is a highway there? It's not
16 convincing. I need to understand how the highway
17 mitigates all those factors.

18 MR. PARHAM: Jason, do you want to add
19 to that?

20 But as far as the construction
21 activities, I can tell you that that all those
22 major activities don't happen on the north side.

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1 MR. BILBAO: No, I understand it's 50
2 feet away.

3 MR. PARHAM: But as far as all the other
4 impacts, again, it's a matter of distance, some of
5 those impacts that make vibration --

6 MR. UNDELAND: Let me, if I could jump
7 in.

8 MR. PARHAM: Yeah.

9 MR. UNDELAND: And maybe if you could --
10 if we could take this offline and we can have you
11 answer the question. We've got a bunch more
12 people, and I want to make sure that everyone gets
13 to speak.

14 MR. BILBAO: Sir, I'm sorry, and I
15 appreciate the fact that we have other people that
16 have to speak.

17 MR. UNDELAND: Yeah.

18 MR. BILBAO: But just like I have a 2-
19 minute clock, it appears that CSX has a clock
20 they're trying to run out as well, and so if we
21 can't answer these in the FEIS as required by law
22 and you're not allowed to answer them in the

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1 multiple public meetings, then please tell me,
2 what is it that we have to do to get an answer
3 except for letting CSX run out the clock, issue
4 the ROD or whatever it's called, and we have to
5 live with the consequences? Because you've been
6 told several times there's a concern tens of
7 thousands of families north of the highway have,
8 and you still have not addressed it.

9 MR. UNDELAND: Okay. Well, we did try
10 to address it, and I would like to move on with
11 the program here. So if you want to take that
12 offline, we can answer the question. I'm sorry.

13 MR. BILBAO: (Off mike.)

14 MR. UNDELAND: Listen. All right.
15 Melissa Lee?

16 MS. LEE: Thank you. I am resident of
17 Virginia Avenue. I have met with CSX officials
18 for the last 4 years a number of times. I
19 appreciate you all coming out to meetings like
20 this. I appreciate the motto of CSX, "How
21 Tomorrow Moves," but let me tell you right now, I
22 say, God, I hope not. I am tired after 4 years of

1 meetings with you, and I have to say shame on you.
2 This final environmental study -- and I'm looking
3 at you, CSX, I am looking at the agencies for the
4 work that they've done on this, I'm looking at CSX
5 for the work that you've put into this. You say
6 you've listened to the community, but you have not
7 heard us.

8 (Applause.)

9 MS. LEE: You say you continue to hear
10 us, but you don't listen. We are telling you --
11 we told you no open trench, that was an
12 impossibility for us to even comprehend, so you
13 came up with preferred alternative with the
14 criteria that stated you still had to move your
15 product, your Bakken crude oil, your whatever,
16 through during the period of construction. That's
17 your criteria. Our criteria, as the community, is
18 to say reroute during construction at least.

19 (Applause.)

20 MS. LEE: That was one. The other was
21 treat the residences along the Virginia Avenue
22 corridor where you would be digging two trenches

1 differently. Do a cover-as-you-go method. I have
2 not seen any of that in the final environmental
3 impact statement or 3,000 pages or 6,000 pages
4 total with all of them combined.

5 And let me just be very clear. One
6 example, children's health. We've spoken about
7 that already, so I won't go into it, but I raised
8 that at the last meeting that Congresswoman Norton
9 held with the EPA, who was not present at that
10 time. You said you would address it. I went
11 specifically looking for the statements about
12 children's health and the federal regulation that
13 required it.

14 You talk about children's health in the
15 sense of, "Oh, your children won't wander onto the
16 construction site." That is not the issue here.
17 You need to hear us, you need to listen harder,
18 and you need to start actually acting like a
19 corporation that cares about community because I
20 do not see that here, I have not seen that as
21 we're going forward. I hope that can change.

22 One thing that you can do specifically

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1 is to stop hazardous materials during any
2 construction at the very least.

3 (Applause.)

4 MS. LEE: I am a supporter of you
5 signing a contract with this city saying you will
6 not put this city's health in danger any longer,
7 but certainly not during construction.

8 (Applause.)

9 MR. UNDELAND: All right. Thank you.
10 Thank you for your statement.

11 Our next speaker is Claire Schaefer.

12 MS. SCHAEFER: Hello. I'm actually
13 going to start out by responding to an earlier
14 comment from the gentleman from Southwest. The
15 CSX tunnel is over 100 years old. We've heard
16 that. And it's CSX's responsibility to maintain
17 their own tunnel. It is not the District
18 government's responsibility to expand their
19 operations and give them acres of new land to
20 permanently expand their operations in the
21 District, as well as we cannot do this and have
22 such a substantial magnitude of a change to not

1 only our freight rail but also our commuter rail
2 and our passenger rail without knowing what that
3 impact is.

4 And one of the things that I want to
5 bring up today is, why would we move forward with
6 this project before a comprehensive rail study is
7 completed, which has been funded by Councilmember
8 Cheh for the next budget year so we can have a
9 third party of experts actually look at the impact
10 of what this rail does to the commuter rails and
11 the passenger rails for this city? If this goes
12 forward before that happens, we may preclude
13 expansion.

14 I also would like to bring up that the
15 DEIS is pretty much the same thing as the FEIS --

16 (Applause.)

17 MS. SCHAEFER: -- and we failed to have
18 answers. Some of the solutions are inadequate and
19 some are just wrong. We'll have an executive
20 summary saying everything is fantastic, and then
21 when you start finally going through this
22 document, you have sections that say, well,

1 actually the noise would exceed the FTA noise
2 impact criteria during construction hours. So
3 it's going to take a long time for people like us
4 to actually go through this when we can't trust
5 what's put out for the Executive Summary.

6 The last thing is that I would like to
7 talk about exceptions. Front row residents and
8 residents beyond front row residents, we are all
9 very unique in our needs, and construction
10 stopping at 7:00 a.m. and between 7 -- before 7
11 a.m. and after 7 p.m. may work for some people who
12 are working and then that needs to make sure that
13 there are no exceptions to that. But that doesn't
14 work for seniors, that doesn't work for the moms
15 or for the nannies or for the kids that are on
16 that block. And I think there is a very real
17 scenario here where you cannot assume that people
18 are going to be able to function and continue
19 their life there.

20 Thank you.

21 (Applause.)

22 MR. UNDELAND: Thank you for your

1 statement.

2 Number 16 is Max -- I'm sorry, I'm not
3 going to get this, Velagia (sic)?

4 MR. VELAGRA: Velagra.

5 MR. UNDELAND: Velagra. Forgive me.

6 MR. VELAGRA: Good afternoon. My name
7 is Max Velagra, and I was basically going to ask a
8 question that was already asked before, which is
9 you talk about the front row residents, and you
10 said we are basically assuming that those front
11 row residents will have inconveniences, and those
12 are the ones right next to the construction. And
13 I think if we -- I actually would like to do a big
14 view of what your guys are doing. If you are
15 sitting there and constructing -- okay? -- and all
16 these people, all these people, are the residents;
17 okay? You're telling me that the first front row
18 are the only ones that are going to be
19 inconvenienced with noise, with dust, air
20 contamination, with service interruptions. That's
21 not right because we know that if you make -- if
22 you contaminate air in there, put a fan, and all

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1 the people at the end of the rows will be able to
2 smell it. If you make large noises, there is no
3 (warp in tape) that the second row will still be
4 able to hear it, the third row will still be able
5 to hear it, people who passes through that area
6 every day all day, children, senior citizens. We
7 don't see how front row residents are just the
8 people that are right next to the construction.

9 Thank you.

10 (Applause.)

11 MR. UNDELAND: Thank you.

12 All right. Our next speaker, Pranav
13 Badhwar.

14 MR. BADHWAR: Hello. My name is Pranav
15 Badhwar. I'm a pre-Councilmember, Ward 6, Tommy
16 Wells. And so heir apparent depending on the
17 matter of the election in November. I live about
18 a half a block north of Garfield Park. Some of my
19 questions have been answered, and very
20 disappointingly so. I'm not surprised. We took a
21 wrong path as a country when we decided to use
22 regulation instead of common law. So we will not

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1 have personal accountability from CSX, I get that.

2 So my question is directed to DDOT. Do
3 we have any recourse here? Can we apply sensors
4 to the tunnels? Can we apply sensors to detect
5 noise pollution as well as toxic chemicals in the
6 tunnels and publish that information on a real-
7 time basis to the community so that we can at
8 least then be aware of violations and so we can
9 hold CSX accountable to the extent possible?

10 MR. HAMEED: I am not sure that we have
11 jurisdiction to do that. I'll have to check. As
12 far as we know, we don't regulate the railroads
13 and we have very limited, if any, jurisdiction
14 over railroads. So I'll have to check with our
15 attorneys. As far as I know, we do not have any
16 authority to do that. FRA probably may be the
17 only one which does have that authority.

18 MR. BADHWAR: Who is that again?

19 MR. HAMEED: FRA, Federal Railroad
20 Administration, or Department of Homeland
21 Security. Part of the process, CSX did agree to
22 work with DC FEMA to provide real-time

1 information about the materials that they carry
2 through an incident, so that was something that
3 came out of the process, but other than that, I'm
4 not aware of any jurisdiction that we have to
5 install anything like that. During the
6 construction we do have the commitment to have a
7 monitoring program, so during construction it will
8 be there, but afterwards, I don't know if we have
9 that jurisdiction.

10 MR. BADHWAR: Sir, if we cannot apply
11 the sensors directly in the tunnel, can we place
12 them around the construction sites? Can we
13 publish that information on a real-time basis for
14 anybody who wishes to see it?

15 MR. HAMEED: I think DDOE does that.
16 There are sensors all over the city actually to
17 monitor air quality, and DDOE probably -- because
18 it's under their jurisdiction, they can do that,
19 but the tunnel will be covered, so there won't be
20 any emissions coming out, at least in those
21 blocks. Where it's open, of course there will be
22 emissions, but DDOE does monitor all the

1 emissions, actually non-point sources, which means
2 transportation emissions, throughout the country,
3 and reports them. Some of that information
4 actually should be on the website. It should be
5 on their website, it should be on EPA's website.
6 They're monitored all over the country and they're
7 reported back.

8 MR. BADHWAR: Okay. Thank you.

9 MR. UNDELAND: We've got -- it's 8:35,
10 we've got four more speakers.

11 If I could ask Chris French to come
12 forward, please.

13 MR. FRENCH: Thank you. My name is
14 Chris French. I am a resident just off the front
15 lines on 5th Street about maybe 50 feet from the
16 LOD, proposed LOD.

17 My question is -- I'm also President of
18 the Navy Yard Neighborhood Association. My
19 question is for DDOT, and it is in regard to the
20 permanent granting of new right-of-way to CSX for
21 the proposed expansion of the tunnel. And I want
22 to bring up when the public outcry about the

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1 open government, DDOT, will you share your legal
2 analysis for computing the current CSX right-of-
3 way and your legal analysis for the procedure for
4 granting CSX the additional permanent right-of-
5 way, which you had done on the occupancy permit?

6 And incidentally, the entire permit itself is
7 against DDOT policy that no permits of any --

8 UNIDENTIFIED FEMALE SPEAKER: What?

9 UNIDENTIFIED MALE SPEAKER: Seriously?

10 UNIDENTIFIED MALE SPEAKER: Try the
11 other mike.

12 MR. FRENCH: That no permits of any kind
13 shall be issued before a Record of Decision is
14 issued. So there should be no temporary or
15 permanent grants of right-of-way before an ROD.

16 Thank you.

17 (Applause.)

18 MR. HAMEED: So Reggie Sanders' response
19 was it may have been misquoted. I'm not sure like
20 what the source is. It was actually DDOT granted
21 occupancy permit, not construction permits. I
22 think that's what he responded back to the post.

1 So, yes, your question is correct, that
2 yes indeed DDOT actually grants occupancy permits
3 to CSX. This was to resolve the ongoing right-of-
4 way issues between CSX and DDOT. As you know --
5 and many of you actually have asked that question,
6 what is the actual right-of-way between CSX and
7 DDOT? And that issue, there was not enough
8 documentation on either side to prove what was
9 there. So this methodology was created, was
10 developed, by right-of-way folks to actually
11 eliminate that issue --

12 (Clanging sound.)

13 UNIDENTIFIED MALE SPEAKER: Sorry.
14 Don't worry about it.

15 MR. HAMEED: So it was to actually
16 resolve that issue to figure out -- I'm sorry, to
17 figure out the right-of-way issue and actually
18 grant -- get an agreement with CSX and grant them
19 occupancy, not construction. It is just -- and
20 actually the permit, as you read, and actually the
21 MOA, it clearly states it's dependent upon the
22 NEPA process, it's not -- if a no-build

1 alternative is chosen, it will have no forced
2 effect. So that was the main reason for actually
3 doing that. There was unfortunately no clear
4 delineation between DDOT and CSX right-of-way, and
5 that was what was developed to overcome that
6 issue.

7 MR. FRENCH: So a couple follow-up
8 questions. So common law says that if there is no
9 clear delineation, CSX is limited to the right-of-
10 way that they have, so there actually is a clear
11 determination on that.

12 And the second thing is the -- again,
13 this is a permanent grant. And I think there is
14 some confusion about the difference between
15 permanent granting of effectively taxpayer land
16 versus a temporary occupancy permit. And the
17 permanent granting appears to be buried within
18 what's phrased as a temporary right-of-way
19 occupancy permit.

20 (Applause.)

21 MR. HAMEED: So I am not an attorney. I
22 cannot unfortunately speak to what's common law

1 and what's not. Our attorneys worked on this, and
2 that was the resolution they came up with, with
3 the CSX attorneys. That's all I can say about
4 that.

5 In terms of -- sorry, what was the other
6 part of your question? I lost it.

7 MR. FRENCH: Who represented the
8 citizens at that meeting?

9 MR. HAMEED: Normally the right-of-way
10 conversations occur between the agencies. It did
11 not occur between residents.

12 MR. FRENCH: The first part was
13 confusion between temporary and permanent and the
14 fact that the permanent appears to be buried under
15 the temporary.

16 MR. HAMEED: So the permit actually --
17 we disclosed everything. The FEIS had the
18 Appendix, which had all the permits, all the MOAs,
19 everything, in it, so we were not hiding any
20 information, we disclosed that on --

21 MR. FRENCH: Permits that were issued 6
22 months prior to the original Draft EIS being made

1 available to the public.

2 MR. HAMEED: Correct. So as soon as we
3 found out about that information, we actually put
4 it in the FEIS and we released it, we did not try
5 to hide it. So, I mean, like I said, the right-
6 of-way team worked on this issue.

7 MR. FRENCH: But within the document
8 itself. The document itself is a temporary right-
9 of-way occupancy permit that within that document
10 grants permanent additional right-of-way to CSX.
11 That's the part that's got me personally on edge
12 that we're giving away taxpayer -- I mean, I just
13 read it to you.

14 MR. HAMEED: Yeah. Unfortunately, I
15 don't know exactly what your reference is, but
16 when I read it when we were told, the two permits
17 talk about occupancy, and there is an MOA attached
18 where it mentions occupancy.

19 MR. FRENCH: I'll yield to further
20 questions. I understand we have a lot more going.

21 MR. UNDELAND: Alfonso Coles.

22 (No audible response.)

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1 MR. UNDELAND: All right. Robert
2 Krughoff.

3 MR. KRUGHOFF: I'll be incredibly brief
4 here. I have just been struck at a number of
5 these meetings I've been at that we're talking
6 about very important things that all assume that
7 CSX is going to bring freight right through the
8 city, and I look back to that National Capital
9 Planning Commission study in 2007 showing that
10 there were other alternatives that actually would
11 have been cheaper to route down through Indian
12 Head and places like that. Those things all seem
13 to be off the table, and I guess maybe the only
14 remaining hope is that we do look at a -- we do
15 wait for a comprehensive rail planning study and
16 report to come out, and maybe that will sort of
17 open up this question again so we're not talking
18 about very important but very narrow ways to solve
19 this problem, but rather talking about ways to not
20 bring freight through a city where none of it gets
21 unloaded and think about having passenger train
22 traffic in the city and take the freight through

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1 one of the other routes, Indian Head or some other
2 route.

3 Thanks.

4 (Applause.)

5 MR. UNDELAND: Thank you for your
6 statement.

7 Our last speaker is Melvin Mills.

8 MR. MILLS: That would be me.

9 MR. UNDELAND: Speak into the mike. Oh,
10 we're missing a mike.

11 (Laughter.)

12 MR. MILLS: At this time, I just have a
13 comment I want to make. You guys are really
14 concerned about your community, and you're
15 fighting for it. I came from the old Arthur
16 Capper. If we had some guys in our neighborhood
17 that were just as concerned and went at the big
18 agencies that came in and built the homes that you
19 guys are in now, maybe I would be standing here
20 talking to CSX as a resident. That didn't happen.
21 They went on and they did what they did, and you
22 are living here.

1 Ride around in Washington. There is
2 construction going on all over the city. I see a
3 whole lot of crying and a whole lot of bickering
4 and a whole lot of going through about something
5 that's going to happen. Get together and get it
6 together. I go to a little church that's been
7 sitting there that has endured all of the
8 construction work that you guys' homes went
9 through, phones cut off, dogs in the yard doing
10 whatever. We've been doing all of that.

11 All I want to know, when are you guys
12 going to get started and when is this all going to
13 come to an end? Because, frankly, we have had
14 enough of it, and we're just dragging this thing
15 onward and onward and onward and onward, you're
16 talking about kids doing this, kids doing it.
17 Wash your hands of it. I'm through with it.

18 I'm just saying it looks like a whole
19 lot of rhetoric and BS, as they call it. Go ahead
20 and get this thing on the way and get it out of
21 the way.

22 MR. UNDELAND: All right. Thanks for

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1 your comment.

2 (Applause.)

3 MR. UNDELAND: And thank you all for
4 coming tonight. Your comments were articulately
5 said and obviously heartfelt, and they are
6 seriously being considered as the process moves
7 forward.

8 So goodnight and thank you.

9 (Whereupon, at 8:45 p.m., the
10 Virginia Avenue Tunnel
11 Reconstruction Project Public
12 Meeting was adjourned.)

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1 CERTIFICATE OF COURT REPORTER

2

3 I, IRENE GRAY, the reporter before whom the
4 foregoing hearing was taken, do hereby certify
5 that the witness whose testimony appears in the
6 foregoing deposition was duly sworn by me; that
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8 and thereafter reduced to typewriting under my
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11 neither counsel for, related to, nor employed by
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15 employed by the parties hereto, nor financially or
16 otherwise interested in the outcome of this
17 action.

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IRENE GRAY

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