

Capital Reporting Company
Virginia Avenue Tunnel Reconstruction Project Public Meeting 07-31-2014

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VIRGINIA AVENUE TUNNEL RECONSTRUCTION PROJECT
PUBLIC MEETING

Thursday, July 31, 2014

Capitol Skyline Hotel
10 Eye Street, SW
Washington, D.C. 20024

Reported by: Christine Allen,
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
CHIP DOBSON, CSX
4 STEPHEN FLIPPIN, CSX
CHUCK GULLAKSON, CSX
5 FAISAL HAMEED, District Department of
Transportation
6 MIKE HICKS, U.S. Federal Highway Administration
ARASH PARHAM, Clark/Parsons, A Joint Venture
7 STEVE PLANO, Parsons Brinckerhoff
JOHN UNDELAND, StrataComm (Moderator)
8 JASON YAZAWA, Parsons Brinckerhoff

9

10 PUBLIC SPEAKERS: (in order of appearance)

11 DALE OWEN
WILLIAM SHIVELY
12 MATT JOHNSON
BILL PHILLIPS
13 DOLORES RHODES
JAMES BENNETT
14 JUDITH WALTON
MONTY EDWARDS
15 PEARLINE MARTIN
DAVID RICHARDSON
16 MAUREEN HARRINGTON
CHRIS FRENCH
17 JESSIE SKIDMORE
JAMES McPHILLIPS
18 CLAIRE SCHAEFER

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

2 6:35 p.m.

3 MR. UNDELAND: Good evening. Thank you
4 very much for coming out to this public meeting on
5 the CSX Virginia Avenue Tunnel. We really
6 appreciate you coming out and having a dialogue
7 with you. We are first going to have a
8 presentation by Steve Plano, who is our lead
9 planner.

10 So without further ado, Steve do you
11 want to--

12 MR. PLANO: Yes.

13 MR. UNDELAND: --take the presentation
14 and we'll do Q and A afterward. Thank you.

15 MR. PLANO: Okay, welcome everybody.
16 Thank you.

17 As John said, my name is Steve Plano,
18 I'm the Project Manager for the NEPA document.
19 I've been involved in the project all of the way
20 through the DEIS and the FEIS. We welcome you
21 coming tonight. This is all part of the process,
22 it's important to get feedback. We've gotten good

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1 feedback from you all of the way through the
2 process and it's weighed into some of the
3 decision-making we've--come on in. I think traffic
4 is bad tonight.

5 So, we're going to dive into a
6 presentation, we have a couple of video clips in
7 the presentation that we want to play for you that
8 I think will also help explain some things. And
9 then, at that point we're going to go into a Q and
10 A session. We have a number of folks up front who
11 will help answer questions and I will moderate
12 that with Mr. Undeland and we'll have some ground
13 rules on that in one of my last slides. It will
14 be very similar to the last meeting. We'll have a
15 time limit on the questions so that we can hear
16 from as many people as we can tonight. And without
17 further ado, we will just dive in.

18 This is the second public meeting; we
19 had the first one on July 1st, and were glad if
20 you were able to make both of them for sure. So
21 the agenda tonight, the format, I'll do the
22 presentation and run through that.

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1 The presentation is really going to
2 focus on what we heard at the July 1st meeting and
3 also a number of comments that have come in since
4 that meeting. We have been tracking these
5 comments; some have come in through the website,
6 some letters have been written. So, we're
7 trying to keep up with that as best we can. So
8 the focus of the presentation today will be
9 answering as many of these questions that you've
10 asked and trying to provide more detail to you as
11 we go through this.

12 We know that there'll be more comments
13 coming in during this review period and will
14 answer those in the Record of Decision. So what
15 we have tonight is really a snapshot of where we
16 are in the process.

17 We know that you will ask questions
18 tonight and we welcome your questions. And again,
19 we have a group of people up here that will help
20 answer the questions.

21 So this public meeting--and I want to
22 stress that it's unusual to have a public meeting

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1 during a FEIS. It's even more unusual to have
2 two, but this is our second.

3 Public meetings are usually held during
4 a DEIS, they're more formal, they're a hearing;
5 but you've requested to have these meetings and we
6 welcome those meetings and we are here for a
7 second time. And it enables us to really respond
8 to more questions that you're asking and give you
9 those responses to the best of our ability
10 tonight. And then, also summarize those in the
11 Record of Decision, which will be the next step in
12 the process.

13 It is an additional opportunity, but
14 it's not the last opportunity. You will have
15 until the end of the review period to keep
16 reviewing the FEIS and provide information to us.
17 It is a review period and the date for the close
18 of that review period is August 14th.

19 This also acknowledges Congresswoman
20 Holmes Norton's request to extend the period for
21 review, and also, not just one but two meetings
22 and we wanted to acknowledge that.

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1 Again, the period will end on August
2 14th, which is an extension of the review period.

3 So I wanted to recap a little bit, a
4 little bit of background on the project--I know a
5 number of you know this already, but at a public
6 meeting, we always get new folks so I would like
7 to recap. I think it also provides a framework on
8 leading into a Record of Decision.

9 So, all NEPA projects start with a
10 purpose and need. It's important to layout the
11 need for the project. And just to summarize this
12 briefly, you can see it on the slide with the map.
13 There are three major points to the purpose and
14 need.

15 The first one is really addressing the
16 operational deficiencies of this tunnel. It's an
17 aging tunnel. It's a century-old tunnel. It's
18 also a recognition that we need to accommodate the
19 expected increases in freight traffic that are
20 going to occur; some of that in part due to the
21 Panama Canal Extension. Also part of our purpose
22 and need is insurance that during construction

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1 freight transportation services would continue to
2 operate uninterrupted. It is very important to
3 the carriers.

4 So, that's the background and the
5 purpose for the project and the need for the
6 project. You'll see this at the beginning of
7 every environmental document and it really lays
8 the foundation for how alternatives are developed
9 and then, how we assess the impacts for each of
10 those alternatives.

11 Again, in the DEIS, the Draft
12 Environmental Impact Statement, that preceded the
13 final document that's out for review right now,
14 there were four alternatives. The first was the
15 No Build. There's always a No Build condition.
16 It's our baseline for comparison. It means that
17 we would not do a construction project but other
18 things would be happening in the area. There
19 would be increases in freight. There would be
20 increases in other things. There would be
21 development happening in the corridor. It's
22 really recognition that this project would have a

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1 No Build or No Action.

2 The other three alternatives that we
3 looked at: Number two, the first build
4 alternative was rebuilding the tunnel and using a
5 temporary runaround track. And that was one of
6 the key alternatives that we looked at in the
7 draft. The alternative three, the two new tunnels
8 is the one we carried forward as the preferred
9 alternative. Alternative four was another one that
10 we looked at, it was a partition tunnel and it was
11 really an online rebuild. It was reconstructing
12 the tunnel in place.

13 So we did a comparison of those build
14 alternatives in the draft document, and then, in
15 the final document the focus is really on the
16 preferred alternative. And then, you have a
17 footnote at the bottom that talks about--and you
18 see the asterisks, the similarities between the
19 build alternatives.

20 So again, a No Build and then three
21 build alternatives.

22 Based on the information, the

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1 assessments we did, the input we received from the
2 public, all of the analyses conducted for the EIS,
3 and then a consideration of all the comments we
4 got back from all of you, from agencies, other
5 stakeholders, we weighed all of those and made a
6 decision on the preferred alternative.

7 The NEPA process, we'd like to note
8 there, it was initiated in 2011 so we're three
9 years into this process.

10 So why was this selected? Why was this
11 preferred alternative the one that we recommended
12 to go forward? Importantly it has to meet the
13 purpose and need.

14 Again, the purpose and need is the
15 foundation. So if we had an alternative that was
16 not meeting the purpose and need we would not
17 carry it forward. We did do a screening of the
18 draft document, that I know a number of you read,
19 and a number of alternatives, options at the time
20 were eliminated. The four that I went through
21 were carried forward for review.

22 So, importantly it meets the purpose and

1 need.

2 It also minimizes trains operating in an
3 open trench. There's a 230 foot section, not in
4 front of residences, where there would be an open
5 situation but we considered all of the comments.
6 We understand how important it is and your
7 concerns about the open trench and that weighed
8 into our decision-making process.

9 We also know that the construction
10 period is also of concern to all of you. It's
11 also a concern to us. It's important to finish it
12 in an expeditious manner; to be timely; to lessen
13 the impacts to the best of our ability.

14 So this offers the shortest construction
15 duration period. The estimate is between 30 and
16 42 months.

17 We'll also have a wall separating the
18 two tunnels. The preferred alternative is
19 actually two tunnels, side-by-side, and then they
20 separate at the east end of the project. So there
21 will be--and you can see it in the graphic in the
22 cross-section, there will be a wall in-between the

1 two tunnels.

2 It also minimizes impacts to the
3 environment; both human and natural. So we
4 weighed all those factors and when a decision is
5 made in a NEPA document it's really a balancing of
6 all the considerations; purpose and need, the
7 impacts, the natural environment, the built
8 environment, costs, a number of factors go into
9 the decision-making process.

10 It's our situation at this point where
11 in our preferred alternative that this is the best
12 one.

13 What I would like to do is show a couple
14 clips of video. If you were here at the July 1st
15 meeting you saw some video information. We have
16 additional information we'd like to show you. It
17 doesn't take too long and then I'll get back to
18 the presentation and after that we'll have the Q
19 and A.

20 [Video shown.]

21 MR. PLANO: Okay, we'll finish up the
22 presentation and get to your questions.

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1 What we've done is summarize and
2 collected the comments we've gotten so far. Some
3 are comments; some are questions during this
4 review period. And they fall into the categories
5 that you see before you, it's not to say that we
6 won't have additional categories as more comments
7 or letters come in but for right now what we've
8 done is try to summarize these so we can address
9 these tonight and any additional questions that
10 you may have.

11 So the first category is rerouting of
12 trains or other ideas and options. The second
13 one, there were comments that you've written in
14 about concerning hazardous material transport
15 through the community. Another category we've
16 identified is children's health and safety. Also,
17 comments about comprehensive rail studies. The
18 maintenance of traffic, parking, and construction
19 traffic I've all lumped together, but some of you
20 have made comments on that during this review
21 period. Another topic, the residential property
22 mitigation. Finally, the street, the park and the

1 community restoration. So those are the major
2 categories that I'll be touching on tonight. And
3 again, we'll probably have additional categories
4 as we move forward.

5 So, the rerouting of trains or other
6 options. Some things we've heard from you in some
7 of these were brought up during the DEIS when we
8 had more options than the four that I have
9 presented on the DEIS that we went into more
10 detail on. But additional comments are coming in
11 about those, so we wanted to address those.

12 The first one is rerouting; temporarily
13 or permanently so either reroute trains that are
14 going through there now during construction and/or
15 permanently. So we're getting comments about
16 that.

17 We know that we've looked at that
18 before, we know that you've seen our information
19 in the document and we understand that still,
20 we're going to receive comments. We have looked
21 into this. It is very constrained for us to be
22 able to do that and we've identified those

1 constraints in our documentation. But we
2 understand that it is a comment that you're still
3 going to make to us. It's a very constrained
4 situation to move them even temporarily, let alone
5 permanently.

6 Another that we've heard is undercutting
7 existing tunnel. So why not just dig deeper to
8 get the double-stacking? It's a single stacked
9 tunnel allowance right now and we have some design
10 experts here that can go into this, but there are
11 a number of issues with undercutting.

12 The first one is that it really doesn't
13 address the existing ceiling age, the tunnel age
14 itself. We still have a condition even if we dig
15 down, we will still have a tunnel top that is a
16 hundred years old. And if you think back to our
17 purpose and need, some of the things we're trying
18 to do with the project.

19 It's also going to have significant
20 grade challenges, where utilities exist under the
21 tunnel. It's hard to envision what's underground,
22 but in our research and in looking at the

1 utilities that are out there presents huge
2 challenges to just undercut and dig deeper.

3 It also doesn't address double tracking,
4 although it potentially could address double-
5 stacking. It does not give a second track and it
6 doesn't allow continuous operation of the railroad
7 during construction. It would have to be shutdown
8 to do that.

9 So we have looked at that and we know
10 that those are comments that you've made.

11 Another one that we've heard is just
12 daylighting. A number of tunnels around the
13 country are being daylighted, which means just
14 take the top off. And we know, although some
15 folks have made that comment, we know that a
16 number of people would have serious concerns about
17 that because of the open trench. So we have
18 looked at that and dismissed that. It's really
19 just impractical and really disruptive.

20 Another comment and we fully understand
21 this, can we get it done quicker? And believe me
22 we'd like to get it done as quick as we could. We

1 know that it's a concern of yours to try to get
2 the construction done quickly and it's also a
3 concern of ours. Believe me; we will be pushing
4 to get the construction done very quickly. But
5 our estimate is 30 to 42 months and we've looked
6 at every possible way to reduce that. But that is
7 our estimate at this point.

8 A super acceleration comment that we've
9 gotten would really be something that would almost
10 imitate an emergency situation. We wouldn't want
11 to do that, it's not an emergency situation. And
12 the drawback to doing it under a super accelerated
13 schedule, like an emergency, would be the
14 community concerns would really fall to the back.
15 And we really don't want to do that.

16 So again, it's a balancing of all of the
17 issues and constraints out there.

18 The hazardous material transport and I
19 know that you will probably have more questions as
20 the meeting goes on. This is information we
21 continue to provide. It really hasn't changed,
22 but just to summarize, from CSX's standpoint they

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1 follow Homeland Security HazMat routing
2 requirements. It is not public. It's for obvious
3 safety concerns, security reasons.

4 The District does know, Federal and
5 Safety security officials know, and they are
6 linked up to CSX. And I know you'll have
7 questions later and we will provide more
8 information to some of those questions.

9 The bottom line: what's transported now
10 through the tunnel will continue during and after
11 construction. It will be the same.

12 Children's health and safety is a
13 comment that's been brought up and I know a number
14 of you have reference of the EPA-DEIS letter on
15 children's health. We've had further
16 conversations with EPA. We feel that we've
17 provided additional information on children's
18 health and safety. I think in the last meeting
19 when the question was asked, I believe somebody on
20 the panel answered that it is a new topic. It's a
21 new field and it's true, it is.

22 The bottom line on children's health is

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1 when we look at all of the various impacts on the
2 project; whether it's air, soil, noise, vibration,
3 the conglomeration and accumulation of that
4 analysis in that information we feel comfortable
5 that we addressed the health and safety of
6 everybody, not just children; various populations,
7 including the elderly.

8 The new tunnel structure itself, just by
9 design it will be a safer structure. It's going
10 to be modern concrete. There will be two separate
11 boxes with a wall in-between and it will be buried
12 obviously. It's going to be out of sight, but it
13 will be modern and a better situation than what's
14 out there now.

15 And the trains will not operate in an
16 open trench in front of residences.

17 You saw in the video it's a 230 foot
18 section on the west end where the residences are
19 not and that was a severely constrained area, but
20 in most of the corridor especially in front of
21 residences, we will not have trains in an open
22 trench. They will be in the completed tunnel,

1 which ever box it is at the time.

2 And obviously, that helps from an
3 environmental impact; whether it's air, noise,
4 whatever it is the fact that we will have safety
5 fencing around it. The area will be monitored.
6 The safety and welfare is certainly an utmost
7 concern of ours so that weighed into our decision-
8 making process.

9 The community office, I know a number of
10 you visited the office. It's not going anywhere.
11 It's going to stay all the way through
12 construction. We welcome your input at the
13 office. We think it's important to have folks out
14 there day-to-day. We know that you will be
15 visiting during construction and we know that you
16 will be providing input to us and we welcome that.
17 We appreciate it. And it's going to be really the
18 face of the project and allow us to get
19 information out to you not only through the
20 website and email blasts, but just face-to-face
21 having somebody out there.

22 So when you look at all the mitigation

1 measures that we have in our document and we'll
2 continue and provide more detail in the Record of
3 Decision based on the input we've received;
4 whether it's noise, air, safety when you take them
5 together the effects for all, including children,
6 including the elderly, various populations are
7 taken into account.

8 At the bottom, the last bullet I have a
9 number of mitigation measures. There are many
10 more in the document. I think it's important to
11 just know that we will be doing monitoring out
12 there for noise and air. Whether it's dust,
13 fugitive dust is something we look at. The
14 monitoring programs we look at will be a 360,
15 meaning we will look at the whole study area not
16 just on one side. It's going to be the north
17 side, east and west, so there will be continuous
18 monitoring.

19 So we will be providing continuous
20 updates of information as we're doing the project.

21 Water trucks, windscreens, all of these
22 measures will be out there day-to-day. If you see

1 something that's not working when construction is
2 underway you will let us know and we will address
3 it.

4 Another set of comments we received was
5 on the comprehensive rail study, to really--and I
6 think the gist of the comment is really, and I am
7 paraphrasing, to hold off making any decisions on
8 this project until a comprehensive rail study is
9 completed.

10 The bottom line on a comprehensive rail
11 study, comprehensive studies go on all the time.
12 We are working on a specific project. You saw
13 what our purpose and need for the project was.
14 Any kind of comprehensive rail study is really
15 beyond the purpose and need for this project.
16 However, we recognize other studies are going on
17 and have gone out there for rail just like the
18 highway studies that are going on at any given
19 time.

20 We, however, are on a more timely
21 schedule than a long-range study. We have needs
22 that are more immediate. The enhanced flexibility

1 created by the project is really going to help a
2 number of things, including passenger rail service
3 in the region. At the end of the day this project
4 will not preclude any kind of long range
5 comprehensive rail study. Those studies can go on
6 and certainly what we do will be incorporated into
7 the studies and vice versa.

8 And the last bullet I've just got some
9 information about the D.C. Council, and of course,
10 they are planning such a study and it's imminent
11 and I know a number of you know about this. So
12 again, comprehensive plans can go on. We're not
13 precluding that information, but we have a more
14 immediate need.

15 So I have lumped all of these other
16 topics into one category. It's really the day-to-
17 day maintenance of traffic, parking impacts, and
18 construction traffic that's going to go on. Any
19 construction project will have new activity in the
20 community and we recognize that. We've talked
21 about our maintenance of traffic plan. We have
22 further information here tonight.

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1 There are key points I want to get
2 across tonight. The access to all of the
3 properties fronting and near Virginia Avenue,
4 Southeast will be maintained during construction.
5 We will maintain that.

6 The emergency responders, healthcare
7 providers, folks that need to get to your
8 residence will have access at all times. We hope
9 the video explained that in a little bit more
10 detail, but that is part of our maintenance of
11 traffic plan.

12 There will be displacements of on-
13 street parking. There's no doubt about it during
14 construction. And you can see on this slide, most
15 of them will occur on Virginia Avenue, Southeast
16 between 2nd and 5th.

17 In phase 2 of the plan, and you saw in
18 the video there were two phases. The eastbound
19 traffic exiting 6th Street will be detoured.
20 There will be some impacts to the parking and there
21 will be some permanent impacts during the
22 construction. The people who will be doing

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1 the construction will not be taking your parking
2 spaces. We have provisions for them.

3 There will be haul routes. It's normal
4 on any construction project, materials that have
5 to come into the site and materials that have to
6 leave. This is going to be coordinated fully with
7 the District Government and DDOT. We will have a
8 maintenance of traffic plan that will evolve. All
9 maintenance of traffic plans change, because
10 things change. We will communicate that
11 information to you directly and we will seek your
12 input to that. There may be things you know about
13 very specifically that are falling under the radar
14 and we want to hear from you on that. But rest
15 assured the maintenance of traffic plan will be in
16 place and will be enforced.

17 This is just describing phase 1 and 2.
18 This is right out of our document. I know a
19 number of you have seen it before and we can refer
20 back to that later if you have specific questions
21 about the maintenance of traffic. But again, it
22 will be fully operational from day one. It will

1 change between phase 1 and phase 2. And if we
2 need to make further changes they will be fully
3 vetted with the District Government.

4 Another category is how things are going
5 to look when the project's done. And I think you
6 saw in the video we are very concerned and very
7 attuned that we want to get things back as quickly
8 as possible, and at least at a minimum to what
9 they look like today but there will be other
10 enhancements.

11 So, we've gotten comments from folks
12 about the loss of trees in there will be permanent
13 loss of trees out there. It's a number of trees.
14 It's 168 in the public right-of-way. We will work
15 with the Urban Forestry Administration to mitigate
16 that through their DBH ratios which is the
17 diameter at breast height and the formulas
18 calculated with them. They'll be involved.

19 We want your input on those. Folks have
20 different opinions on what types of trees are out
21 there. I think generally I can say that we all
22 want to have extra shade trees out there,

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1 especially on a hot day. So we will work closely
2 with you and mitigate the loss of trees. And that
3 is a permanent loss. That is one of the few we
4 have on the project.

5 There will be landscaping plans for
6 Virginia Avenue Park and the Marine
7 Corps; they'll be coordinated with those folks who
8 are in charge of those properties: Park Service,
9 DPR, and obviously the Marines. And then, as we
10 mentioned in the video, improved street lighting,
11 traffic signals and crosswalks. So again, get it
12 back to where it was as quickly as possible but
13 better. And then, the continuous bike path will
14 be a great amenity when we're done.

15 The residential property mitigation is
16 something that we presented in the FEIS, it was
17 not in the DEIS. This is very similar to what you
18 saw at the July 1st meeting. It applies to major
19 construction and I will define that in a minute.

20 And we talk about residences of the
21 Front Row properties. They would be offered
22 compensation and it is \$500 per residence per

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1 month for the 42 months that we estimate as the
2 worst-case scenario on the construction timing.

3 The Capper Center would be provided
4 \$250,000 to offset the inconvenience related to
5 the construction and also, for additional
6 community enhancements. Again, getting things
7 back to where they were but better.

8 The third bullet is a bit of a change
9 from the last time.

10 We had identified the ANCs before and we
11 know that you've made a number of comments about
12 that. So right now what we're saying is it's a
13 \$500,000 community fund. The details will
14 continued to be worked out. We will try to
15 identify and put as many details in the Record of
16 Decision as we can, but we recognize that some of
17 these things may go past the Record of Decision
18 but we're committed to following through on those.

19 And lastly, if a Front Row property
20 owner has to sell for an unforeseen reason, that
21 they would be eligible for compensation up to
22 \$75,000.

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1 So this Front Row, the residences those
2 are the ones that are fronting the major
3 construction activities and we define major
4 construction as the sub-bullets: the installation
5 of excavation elements. And you saw in the video
6 the actual support pieces that go through and
7 support the cut; soil excavation activities, major
8 construction activity. Obviously, the structural
9 concrete work. And finally, the demolition
10 required to construct the new tunnel; taking out
11 the old tunnel.

12 So those are the major construction
13 activities right in front of those residences,
14 along Virginia Avenue.

15 I have a number of items here, I'll hit
16 on just a couple it's not intended for these other
17 activities. There's other utility work going on
18 in the corridor. There is maintenance of
19 construction fencing and its installation, kind of
20 the everyday things that are happening beyond that
21 front row.

22 There are staging areas for

1 construction. There is haul routes that are going
2 on several blocks away and general maintenance of
3 traffic. So there's a number of activities that
4 are going to go on that are not major construction
5 and not right in the front. And so, that's how
6 we've set the criteria up.

7 So again, you've seen these maps and we
8 have boards that we can put up somewhere. The room
9 wasn't quite big enough. But the shaded areas are
10 those properties that we've identified as the
11 Front Row. So, on this slide you can see along
12 the front of the construction, at the top of the
13 slide between 4th and 3rd. And then, over toward
14 the Capper Senior Center you see the shaded
15 properties and then you see the senior center with
16 the crosshatching.

17 So those are the properties that we've
18 identified as the Front Row. And again, these are
19 in the FEIS as well.

20 So, the restoration when we're done; the
21 street and park and community restoration.

22 Garfield Park, the pedestrian access

1 from Second will not be available during
2 construction. That will be a temporary impact
3 while we're doing our construction activities.
4 When we're done though there will be improved
5 access for wheelchair dependent individuals. And
6 as it was noted in the video, the ADA Compliance,
7 Americans with Disabilities Act compliance on
8 Second Street will be in place.

9 We've gotten comments about the
10 skateboard area. The pavement will be restored to
11 the skateboard area when we're done. The property
12 will return to DDOT and it could revert to a
13 skateboard area. There could be other ideas out
14 there, we will work with the community on those
15 but it will be back to where it was.

16 We have a number of continuing public
17 involvement opportunities. As I mentioned this is
18 our last public forum, public meeting, but you
19 still have the project website you can get to and
20 provide comments to us. You can be on the list
21 for email blasts, if you're not, please sign up
22 for this. I think they're very effective for

1 getting information out, and certainly during the
2 construction. You're going to want pretty much
3 instantaneous information. I think they'll be
4 very useful for you.

5 And finally, the community office. You
6 can walk down the street to the community office
7 and talk to folks in that office today all of the
8 way through construction. It's not going
9 anywhere.

10 There's the website address.

11 The next steps, the Record of Decision
12 that we talk about, or the ROD, you hear that
13 acronym. It will be issued after the review. I
14 can't tell you when that will be. I just know it
15 will be after August 14th.

16 That's the presentation. We want to
17 move into the Q and A session. I'm going to turn
18 it over to John to talk about the ground rules.

19 As you make your comments or questions,
20 I'll try to field them first. I'll probably need
21 assistance on some of the topics and I'll probably
22 rely on some other folks up here. But I'll turn

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1 it back to John Undeland.

2 Thank you.

3 MR. UNDELAND: Thank you Steve. And now
4 this is your part of the meeting. We really look
5 forward--I'm glad to see the room is filled in a
6 good bit from when we started. We've got a baseball
7 game couple blocks away. A perfect night for
8 baseball. And I think that probably kept several
9 folks away--anyway, we're glad to see the rules a
10 little bit.

11 So as were going to run through this.
12 It's the same ground rules we've had in previous
13 meetings so, you know what we're looking for is
14 comments from you, comments and questions. You
15 need to have signed up at the entryway there. So
16 we're going to be calling them in the order that
17 they were signed up.

18 If you've got a question and haven't
19 signed up, I would encourage you to go out to the
20 desk and get signed up.

21 So promptly come to the microphones,
22 here and here when your name is called and if

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1 you're the next one in line, if you'd queue up
2 behind that would help keep the program moving.
3 We want to hear from as many of you as possible
4 tonight.

5 If for whatever reason you miss your
6 turn, you will certainly have a chance to talk.
7 We'll just put you at the end of the order. We're
8 going to ask you, we've got a court reporter here
9 so where are asking you to say your name and spell
10 it so we make sure that we get your name correct.

11 So as Steve said, when you ask your
12 question Steve is going to sort of be the catcher
13 if you will--baseball analogy. And he's going to
14 parse off questions as needed to subject matter
15 experts.

16 We're asking that you keep your
17 questions and comments to two minutes. We'll have
18 the big monster countdown clock up here to remind
19 you. Again, keep the program moving and as many
20 people speak as possible. We ask for your respect
21 store in the questions. No cheering, no jeering,
22 if you will. And our meeting is scheduled to end

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1 at 8 o'clock. In the past we've gone on a little
2 longer if there were additional questions and will
3 do that tonight.

4 So, let me start things. The first
5 speaker is Dale Owen.

6 MR. OWEN: This is Dale Owen, D-A-L-E O-
7 W-E-N. I'm a front rower on I Street, so I
8 apologize for not hearing the beginning of the
9 presentation the last time. It was scheduled to
10 start at 6:30, it didn't start until 7:00, so I
11 assumed it was the same thing. So I'm sorry.

12 Mr. Plano, who are you?

13 MR. PLANO: I'm Steve Plano. I'm the
14 NEPA project manager. I'm a consultant with the
15 Parsons Brinckerhoff.

16 MR. OWEN: Okay, but you're not a
17 government official, are you?

18 MR. PLANO: I'm not a government
19 official, no.

20 MR. OWEN: Do you work for the
21 government, or do you work for CSX?

22 MR. PLANO: I work for a consultant,

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1 Parsons Brinckerhoff.

2 MR. OWEN: Well, who hired the
3 consulting firm to do the study?

4 MR. PLANO: CSX hired Parsons
5 Brinckerhoff to work on the NEPA study.

6 MR. OWEN: All right, thanks. I'm not
7 trying to make this a--

8 MR. PLANO: No, most environmental
9 documents are done by consultants.

10 MR. OWEN: I'm not trying to make this a
11 Republican-Democrat thing. I'm just trying to
12 understand who--

13 MR. PLANO: Sure.

14 MR. OWEN: I think one of the issues we
15 have as the residents, especially the front row
16 residents, is the transparency of this process.
17 I'll keep an eye on the clock. So,
18 other than Mr. Hicks and Mr. Hameed who we
19 have heard from multiple times, who here is from
20 the federal government and from the local
21 government?

22 MR. PLANO: Well, I could ask--

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1 MR. OWEN: I'm not asking you. I'm
2 asking at large.

3 MR. PLANO: Okay.

4 MR. OWEN: Because the problem is that
5 this is a significant issue. It's so significant
6 that the D.C. Council is coming out of summer
7 recess to hold hearings and there's no
8 representation here. And so, are the people who
9 are actually signed the Final Environmental Impact
10 Study, are they in this room?

11 MR. HICKS: No.

12 MR. OWEN: No, so we're relying on Mr.
13 Hicks and Mr. Hameed, who we've heard from
14 multiple times. So this is the issue we have as
15 residents on transparency. I get the 100 year old
16 tunnel. I'm a big fan and advocate of improving
17 our infrastructure. I'm not necessarily a fan of
18 expanding the capacity by quadrupling the capacity
19 for CSX, at the resident's expense. I will not
20 see any dividend from the expansion of CSX's
21 tunnel in front of my house.

22 I will not see--you may talk about the

1 requirements, based on Panama Canal and all that
2 stuff, but the bottom line is the residents of
3 D.C. nor the residents of the East Coast are going
4 to see prices drop, but we will see CSX's profits
5 increase. We're not stupid here.

6 So I really don't have a question. I
7 think it's been answered that the federal
8 government nor the D.C. government is really
9 concerned about the residents concern.

10 I don't expect CSX because they're a
11 bottom line, they're a major corporation. They'll
12 throw all of this stuff at us, but at the end of
13 time they are a corporation looking to make money,
14 so I got the answer to my question. Thank you.

15 MR. HICKS: I'm sorry, what was your
16 name again?

17 MR. OWEN: Dale Owen.

18 MR. HICKS: Dale? All right, now that
19 last statement you made, I mean that may be your
20 opinion that the government isn't concerned, and
21 I'll speak for DDOT as well, that the government
22 isn't concerned, but they couldn't get anything

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1 more far from the truth.

2 MR. OWEN: Well, I hear that, Mr. Hicks,
3 but the reality is, based on this-- maybe it's
4 just our perspective as residents, but when we see
5 the same people here answering the questions, and
6 quite frankly your responses--you specifically,
7 this is not meant as a specific attack on you,
8 although it is an attack on you.

9 MR. HICKS: All right.

10 MR. OWEN: Your responses have been less
11 than comforting. There's been no confidence built
12 with the residents in this process. So we would
13 expect--I think it's reasonable to expect that at
14 the final public meeting that's being conducted,
15 that a Congresswoman had to ask for--would tell
16 somebody that, hey, maybe the signators of the
17 Environmental Impact Study would actually be in
18 the room. Because, I'll tell you, it's a federal
19 government and local government document.

20 Why CSX is hosting this meeting is
21 beyond me, you know? The question is, how did you
22 and you come up with the preferred alternative?

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1 CSX, hey, here's 12 courses of action--you know,
2 military jargon. I'm 25 years in the military.

3 MR. HICKS: Okay.

4 MR. OWEN: Here's 12 courses of
5 action which, as I read the Environmental Impact
6 Study, and I'm not an expert in this process, but
7 as I read it, it was you, as the representative
8 for the Federal Highway Administration, and you as
9 the representative of DDOT, you guys came up with
10 the four courses of action that were best suited
11 and then came up with the preferred alternative.
12 What was your rationale? There's nothing in those
13 course of action that serve the residents or the
14 city of D.C. They just serve
15 CSX.

16 MR. HICKS: Well, this is how it works.
17 Okay, the preferred alternative is identified.
18 It's identified based on a number of criteria.
19 Again, there's purpose and need. We're looking at
20 the environmental consequences of whatever it may
21 be. I mean, it's not like there wasn't some
22 criteria to determine what was preferred. As well

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1 as the input of the community.

2 As Steve said, your input was
3 significant in determining what we came up with as
4 preferred. You input did feed into that.

5 MR. OWEN: Where was the input--now I'm
6 serious--this is--

7 MR. HICKS: Well, based on the comments
8 that were made.

9 MR. OWEN: --serious dialogue. Where in
10 our comments reflected that we endorsed two
11 tunnels? Not the improvement of the old tunnel
12 but, hey, increase it to two tunnels, double-stack
13 capable. Where in the resident's and the
14 community input, where was that endorsed?

15 MR. HICKS: It's not that it was
16 endorsed, it's just that you made comments and
17 based on those comments, that alternative was
18 identified. That alternative was identified based
19 on the comments received from the public.

20 MR. OWEN: So--

21 MR. HICKS: You said what you--did state
22 what your concerns were and based on those

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1 concerns, this is basically a hybrid of- -in the
2 beginning this was not an alternative that was on
3 the books, or that we came up with, but based on
4 your comments, this is sort of a hybrid of what we
5 had already proposed.

6 MR. OWEN: Yeah, it enclosed the open
7 trench, is what it did.

8 SPEAKER: It's just a better version of
9 what they want to do.

10 MR. OWEN: And CSX--I'm not anti-CSX.
11 Like I said, I understand the issues with the
12 tunnel. And at the end of the day, improving that
13 tunnel helps my safety if there's an accident, so
14 I got it. So I'm not anti-CSX, or anything.

15 I am concerned--and this is why I'm
16 concerned that CSX keeps hosting these meetings
17 and not the federal government, which apparently
18 as was described by Mr. Hicks last time, is the
19 decision-maker and the ROD, is not hosting in
20 moderating these discussions.

21 [Applause.]

22 MR. UNDELAND: All right, thank you, Mr.

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1 Owen. And I'm sorry that you were among those who
2 were the late arrivals. The presentation did
3 attempt to address the groups of kinds of concerns
4 and I'm sure we'd be glad to share that with you
5 afterward.

6 Our next speaker is Bill Shively.

7 MR. SHIVELY: Yes, William Shively, S-H-
8 I-V-E-L-Y. I'm a resident of Capitol Quarter Town
9 Homes on 3rd Street and in the FEIS, 3rd Street
10 was identified as a construction and haul route.
11 Now I think you already acknowledged that the FEIS
12 was completed using stale demographic data, at the
13 time that you issued this, or the data you used,
14 the population was much lower in the community.

15 And some of us have asked you to
16 identify a way to move the construction and haul
17 route. You didn't address that tonight and I'd
18 like to hear about that. Also, I'd like to hear
19 more about DDOT's parking plan.

20 For the past three years, we've asked
21 DDOT to correct the signage in the Capitol Quarter
22 neighborhood and you haven't done that. Your

1 prior Director, Terry Bellamy, promised for three
2 years to get that done and that didn't get done.
3 So when you say you're going to take care of
4 parking issues on a perspective basis, we don't
5 have the confidence that that will happen. And we
6 want to see the parking issues addressed before
7 you move forward with construction. So, if you
8 can talk about those two issues, I'd appreciate
9 it.

10 MR. PLANO: Yes, definitely. Thanks.
11 Mr. Shively, I believe you asked two questions.
12 Faisal obviously going to answer your second
13 question about the parking because it's a DDOT
14 directed question.

15 I do want to address the haul routes and
16 the demographic data. We always use the best data
17 we can. It is a little bit dated, but it is the
18 best information that we have, however what I'd
19 like to reinforce is that the haul routes, from a
20 construction standpoint, what we try to do is do
21 the best we can to get the material in as
22 efficiently as we can with the least amount of

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1 impacts.

2 The fact that the neighborhood has grown
3 will be factored into the maintenance of traffic
4 and the haul routing. What I didn't address in
5 the presentation was haul routing, but it's going
6 to be similar to the maintenance of traffic in
7 that it will be revised almost on a day-to-day
8 basis and reconsider things. We do the best plan
9 we can, but in terms of haul routing and
10 maintenance of traffic we know that things will
11 change.

12 And you've identified one of those
13 things that's changed in the neighborhood, the
14 demographics. There will be continuous changes.
15 We will continue to change them. We will work
16 with you on--

17 MR. SHIVELY: Will you take the haul
18 route off of 3rd Street?

19 MR. PLANO: I'm going to let Arash talk
20 about haul routes in detail. We will take that
21 comment into consideration and go back and look at
22 that. We will do the best we can to address your

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1 comment. We can't take all the streets off haul
2 routes. We need to have as much flexibility as we
3 can, but we understand you concern.

4 Arash, is there anything you can add
5 about--?

6 MR. PARHAM: I think you said it all.

7 MR. PLANO: Okay. We understand your
8 concern. We will look at that again.

9 MR. SHIVELY: If you leave the haul
10 routes on 3rd Street, we've asked for some
11 mitigation measures, including vibration
12 measurement on on-going basis, and air quality.
13 And I don't think anybody's talked about that,
14 either.

15 MR. PARHAM: So the way that we approach
16 the impacts is we start with an estimate and that
17 is based on the scientific methods and industry
18 standards, that's what you see in the FEIS.

19 The next step is to plan for the
20 construction with the mitigation measures and ways
21 to minimize or eliminate the impacts. And then, of
22 course, a part of that, and then the next step is

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1 to monitor during construction how those
2 assumptions or how I predict where they--and, of
3 course, the changes that will happen in the
4 neighborhood.

5 And then, of course, if things need to
6 be changed, the plan will be adjusted. So, as you
7 see, it's not, this is the plan and it's not going
8 to change. It's going to evolve as the project
9 evolves and we learn more about the neighborhood
10 and things that change.

11 MR. SHIVELY: Let me try to ask it this
12 way? Can you identify a primary construction and
13 haul route prior to the ROD?

14 MR. PARHAM: Yes, what could be done is-
15 -or as we can do this is, the main construction
16 staging area, which is on New Jersey Avenue yard,
17 CSX property, which is the corner of I Street and
18 New Jersey Avenue. That is where you see the
19 majority of activity and deliveries.

20 While you could recognize that there are
21 activities that are focused on, let's say, the
22 area between 3rd Street and 4th Street and that

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1 will be the only access point for that area, then
2 we really can't preclude 3rd Street entirely, but
3 what you can expect is that the use of it is
4 minimum because--the other thing that I'd like to
5 address is, when we talk about 30 to 42 months of
6 construction, this is the total duration of the
7 activities.

8 MR. SHIVELY: Yes, and I think in my
9 comment--maybe you haven't seen that yet--we
10 identified Second Place as an option. It connects
11 from M Street to Virginia Avenue. And there aren't
12 as many residents.

13 In fact, it's park land and parking
14 lots.

15 MR. PARHAM: I understand that, but I
16 would be dishonest if I tell you we're not going
17 to use 3rd Street. That's not going to be an
18 honest response that I will give, but we
19 understand what your concerns are and that's what
20 we'll take into consideration.

21 Believe me, I mean, I'm a District
22 resident and I have construction next door and I

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1 don't like when the construction company blocks my
2 alleyway. I understand your concerns. We're in
3 the same boat on that.

4 MR. SHIVELY: When the construction's
5 next door, that's different. This construction's
6 a block and a half or two blocks, or three blocks
7 away.

8 MR. PARHAM: Even if they do block my
9 alleyway or street, I wouldn't like it.

10 MR. UNDELAND: Faisal, could you touch
11 on the parking issue?

12 MR. HAMEED: Sure. Unfortunately, I
13 cannot speak to what Terry agreed to two years
14 ago.

15 MR. SHIVELY: Three. Over three years.

16 MR. HAMEED: I do not work in the
17 parking area, so I do not know--

18 MR. SHIVELY: Maybe you can have
19 Director Brown contact me and we can renew and
20 discuss it.

21 MR. HAMEED: Sure. I can take your
22 information--

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1 SPEAKER: He should be here tonight.

2 MR. HAMEED: --and see what happened
3 with that, but at this moment I cannot answer that
4 question, but in terms of the actual project
5 itself and the parking impacts to that--it's going
6 to be part of the traffic control plan. It's
7 going to be part of the means of the traffic plan
8 but, however, we are removing--

9 MR. SHIVELY: What I'm saying is that
10 you can't complete that. You say these things and
11 you can't complete them. That's a problem.

12 MR. HAMEED: I will do my best.
13 Unfortunately, I cannot speak further than that.
14 I don't know what it would take to--

15 MR. OWEN: I don't mean to jump in, but
16 from a military perspective--so what's being
17 presented throughout this are what we would call
18 incomplete courses of action. So you're proposing
19 preferred alternative option, but you can't answer
20 the questions because the analysis to answer the
21 questions, based on that course of action, haven't
22 been done yet, you know?

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1 MR. SHIVELY: Exactly.

2 [Applause.]

3 MR. SHIVELY: You want approval, but you
4 haven't dealt with the issues.

5 MR. UNDELAND: Folks, folks, I'm sorry.
6 We're going to move on with the program. I'm
7 sorry. After the meeting, if you want to address
8 on one-on-one.

9 Our next speaker, Matt Johnson.

10 MR. JOHNSON: Hi, could you bring up --I
11 think it's called Front Row slide, please?

12 MR. PLANO: Do you want the graphics or
13 the--

14 MR. JOHNSON: Yeah, the map.

15 MR. PLANO: Okay. Yeah, there's
16 actually two slides.

17 MR. JOHNSON: That one, that will work.

18 MR. PLANO: Okay.

19 MR. JOHNSON: So, just for point of
20 reference, this is my house, right here. That,
21 right there. By my count there are three or maybe
22 four properties in the construction project zone

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1 where the entire length of the house is literally
2 feet--you know, from me to the folks down at that
3 table --from the construction site.

4 The FEIS, so far as I can tell, says
5 nothing about that, particularly for those of us who
6 are going to have a disproportional impact. I
7 mean, I'm literally going to be looking out over
8 this thing and experiencing the noise. I've gone
9 down to the 2nd Street tunnel and listened to what
10 it's like when trains come into that tunnel and
11 felt the vibration. There's nothing in the FEIS
12 about sound and vibration mitigation for those of
13 us who are literally--I mean, there are a number
14 of us on the front lines, there are a few of us,
15 very few of us, who are literally sitting on top
16 of this project.

17 There's been no discussion--like you
18 would see with an airport runway going in--of
19 noise reducing windows, or sound mitigation
20 insulation in houses, and it's disconcerting
21 because when there was a meeting maybe six or
22 eight months ago at the D.C. City Offices near

1 Capital Quarter that Congresswoman Holmes Norton
2 hosted, I spoke to Steve Flippin, who's here
3 tonight. He provided me his card. I expressed
4 these and other concerns to him and said that I'd
5 like to discuss them. He invited me to send him
6 an email, which I did promptly. I never received
7 a response.

8 So what I would like to know from you
9 are the following things: For those of us who are
10 literally sitting on top of the project and are
11 disproportionately impacted, even from other front
12 row residences, and literally have three sides of
13 our houses within feet of the project. What, if
14 any planning has been done and what if any
15 solutions are proposed for, particularly, sound
16 mitigation.

17 And, two, what procedures have been set
18 up so where, for instance--I'm sitting right on
19 top of the project--if there's a vibration that is
20 impacting the structural integrity of my home, how
21 am I going address that? What am I going to do?

22 And what I don't really want to hear is,

1 well, there's an office and you can present that
2 to us and we'll address it at that time. That
3 doesn't really provide any peace of mind.

4 I will--and I should have started off
5 with this--I will offer some appreciation for some
6 of the things you've attempted to do with respect
7 to the residential property mitigation plan. I
8 think we're at a better place now than we were
9 before. That said, there are still omissions,
10 there are still some glaring deficiencies and,
11 again, not to try to--well, I am trying to
12 differentiate myself from some of my neighbors--
13 but for those of us who literally sit on top of
14 this project, we're in a slightly different
15 position. And I'd like to hear some of your plans
16 for action on that.

17 MR. PLANO: Okay. Thank you. That was
18 a number of comments. I think I've got them all
19 written down here, so let me start with--you are
20 in the front row. You are one of the shaded
21 properties on the graphic, correct.

22 MR. JOHNSON: I think I showed you on

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1 the map, I am, I think, the closest, if not one of
2 the three closest to the project. Not only that,
3 I don't just have the front of my house looking
4 out over the project, I have three sides of my
5 house looking out over it.

6 MR. PLANO: Right. So the front row
7 properties, we did describe what the compensation
8 would be and you're recognizing that.

9 MR. JOHNSON: I understand that you are
10 going to provide \$500 a month--

11 MR. PLANO: Right.

12 MR. JOHNSON: --for the inconvenience of
13 having the project going on.

14 MR. PLANO: Right.

15 MR. JOHNSON: That does not address
16 expenses that are going to be necessary to deal
17 with things like sound mitigation.

18 MR. PLANO: Let's hit those
19 individually. The noise--there is noise analysis
20 in the document. And there's also vibration
21 analysis. We have gone out and done readings,
22 both on noise and on vibration. We've inputted

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1 that information into our models.

2 From a permanent long-term standpoint,
3 neither noise nor vibration is estimated to have
4 impacts. I think we're talking more about
5 construction?

6 MR. JOHNSON: Yes, we're talking about
7 during the construction.

8 MR. PLANO: Okay, so during
9 construction--

10 MR. JOHNSON: Three years. Let's assume
11 three years of construction.

12 MR. PLANO: Right.

13 MR. JOHNSON: Where I'm going to have
14 trains running within a few feet of my house.

15 MR. PLANO: Right, so let's talk about
16 noise first from a construction noise impact
17 standpoint, we did identify without mitigation
18 that there would be impact, so we do propose a
19 number of mitigation devices and measures fully
20 described in the document.

21 MR. JOHNSON: Right, those all deal with
22 things that you're going to do on the construction

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1 site itself. Not what you're going to do with
2 respect to any sound mitigation in the actual
3 homes.

4 MR. PLANO: Okay, I think I understand
5 the crux here. The best way to mitigate noise is
6 actually at the source, so what we're doing is
7 proposing the mitigation measure at the source,
8 not close to your house. We're trying to head off
9 the noise--

10 MR. JOHNSON: Okay.

11 MR. PLANO: --from the source, so that's
12 why we're doing it that way.

13 MR. JOHNSON: Okay, so I think the
14 answer to my question is, we're not proposing to
15 do anything with respect to sound mitigation in
16 actual homes, no matter how close they are to the
17 project site.

18 MR. PLANO: We are not proposing that.
19 From a vibration standpoint, we've also identified
20 a mitigation program and a monitoring program, so
21 that we can go in and do pre-construction
22 inspections at your residence, if you're willing,

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1 to identify--to kind of do a base-line condition
2 of your house and we would monitor that during
3 construction.

4 MR. JOHNSON: And are you going to do
5 the same thing with respect to sound mitigation?

6 MR. PLANO: From a noise--yes, we will
7 be doing monitoring from a noise mitigation
8 standpoint.

9 MR. JOHNSON: Well, that's--

10 MR. PLANO: Yes.

11 MR. JOHNSON: I want to be clear about
12 this.

13 MR. PLANO: Yes, there will monitoring
14 on both noise and vibrations during construction--

15 MR. JOHNSON: So you will be sending
16 somebody to my house pre-construction and during
17 construction, to monitor sound. And if the sound
18 level is increased, what steps will be taken?

19 MR. PLANO: Then we will do changes as
20 we are doing the construction. We can identify
21 things like if there's an extra noisy piece of
22 equipment out there, it doesn't have proper

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1 mufflers on it. We will change that equipment out
2 that day.

3 MR. JOHNSON: Okay, so--

4 MR. PLANO: The monitoring program is
5 important as we're going along. It's just like
6 maintenance traffic plan.

7 MR. JOHNSON: Right, but I want to make
8 sure we're talking apples and apples here.

9 MR. PLANO: Sure.

10 MR. JOHNSON: Am I correct that
11 everything you're talking about doing is on the
12 construction site and you are not willing to
13 consider providing things like sound reducing
14 windows?

15 MR. PLANO: We are not proposing that,
16 no.

17 MR. JOHNSON: Are you prepared to
18 consider it? Are you rejecting it?

19 MR. PLANO: It is not necessary, based
20 on our analysis.

21 MR. JOHNSON: So you're rejecting it?

22 MR. FLIPPIN: Steve, can I?

1 MR. PLANO: Yeah.

2 MR. FLIPPIN: Hey, Matt, we did talk
3 and, if you remember, the reason why we had that
4 conversation and the reason why I asked you to
5 email it in is so that I could forward that along
6 to both DDOT and FHWA. So they had that as part
7 of the comments and what we had talked about was
8 because of the process, it didn't allow us to talk
9 with individuals until after the NEPA process was
10 completed.

11 So, but back to what you're asking. So
12 the NEPA process sets up impacts. It looks at
13 what the impacts of the project are and then it
14 requires you to mitigate those impacts and that's
15 what Steve's talking about. So what he's
16 referring to is we mitigate the impacts so that
17 they don't impact you.

18 Then what we've done, we've said that in
19 addition to that CSX is going to step out there.
20 We're going to put out a residential property
21 mitigation plan. One of the things that we heard
22 from residents was, I would like some money to

1 make sure that my house is clean. I'd like to
2 make sure that I have soundproof windows; I'd like
3 to make sure I have this or that. And, as we're
4 sitting there thinking about this and how do you
5 come up with solutions to all of those asks?

6 The easiest thing that we came up with
7 was, instead of us dictating what you can spend
8 money on, why don't we offer compensation and that
9 way then you can determine what is my major issue?
10 Is my major issue that it's noisy because of the
11 freeway or maybe something else? And so I would
12 like to have soundproof windows, and that's what
13 that mitigation plan is for. So it's not us
14 sitting there saying, we're going to give you new
15 windows.

16 What it's saying is we're going to give
17 you money so that you can go out there, and if the
18 windows is what you want, or if you want it
19 soundproof, those type of things are things that
20 you can do from that fund.

21 MR. JOHNSON: Do you acknowledge that
22 there is a disproportional impact, even among the

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1 front row residences, on the three or four
2 properties that I identified, for whom the project
3 is closest in proximity and for whom they have
4 three sides of their respective residences that
5 close to the project? Do you acknowledge a
6 disproportionate impact there?

7 MR. FLIPPIN: So, what this did, and
8 Steve spoke to it, is it looked at what were the
9 impacts and how do you address those impacts? And
10 the NEPA process--and Faisal and Mike Hicks are
11 the experts on that--what they did was they looked
12 at what were the requirements to mitigate those
13 impacts and when they did, they then figure out
14 that's the mitigation that's required.

15 MR. JOHNSON: So the answer is--

16 MR. FLIPPIN: That allows the project to
17 go forward, but what we said was we recognize that
18 there are going to be inconveniences and those
19 that are the front row homeowners, this is not
20 something that you would ever see on a DDOT or
21 FHWA project. Once they mitigate those impacts,
22 they don't have to do any more. The process moves

1 forward.

2 And what we've done is, we've gone
3 beyond that to put together a residential
4 mitigation plan that looks at who we
5 personally feel may be more impacted or more
6 inconvenienced. And that's why we looked at that.

7 And not only did we do this, we looked
8 at how can we help the community and when we were
9 first started talking about this project back in
10 2008, we heard from the community. The community
11 talked about things that they needed. We are in
12 the community. We've been in the community for a
13 long time. We started doing things back then and
14 are still doing them today that are beyond this
15 package.

16 MR. JOHNSON: Right.

17 MR. FLIPPIN: And so, again, this is a
18 partial package. It's something that we do and
19 are looking to do for front rows, but doesn't mean
20 that CSX isn't going to continue to be a part of
21 the community and continue to do things.

22 MR. JOHNSON: Right.

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1 MR. HICKS: All right, so--

2 MR. JOHNSON: So do you personally--
3 because you mention that these were places that,
4 and I think you used the word, personally--that
5 you personally felt had additional impact. Do you
6 personally believe that those three or four
7 residences that I identified will suffer a
8 disproportionate impact to some of the other front
9 row residences?

10 MR. FLIPPIN: I wouldn't impact. What I
11 would say is inconveniences.

12 MR. HICKS: Let me jump in for a second.

13 MR. JOHNSON: Let me--I'm the one
14 asking the questions here. You're welcome to
15 answer one of my questions, but if you can answer
16 one of my questions I'd love to hear from you.

17 MR. HICKS: All right, this--noise,
18 there's a threshold above which we have to
19 mitigate for. And that threshold is, I think, is
20 67 decibels. Now they did do studies, there was
21 an analysis done, where they exceeded 67 decibels,
22 there were mitigations proposed for that.

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1 Now I remember that there were receptors
2 that were placed along the corridor to determine
3 what the noise levels were. Now, as I recall--I
4 don't know your residence, but I think every
5 residence--I think we did look at each residence.
6 I can't remember.

7 MR. JOHNSON: Yes.

8 MR. HICKS: I don't have the documents
9 in front of me.

10 MR. PLANO: There is a receptor near
11 your house.

12 MR. HICKS: I don't have the documents
13 here, but based on the analysis, I don't think
14 your residence exceeded the noise decibel
15 threshold, I don't believe. I don't have the
16 document in front of me at this point. I'm sorry?

17 SPEAKER: I've got the document.

18 MR. HAMEED: So, let me. Much more of
19 your question is related to construction impacts
20 and noise and vibrations during construction.

21 MR. JOHNSON: Yeah, three years--if we're
22 realistic, at least three years of construction.

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1 MR. HAMEED: Sure. So the answer to
2 your first question was actually about a noise and
3 vibration monitoring program, so one of the things
4 that Steve mentioned was the initial analysis did
5 not show any excesses. However, even if it did
6 not, in response to the comments and the concerns
7 and, also, to have a much more comprehensive
8 response and analysis, what we also proposed was
9 to actually have what others talked about was a
10 noise and vibration monitoring program. So, with
11 your permission--the property owner's permission,
12 there will be noise and vibration monitoring
13 during the construction.

14 MR. JOHNSON: And what happens if the
15 levels--

16 MR. HAMEED: Exactly. If it exceeds,
17 there are also stop measures to that. So, one,
18 what we talked about was the activity that is
19 causing that will be stopped. We come back and
20 figure out what is the reason for that--

21 MR. JOHNSON: What if trains passing
22 within 20 feet--25 feet of my house is what's

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1 causing an increase in the noise level? Are you
2 really saying what's going to happen then and
3 mitigated, is you're going to stop trains?

4 What I'm trying to get my head around is
5 why there's a reluctance or a refusal to-- for
6 those few residences who are literally sitting on
7 top of the project, to not consider some very
8 practical fixes for this inevitable sound problem.
9 I mean, I'm sure none of you-- I'm hoping I have a
10 family in the next few years--I'm sure none of you
11 want to raise a child on top of a rail
12 construction project?

13 MR. HAMEED: I don't think there is any
14 resistance or reluctance to doing anything
15 additional.

16 MR. JOHNSON: Okay, so words--

17 MR. HAMEED: But what we're proposing
18 right now is the first mitigation plan. We talked
19 about a number of things. These are the first
20 things we're proposing, especially in noise and
21 vibration monitoring. If the other residences--

22 MR. JOHNSON: Okay, so when can we sit

1 down and talk about additional sound mediation
2 measures, if you're willing to consider those?
3 And I don't expect DDOT's going to be the one
4 shepherding that, but if you are, when are you
5 prepared to do that? When is CSX prepared to do
6 that?

7 MR. HAMEED: We can do that shortly. I
8 can't propose a date right now, but I don't think
9 that's an unfair comment. We should look into
10 that. I don't see any resistance from our side on
11 that. Ultimately, we have to and we were planning
12 to do that. It's just going through the process,
13 figuring out what details are needed, what
14 mitigations are needed. That was our first stab
15 at it.

16 MR. JOHNSON: Right.

17 MR. HAMEED: And now, hearing the
18 responses, I don't think--and at least I can
19 guarantee from DDOT's side, there is no resistance
20 to work with the community and, especially, the
21 residences right there.

22 MR. JOHNSON: Yeah, and I appreciate

1 that. And certainly, if what you're telling me is
2 that map--the front row residence map-- here's our
3 first cut, we're willing to keep talking about
4 this. We realize that there may be a
5 disproportionate impact on different people within
6 this front row--those who are a couple of hundred
7 feet from the project and have one house face
8 facing the project and those who are literally
9 sitting on top of it, that's great. Then we should
10 have further discussions. That's why I'm asking
11 my question, to find out where we're at.

12 MR. UNDELAND: Right. Well, thank you.
13 And we've had a robust discussion thus far. We've
14 only gone through 3 of the 20 speakers and it's
15 quarter of 8:00, so I encourage we move along.
16 Bill Phillips?

17 MR. PHILLIPS: My name is Bill Phillips.
18 It's P-H-I-L-L-I-P-S. I live on F Street,
19 Southeast, which is on the other side of the
20 tracks from most everybody in this room. And I
21 live--my house is directly across from the west
22 portal of the tunnel. And we have a lot of noise

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1 and vibration at this particular point and have
2 had for 22 years. But what I would like to remind
3 everybody in this room is that the project has
4 permanent benefits to the entire community.

5 All of us need to be aware of what these
6 permanent benefits are. We have the temporary
7 situation of construction dynamic and construction
8 inconveniences, but at the end there will be
9 permanent benefits, such as less noise and
10 vibration. We'll have substantial improvement to
11 Garfield Park. We will have sewer mains and water
12 mains that don't leak into the tunnel, causing the
13 tunnel to deteriorate. We will have a linear park
14 along Virginia Avenue, so that those of you on the
15 front row will have a much better front yard when
16 it's all done.

17 So we have a lot of permanent
18 improvements when this is completed. All of us
19 live in an urban environment. There's lots of
20 dirt and noise and pollution and I submit that all
21 of us should be really wanting to do something
22 with the freeway. The freeway is a tremendous

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1 amount of our noise, so we all have to keep in
2 mind that as a community, we have to come
3 agreement as to how we can get things done. We
4 can't be the House of Representatives where
5 nothing is done.

6 So I ask everybody to work together as a
7 community, so that we can accomplish what will be
8 good for our community. Thank you.

9 MR. UNDELAND: Thank you for the
10 comment. Our next speaker is James Bennett.

11 [No response.]

12 MR. UNDELAND: Okay, the next speaker
13 listed is Dolores Rhodes.

14 MS. RHODES: Good evening, my name is
15 Delores Rhodes and I live at 900 5th Street. Now,
16 you all are talking about the impact. You know
17 what the impact is going to be? You know nothing.
18 A lot of us seniors that have breathing problems,
19 our air conditioners are on the roof. You can't
20 control the wind, you can't control the dust.
21 That's all I've got to say.

22 [Applause.]

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1 MR. UNDELAND: Thank you.

2 MR. PLANO: Yeah, let me address that.

3 I understand what you're saying about the air and

4 I touched briefly on the air quality earlier on

5 the monitoring program. It will be important for

6 us to monitor the air quality throughout the

7 construction. We will set up reading stations.

8 We will make changes as needed. Construction sites

9 do produce dust.

10 We have a number of measures, things

11 like watering down the trucks, that will be

12 employed and we'll be watching those as closely as

13 we can, but please partner with us. We understand

14 that you're going to have concerns. We understand

15 that you may see things out there that are not

16 maybe going according to plan and please keep our

17 feet to the fire on that. We appreciate that.

18 MS. RHODES: Oh, there's one other

19 thing.

20 MR. PLANO: Yes, ma'am?

21 MS. RHODES: As far as the front row

22 being impacted, everybody that lives in that

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1 senior building would be impacted. We've got
2 people there on breathing tubes. We have all
3 kinds of problems, so everybody in 900 would be
4 impacted, not just the ones facing Virginia
5 Avenue. Everyone in that building. Everyone.

6 MR. PLANO: You're correct, ma'am. And
7 that's why we identified the whole center in our
8 mitigation plan, and not just the front. Thank
9 you.

10 MR. UNDELAND: Thank you, ma'am. This is
11 the first one I may botch, so forgive me--

12 MR. BENNETT: James Bennett

13 MR. UNDELAND: All right, Mr. Bennett.

14 MR. BENNETT: Thank you.

15 MR. UNDELAND: All right, come on
16 forward.

17 MR. BENNETT: My name is James Bennett,
18 that's B-E-N-N-E-T-T. I'm sorry I was absent, but
19 I'm old and I have bladder problems.

20 I only have two questions. The first
21 question is this, I heard you talk about not
22 running trains in an open trench. I heard that

1 today. I want to know what's happened since 2011
2 that's made you change? Or have you actually
3 changed?

4 The second question goes to I guess what
5 Mr. Owen was saying and that is that I've been
6 here through four meetings, I've yet to see anyone
7 but you gentlemen. In fact, I should be on a
8 first name basis with you, I see you so often.
9 But I don't see anybody who says that they're
10 responsible for the Environmental Impact
11 Statement.

12 At least, I see no one that hasn't been
13 hired by CSX to say that there is an Environmental
14 Impact Statement. Now my question is this, is CSX
15 and its paid advisors waging a war of attrition
16 against this neighborhood? Do you hope that we'll
17 just go away and not say anything until the clock
18 runs out? Thank you.

19 [Applause.]

20 MR. HICKS: All right. Thank you for
21 your question, Mr. Bennett. Federal Highway is
22 responsible for the Environmental Impact

1 Statement.

2 MR. BENNETT: Where are they?

3 MR. HICKS: We're right here. Now, what
4 happens is, we don't have people that can go out
5 in the field and do all the data collection,
6 that's not what we do. So CSX, since they're the
7 project sponsor, have hired consultants to do the
8 data collection and do the studies necessary to
9 provide the basis for the Environmental Impact
10 Statement, okay? But it is a federal document.

11 So it's a federal document, Federal
12 Highway is responsible, since we have to issue an
13 approval for the closure of the two ramps at 6th
14 and 8th Streets, we have to do this study so we
15 can know what the consequences are of that
16 approval action--

17 MR. BENNETT: You just said CSX did the
18 study.

19 MR. HICKS: No, I didn't say CSX did the
20 study. I said CSX hires specialists--
21 consultants, in this case--to do the technical
22 studies that provide the basis for the document.

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1 MR. BENNETT: You just said CSX did the
2 study.

3 MR. HICKS: No, I said--

4 MR. BENNETT: [Off microphone.]

5 MR. HICKS: --they hired consultants to
6 do the data collection. They don't do the study,
7 it's a federal document.

8 MR. UNDELAND: All right, thanks.

9 MR. PLANO: Let me hit some of the
10 specifics and then I think Keith has--Mr. Bennett,
11 I think you brought up in 2011, when there was an
12 open trench proposed and one of the reasons we're
13 not doing that now is we've listened to your
14 comments and it's important to understand--and
15 maybe I didn't make it clear in the presentation--
16 the trains won't be operating in an open trench
17 and I think it gets to your question, too, sir.

18 The boxes will be complete with trains
19 in them. There will be an open trench to get
20 ready for that tunnel, but the trains will not be
21 running in an open trench in front of your
22 residence. So I wanted to make that clear point.

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1 I thank Mr. Bennett for bringing that up.

2 So that was part of the process. In
3 terms of why there aren't other people here, we
4 think it's important to have the same people
5 throughout the process working with you, so we're
6 not going anywhere. And in terms of a war of
7 attrition and running out the clock, we're not
8 going anywhere. We're going to work with you
9 throughout this process and we're committed to do
10 that and I think Keith wants to say something.

11 MR. BRINKER: Thank you Steve. And I
12 just want to comment to Mr. Bennett and also to
13 Ms. Rhodes. While you've asked questions on
14 responsibility, today we are in the NEPA process,
15 which is the responsibility of Federal Highways to
16 guide, monitor, and ensure that the proper
17 Environmental Impact Statement is completed. But
18 I am here also to say that once we go into
19 construction and CSX and its contractors are
20 working out there, we take environmental
21 compliance at the highest priority. And also I do
22 want to mention to Mrs. Rhodes, regarding air

1 quality.

2 The studies, under the direction
3 of the lead agency, have shown and predicted that
4 we are within the standards for asthmatics, which
5 I believe is one of your concerns. Also, they're
6 protective of children and the elderly under the
7 National Ambient Air Quality Standards.

8 Now, these are the studies, these were
9 the studies that were done now, but we are going
10 to continue and we're going to have the air
11 monitoring program. We will have a noise
12 monitoring program. We will have a vibration
13 monitoring program and you're exactly right when
14 you made the statement about you don't know the
15 direction that the wind blows. And that is why
16 we will do these programs in a 360, full
17 circle analysis. Not just in one direction.

18 And so, by implementing those types of
19 programs, we will be able to address the
20 communities concerns and if there is an issue, we
21 will address those issues and work with the
22 community to rectify the situation.

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1 MR. UNDELAND: Thank you again. Judah
2 [sic] Walton--forgive me if I'm mispronouncing
3 that name.

4 MS. WALTON: [Off microphone.]
5 [Laughter.]

6 MR. UNDELAND: Our next speaker is Monty
7 Edwards.

8 SPEAKER: Wait a minute, she's coming.

9 MS. WALTON: Judith Walton, J-U-D-I- T-H
10 W-A-L-T-O-N. I live on the courtyard side of the
11 Arthur Capper Senior Building. I suffer from COPD
12 asthma, bronchitis and various allergies. It's
13 necessary for me to sleep with an oxygen mask.
14 COPD requires me to have six breathing treatments
15 every day, doses of medicine, and I have a
16 compromised immune system. So when you suggest
17 construction to expand the Virginia Avenue Tunnel,
18 it will affect all of the residents living on the
19 Virginia side of the building.

20 What were you thinking? All of those
21 contaminants floating from the tunnel cannot be
22 controlled once released into the air. And when

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1 the wind blows, they will become airborne and
2 travel for miles, which means that the financial
3 compensation for undue inconvenience would have to
4 include the entire community, which in my opinion
5 there's not enough money to cover it.

6 [Applause.]

7 MS. WALTON: Now, when I think about
8 this point it seems impossible to believe that
9 you're seriously considering opening up a
10 Pandora's Box and expanding the tunnel to 30 feet
11 from the building, and just about that close to
12 the town homes. That's close.

13 So, on behalf of my fellow residents in
14 my building who could not come out tonight, and so
15 many others in the community with similar
16 respiratory problems, I'm asking how can you
17 eliminate the health risk. As far as I'm
18 concerned, reroute your train on the tracks that
19 already exists underground and into a much less
20 densely populated area. Increasing rail traffic so
21 close to the Nation's capital is not a viable
22 option.

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1 [Applause.]

2 MR. UNDELAND: Thank you.

3 MS. WALTON: You don't know what's down
4 below your 100 year old tunnel. The Lord only
5 knows what you'll be releasing that gets airborne.
6 There could be a lot of sickness, health--there
7 could be a lot of deaths. You don't know what's
8 there. That's what worries me.

9 MR. UNDELAND: Uh-huh.

10 MS. WALTON: To me it's a very serious
11 problem.

12 MR. UNDELAND: Steve, do you want to
13 touch on the air quality?

14 MR. PLANO: Yeah, thank you, Ms. Walton,
15 for those comments. Keith keep touched on the air
16 quality a little bit. We understand the at-risk
17 populations and we've done the analyses. We will
18 work with you as we continue to do the project.
19 The construction aspect of the project, trying to
20 reduce the time is important to us because that
21 lessens any airborne that we would have out there.
22 We also understand that right in front

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1 of the property, it's not just the folks that are
2 right there, it's everybody in the building. We
3 do get that.

4 MS. WALTON: And the town homes and the
5 houses--

6 MR. PLANO: Yes.

7 MS. WALTON: --in the whole surrounding
8 area.

9 MR. PLANO: Right, and that's why our
10 analysis--Keith touched on the 360 concept. The
11 residential property mitigation plan is not noise
12 directed and it's not air quality directed, it's
13 really an inconvenience factor. The mitigations we
14 proposed for the individual topics, such as air
15 and noise, that are in our document--and all those
16 measures--are the things that we need to abide by
17 during construction. Once we're done and the
18 tunnel's enclosed, it will be the same way it is
19 today. It will be much better tunnel, but it will
20 be enclosed. So those issues would not be a--it's
21 really a construction aspect is what I'm trying to
22 say and we do want to get it done as quick as

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1 possible and take care of those things.

2 MS. WATSON: Yes, and I'm also opposed
3 to you cutting down the trees. That's what makes
4 the oxygen.

5 MR. PLANO: You know--

6 MS. WALTON: That's the air that we
7 breathe.

8 MR. PLANO: I understand. I'm a
9 landscape architect. The cutting down of the
10 trees is a permanent impact and we will work
11 quickly with UFA to get those trees back to the
12 best of our ability.

13 MS. WALTON: But the trees don't grow
14 that fast.

15 MR. PLANO: I know, we will do it
16 according to their ratio and do the best we can to
17 get as many back as we can. We understand the
18 urban canopy, the benefits from an air quality
19 standpoint, and shading are important.

20 MS. WALTON: Well, when you get to be my
21 age and you can't breathe, air quality is a very
22 important issue.

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1 MR. UNDELAND: Thank you for your
2 comment, ma'am.

3 MR. PLANO: I understand that, thank
4 you.

5 MR. UNDELAND: Well taken. Monty
6 Edwards, please.

7 SPEAKER: What about the rodent problems
8 down there. The rats. Where are they supposed to
9 go when you all start digging?

10 MR. UNDELAND: Go ahead.

11 MR. EDWARDS: My name is Monte Edwards,
12 M-O-N-T-E E-D-W-A-R-D-S. I'm appearing on behalf
13 of the Committee of 100 on the Federal City. We
14 recognize and appreciate the fact that it is more
15 efficient to move freight by rail than by truck.
16 We also appreciate that it's more efficient to
17 move commuters by commuter rail than by their
18 cars. Our concern with this project is you have
19 looked at it as a construction project and not
20 looked at the operational impacts on commuter and
21 passenger rail.

22 That is important because once you come

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1 out of the Virginia Avenue Tunnel--the western
2 portal--you enter the Southwest tracks. They are
3 shared by Amtrak and VRE. They are the only means
4 of accessing Union Station from the south. Right
5 now we have plans to expand MARC, expand VRE to
6 the point of handling 125,000 riders a day. To
7 put that in perspective, we've heard this week
8 about the Silver Line and its ability to handle
9 20,000 riders a day and how that will reduce
10 automobile congestion. And automobile congestion
11 is a major concern in this city to all of us
12 because on any business day three- quarters of the
13 cars on our streets are non- D.C. cars.

14 They're commuters who come in to work
15 here. We need to provide the commuters an
16 alternative means of getting in and out of the
17 city and the southwest tracks are three tracks
18 shared by Amtrak, shared by VRE, and shared by
19 CSX. And north of Washington, CSX is double-
20 tracked. They can do two-way traffic. Once you
21 have the Virginia Avenue Tunnel rebuilt, that will
22 be double-tracked and you can do two-way freight.

1 Once you get to the southwest tracks, I
2 think we can expect that CSX will also have two-
3 way freight. That leaves one track for Amtrak,
4 for VRE and, as a matter of fact, VRE and MARC
5 have just announced that they are trying to do a
6 regional rail system where VRE would through-run
7 into Maryland and MARC would through-run into
8 Virginia.

9 MR. UNDELAND: Right.

10 MR. EDWARDS: That will be impossible
11 until--if you have the expansion and double- track
12 two-way freight traffic that you contemplate here,
13 unless it is analyzed. And so far we've not been
14 able to analyze it. We've asked--CSX has refused
15 to give us any projections of the number of trains
16 that are going to be coming through here. We have
17 projections from MARC, we have projections from
18 VRE, we have projections from Amtrak. Until CSX
19 cooperates in terms of a holistic look the
20 operational impact of this project on the city,
21 it's commuter rail that's going to suffer and the
22 congestion in our city is going to continue.

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1 [Applause.]

2 MR. UNDELAND: Thank you. All right,
3 Steve, do you want to talk about the existing
4 bottleneck and how the additional capacity will
5 improve?

6 MR. HAMEED: So, Mr. Edwards, as we
7 talked before--actually from what you've said and
8 what the project is--actually by double- stacking
9 and having another track, it will actually lessen
10 the bottleneck that spills down to the track area
11 that you are talking about. I have--

12 MR. EDWARDS: I agree with you, if you
13 had the same level of freight as you have now.
14 I'm asking for projections out to 2040 to the
15 level that VRE and MARC have projected what they
16 want to be running on these tracks.

17 MR. HAMEED: Sure, so I won't talk on
18 CSX's behalf and what their projections are or
19 what they want to say or not. But in terms of
20 analysis, in terms of the number of trains, if you
21 have double-stacking you'll actually end up having
22 lesser trains than what you would need for the

1 future, as the economy grows.

2 And as we've done analysis on other
3 projects that you're aware of, we have been able
4 to find, actually, that the Virginia Avenue Tunnel
5 itself does not have an effect on bottlenecking
6 the areas that you're talking about in Southwest.
7 It is predominantly used by commuter rail, as you
8 know, and by passenger trains. And that's what's
9 forecasted in the future. Freight is a smaller
10 share, but if Steve or somebody else wants to talk
11 about the CSX component, they can talk about that.
12 But in terms of analysis and in terms of this
13 creating more bottlenecks, we have analyzed that
14 and that is not the case.

15 MR. EDWARDS: I do not disagree with the
16 fact that double-stacking has benefits, but if
17 you're able to have double tracks, you're going to
18 have two-way traffic of freight. And if you're
19 having two-way traffic of freight in the tunnel,
20 you're going to have two-way traffic of freight on
21 the Southwest tracks and that is what is going to
22 impact commuter and passenger rail.

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1 MR. HAMEED: True, and as you know
2 today, because of the bottleneck, because there's
3 only one track, the freight trains, which are
4 really long, go all the way into Southwest and
5 that does cause a bottleneck. So that does
6 actually even hinder our ability to bring more
7 commuters and passenger--

8 MR. EDWARDS: Dr. Hameed, I agreed with
9 you that if things stay as they are now, this will
10 be an improvement. I'm looking at what happens in
11 2040. What's CSX going to be running through
12 here? How does that relate to what VRE, MARC, and
13 Amtrak plan to run through the Southwest tracks
14 and how are all four of those rail lines
15 accommodated?

16 MR. UNDELAND: Okay, Steve is going to
17 touch on the CSX volume. Our next speaker is
18 Pearline Martin, if she could make her way to the
19 podium? Go on, Steve.

20 MR. FLIPPIN: First of all, just as
21 Monte may know, 1999 Amtrak supported double-
22 tracking Virginia Avenue Tunnel, as well as

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1 double-stacking. They listed that as a major
2 impediment to the growth of passenger rail in the
3 region, as a 1999 study to Congress.

4 VRE has endorsed the Virginia Avenue
5 Tunnel project, the restoration of two tracks, as
6 well as the Greater Washington Council of
7 Governments, both in their FY2011 TIP and their
8 2013 TIP. The freight study that DDOT is getting
9 ready to release in the coming weeks talks about
10 freight needs, mainly looking at truck, but it
11 does hit on barge and rail. It also looks at this
12 bottleneck needing the relief.

13 Mid-Atlantic Rail Operation Planning
14 Study from 2002, and then updated again in 2007,
15 both list this as a bottleneck that impacts all
16 rail in Southeast Washington, D.C. And what it
17 does, as you talked about, is by eliminating
18 trains stopping you fix some of the congestion
19 issues that you have. By double-stacking you
20 continue to add more capacity that both VRE,
21 Amtrak, and MARC are all looking for so that they
22 can run more commuter rail.

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1 That's why all three of them have
2 endorsed the project. And if you keep looking at
3 that, you will see that this is something, as well
4 as some of the other projects that you're talking
5 about with the Committee of 100 continue to
6 enhance the regional rail system, but right now
7 this is an impediment that prevents passenger rail.
8 You're going to look at June 10th, the notice that
9 they sent out to the riders--both Amtrak and VRE.
10 We had a thunderstorm that came through; we've got
11 an exposed sewer from where the dirt floor is in
12 the tunnel. It ended up flooding the tunnel. The
13 tunnel was shut down for four hours. VRE put out
14 notice that their traffic was stopped for two and
15 a half hours, explained to their commuters why
16 they cannot move. Amtrak had to do the same. The
17 tunnel had to be emptied out, new ballasts, new
18 ties, new inspection train to validate that
19 everything was good to go, and then trains
20 resumed.

21 We have a problem today that impacts
22 passenger rail in the Washington region. If we

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1 don't fix this, we're going to continue to impact
2 passenger rail and what you're going to end up
3 having is an emergency situation where we're going
4 to be out there 24 hours, seven days a week,
5 repairing this tunnel to restore commerce and then
6 having passenger rail restore what they're doing
7 today.

8 So there's an immediate need for this
9 project that continues to be put out in all of
10 these reports that aren't CSX reports, this is an
11 Amtrak report. VRE's got the same thing and as
12 you continue to look at that, they list the other
13 bottlenecks that continue to prevent them from
14 growing like they want to. That's triple-tracking
15 to Richmond. That's quad- tracking to Long
16 Bridge.

17 Right now we're triple-tracking to D.C.
18 We operate two trains across those tracks, but we
19 share them with VRE and Amtrak. They run the
20 majority of trains through there. They run the 60
21 trains every week day through that area, and we
22 share that with them. That's why we limit our

1 operation hours. That's why we mainly operate at
2 night. And again, it's that cooperation that we
3 have with those commuter agencies that allows them
4 to continue to grow that they're experiencing.

5 MR. EDWARDS: Mr. Flippin, we need more
6 than oral representations at a meeting. Right now
7 the EIS stops and starts at the portals of the
8 tunnel. It looks at the tunnel.

9 MR. FLIPPIN: That's because this is a
10 tunnel project.

11 MR. EDWARDS: We want you to look at the
12 Southwest tracks. We want you to look at the Long
13 Bridge, we want you to look at rail operations and
14 how they interact. That will complete the NEPA
15 study and look at the cumulative impacts--

16 MR. FLIPPIN: You have an--

17 MR. EDWARDS: --and indirect effects.

18 MR. FLIPPIN: You have an immediate
19 issue that needs to be addressed at the Virginia
20 Avenue Tunnel and that's what this tries to
21 address. We're not looking at the other things
22 because you have a single track tunnel that

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1 impedes traffic, both freight and passenger,
2 through Washington D.C. and that's why one of the
3 main things that this looked at was how to restore
4 the double-track that was removed in 1936.

5 MR. EDWARDS: But if you address that
6 immediate problem, that solution is going to be
7 with us for the next 100 years and is going to
8 impact the Southwest tracks and the Long Bridge
9 and we have to look at the impact on the Southwest
10 tracks before we can say this is a completed
11 Environmental Impact Study.

12 MR. UNDELAND: Okay, thank you. We're
13 going to need to move on, folks. This has been a
14 good discussion.

15 [Applause.]

16 MR. UNDELAND: Ms. Martin, would you
17 please ask your question?

18 MS. MARTIN: Hello, my name is Pearline
19 Martin, P-E-A-R-L-I-N-E M-A-R-T-I-N.

20 MR. UNDELAND: Could you hold the mic up
21 closer to you? Thank you, ma'am.

22 MS. MARTIN: I live at 900 5th Street.

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1 I am very, very sure that this train don't need to
2 come through Virginia Avenue close to 900. I have
3 a pacemaker. All that electricity bothers with my
4 pacemaker. When I go through that tunnel, it
5 makes my pacemaker fluctuate.

6 I can't go on a plane because of my
7 pacemaker. A high molar cell phone, I can't use
8 it. What I'm concerned about, how are we people
9 in our wheelchairs are going to get across
10 Virginia Avenue? How is the fire department going
11 to be able to come in there and pick us up when
12 I'm sick? How is the bus going to get to bring us
13 back here?

14 MR. UNDELAND: Okay, your point on
15 access is well taken. Faisal, and then Steve?

16 MR. HAMEED: Steve, actually, in the
17 presentation talked about that. So the cross-
18 traffic from all the cross streets will be
19 maintained at all times for vehicles and for
20 bicycle and pedestrian movements. So you would
21 have access at all time. In terms of emergency,
22 we stated that last time and have stated that in

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1 almost every meeting that the emergency access for
2 everyone will be maintained at all times. That is
3 not even something that should--it's almost
4 settled that DDOT or Federal Highway never allows
5 emergency access to be shut down at any point.

6 So we can talk about it a little bit
7 more perhaps, but Steve can talk about the
8 details, but it is from our side guaranteed that
9 the emergency access will be maintained at all
10 points.

11 MS. MARTIN: Once they close Virginia
12 Avenue, the bus is not going to be able to come
13 through there. No cars and things.

14 MR. HAMEED: You're right, but it's just
15 the Virginia Avenue portion that is closed, but
16 all the side streets, the cross streets will be
17 maintained. The emergency access to all houses
18 and the senior centers will be maintained at all
19 times. So that's part of our means of traffic
20 plan. That is part of our commitment and we have
21 stated that multiple times. It will not be closed
22 for anyone at any time. I mean, emergency access

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1 or safety is not something that we compromise on.

2 MR. UNDELAND: Okay, I'm sorry. Those
3 are very good points, ma'am. David Richardson,
4 and then the following speaker is Maureen
5 Harrington.

6 MR. RICHARDSON: Yeah, I'm David
7 Richardson, R-I-C-H-A-R-D-S-O-N, and I don't need
8 to tell you people--I'm not sure people in the
9 audience know that freight rail has been booming
10 for the last two or three decades and I think
11 that's a good thing. Every freight car can take
12 up to two trucks off of the road. And the
13 railroad maintains its own right-of-way and
14 truckers do pay for the roads, they don't pay
15 nearly enough. They pay a lot, but it's not
16 nearly enough.

17 So, looking at the trends, if I were a
18 consultant to CSX, I would say, why are you
19 messing around with this little, tiny project in
20 the District? Why aren't you setting up to build
21 three or four tracks along the East Coast to
22 handle the volume that you're going to expect?

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1 Well, you know, we got focused on this
2 project and I'm telling you, the project is too
3 small. You said it's not feasible to expand it to
4 go around the city and do a whole new route.

5 Well, for translation for the audience, not
6 feasible means too expensive.

7 CSX doesn't want to put out the money to
8 go around. Now so you're going to jam these
9 trains into a really congested area. I live in
10 the neighborhood and I'm not in the front row, I
11 was delighted to find that you were single
12 tracking through that tunnel. You said the
13 tunnel's 100 years old, my house is 140 years old.
14 Every time the train goes through it, it wobbles
15 the foundation a little bit, and a little bit, and
16 a little bit, and why am I in the position that
17 I'm going to have to pay in repairs to my house
18 because CSX doesn't want to put out the money for
19 their own operations?

20 [Applause.]

21 MR. PLANO: I'll talk about the--I think
22 you're alluding to the Comprehensive Rail Studies

1 that Monte also talks about in re-routing options
2 and the project being too small. And it tails
3 right back to the purpose and need for the
4 project, which I had in the presentation, which is
5 really--this is a very precise bottleneck. It's
6 an aging tunnel; it's a project that, with all
7 infrastructure projects you're balancing not only
8 the cost, but the impacts.

9 So there are re-routing options that we
10 explore in the DEIS, but of course there would be
11 impacts to that, too. And there is a cost; you
12 identified the cost as one of the factors. So we
13 are trying to balance the best possible situation
14 with what we have, tailing back and targeting back
15 to that purpose an need for the project and not
16 expanded outside. Monte alluded to cumulative
17 impacts and indirect impacts, that's also a
18 concern of ours because we're trying to keep the
19 project confined to the tightest possible
20 situation that we can, so that we can get it done
21 as quick as possible.

22 In terms of other studies, there will be

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1 other studies. There's always other studies going
2 on, in terms of long-range planning and
3 infrastructure goals, and those will go on,
4 despite this project and regardless of it.

5 MR. RICHARDSON: What you're saying is
6 that you have this myopic vision about this
7 project that's going to impact this neighborhood
8 forever and you don't care. Is that your
9 position?

10 MR. PLANO: I did not say that, you just
11 did. Yes.

12 MR. RICHARDSON: That's what I'm hearing
13 from you.

14 [Applause.]

15 MR. PLANO: Okay, thank you for your
16 comment.

17 MR. UNDELAND: Thank you for your
18 comment. We're going to need to move on. Maureen
19 Harrington followed by Chris French.

20 [Applause.]

21 MS. HARRINGTON: Hello again. I'm
22 Maureen Cohen Harrington and the mic is too high--

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1 there we go.

2 SPEAKER: I feel your pain.

3 MS. HARRINGTON: Hello, I think you know
4 how to spell my name by now, but H-A-R-R- I-N-G-T-
5 O-N. I've got a two-part question and both parts
6 are directed to DDOT and CSX, so Mr. Hicks, you'll
7 get a few minutes to relax.

8 My question is, if the Record of
9 Decision picks a Build alternative, would DDOT be
10 in breach of contract with CSX if DDOT denied
11 permits or other approvals? And would there be
12 any legal repercussions giving CSX a cause of
13 action against DDOT or the city in that instance?
14 Can you answer that one first?

15 MR. HAMEED: Sure. So, it's all
16 dependent on the Record of Decision. It's all
17 dependent on NEPA. If you read the language which
18 is in the appendices, it states that very clearly.
19 That's one.

20 Second, the Record of Decision is not
21 dependent on what DDOT would say or what its
22 agreement would be with CSX. So if there is a No

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1 Build alternative selected, then it's--if you read
2 the permit that was issued, or the agreement, it
3 stated that clearly.

4 MS. HARRINGTON: Right. I'm not saying
5 if a No Build is selected, I'm saying if the Build
6 alternative is selected, can DDOT then say, we're
7 not going to issue permits or other approvals, or
8 is it contractually bound to CSX to issue those,
9 and quickly, at that.

10 MR. HAMEED: So, actually the FEIS has a
11 Build alternative identified as a preferred
12 alternative.

13 MS. HARRINGTON: Right, exactly.

14 MR. HAMEED: So the Record of Decision
15 is based on that.

16 MS. HARRINGTON: Right.

17 MR. HAMEED: It's not based on something
18 different.

19 MS. HARRINGTON: Right.

20 MR. HAMEED: So Mike can talk about
21 that, but in terms of permits or denying a permit,
22 there has to be a reason for a permit to be

1 denied. So, if there is a reason--if permits are
2 issued, they can also be revoked, but I'm not sure
3 what the reason is at this point, except you
4 asking me that question. So if there is a reason,
5 I think at that point we can discuss that and it
6 will go through because the permit--what you're
7 asking me is breach of contract if we go through
8 our General Counsel and they can give the legal
9 opinion on that.

10 Unfortunately, I cannot say what that
11 legal opinion would be, but as I said in the
12 beginning, the answer to your question was: It's
13 all dependent on NEPA, whatever decision comes out
14 of NEPA.

15 MS. HARRINGTON: All right, well let's
16 assume a Build alternative comes out of the ROD,
17 then what sort of reasons would be permissible for
18 denying the permits and other approvals, and are
19 any of those foreclosed by agreements with CSX,
20 going back to at least
21 2010?

22 MR. HAMEED: I mean, again it's all

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1 based on assumptions. So I don't know what those
2 reasons would be, unless you can give me a
3 specific reason I don't know how to answer that
4 question.

5 MS. HARRINGTON: You work for DDOT, so
6 presumably you've dealt with other permits. Under
7 what sort of circumstances might this be--

8 MR. HAMEED: Unfortunately, I do not
9 work in the permit office. I do not issue
10 permits, so I do not know the permits. I oversee
11 the environmental process, I oversee the product
12 development process for DDOT projects, but I do
13 not work for permits. I do not know what would be
14 the due cause for somebody when they're asking for
15 a permit in a right of way, and why would we deny
16 that.

17 MS. HARRINGTON: Okay, well, then--

18 MR. HAMEED: Unless they would ask them
19 themselves.

20 MS. HARRINGTON: --based on the
21 agreements that were in the appendix to the FEIS,
22 which you are familiar with because you're the

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1 DDOT person in charge of this project, would DDOT
2 be contractually bound to CSX to issue those
3 permits or have they in effect already been
4 issued?

5 MR. HAMEED: I would have to take it to
6 our General Counsel and being a General Counsel
7 yourself, you will understand that that's where it
8 needs to go. I, myself, cannot make the
9 determination.

10 MR. UNDELAND: Could you ask your second
11 question?

12 MS. HARRINGTON: Sure, okay. Just to
13 set some background, I want to make sure everyone
14 here knows that the D.C. Council is holding a
15 hearing about this project on August 26th. It's a
16 joint committee hearing on the Committee of the
17 Whole and the Committee of the Transportation and
18 the Environment. And a few days ago, Chairman
19 Mendelson and Councilmember Cheh sent a letter to
20 Acting Director Matthew Brown at DDOT and asked a
21 couple of questions. And I'm wondering if you can
22 answer those questions now?

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1 One says, while the FEIS purports to
2 consider a variety of alternatives, including a No
3 Build option, a promise to provide permits as
4 early as 2010 suggests that No Build option was
5 never seriously considered. Please explain under
6 what circumstances DDOT entered into the 2010 MOA,
7 whether a No Build option was ever under
8 consideration and whether DDOT gave full
9 consideration to all proposed alternatives?

10 MR. HAMEED: So, since the letter was
11 sent to Mr. Brown, he's working on the response,
12 so I cannot speak on his behalf or what he would
13 say about that. So are you asking the question to
14 me? Not the letter?

15 MS. HARRINGTON: Well, you've been
16 involved with this project for a while, so under
17 what circumstances was the 2010 MOA entered into?

18 MR. HAMEED: So I can answer the
19 question, but I can't respond back to the letter.

20 MS. HARRINGTON: Okay. So the other--

21 MR. HAMEED: So you can understand my
22 concern, right? So it's going to have to come

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1 from the agency.

2 MS. HARRINGTON: Sure, so maybe I'll ask
3 the other part of that first. They also asked for
4 DDOT to delay the issuance of any permits and, if
5 necessary, to do that, the issuance of the ROD
6 until September 15th, until the Council has had a
7 chance to exercise some oversight.

8 MR. HAMEED: Again, as the letter is to
9 the Director, he will respond back. I cannot
10 speak on his behalf. In terms of the MOA, I spoke
11 last time--that's referenced in 2010--was for
12 various projects. If you look at the MOA, which is
13 in the appendices, with CSX it was not one project,
14 but several projects. How DDOT and CSX work in the
15 District of Columbia. And the Virginia Avenue
16 Tunnel was one of the several projects mentioned.
17 So that was the context that was in.

18 The environmental process started later.
19 Again, NEPA is a federal process, Federal Highway
20 is a federal agency, Federal Highway was not a
21 party to that agreement. So, it's effect on NEPA
22 are not there because Federal Highway is not

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1 party, they do not have to rely on any of those
2 agreements, or what was then at that point.

3 But again, that agreement was not for
4 one project, it was a whole magnitude of projects
5 that DDOT and CSX work in the city. And, as you
6 know, both the entities are in the city. CSX has
7 a lot of tracks throughout the city. DDOT has a
8 lot of right of way in the city and we have a
9 number of areas that we have to work.

10 MS. HARRINGTON: Okay, Mr. Hicks--

11 MR. UNDELAND: Folks, we are going to
12 move along. We've got a third of our speakers and
13 we're already a half hour into overtime.

14 MS. HARRINGTON: I think Mr. Hicks was
15 planning to say something.

16 MR. UNDELAND: Do you want to add
17 something quick, Mike?

18 MR. HICKS: Yeah, let me add something.
19 Yeah, I have seen that letter and I guess the best
20 way to say it is, it's misinformed in the sense
21 that they were saying, would DDOT delay the
22 issuance of the ROD, or whatever their

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1 involvement was in the ROD? And DDOT has no
2 involvement in the Record of Decision. That's a
3 federal document.

4 The other thing I want to say is, this
5 issue concerning--that you just spoke to--the
6 Record of Decision does not consider any of that
7 because, again, it's a federal document and the
8 Environmental Impact Statement is the basis for
9 the decision that will be made. The ROD, the
10 Record of Decision.

11 MS. HARRINGTON: Then, actually, I am
12 confused because D.C. does have its own
13 environmental law, which is subsumed into this
14 federal process. DDOT could have issued its own
15 ROD and if DDOT isn't involved in the federal ROD,
16 and DDOT's not issuing its own ROD, then who is
17 running this show?

18 [Laughter.]

19 MR. HICKS: Now wait a minute, wait a
20 minute. Again, this is how it works. We can have
21 two parallel processes going on. We can have DDOT
22 doing their own and the federal government doing

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1 their own. We do incorporate some of DDOT's
2 information in there because again, the document
3 discloses all the information. That's a project,
4 but again, the federal decision is not based on
5 what happens with DDOT or any state deal. The
6 federal decision is based on that document.

7 We will decide in terms of closing that
8 ramp based on the fact that we complied with all
9 of the federal regulations and mitigations.
10 They've been fully mitigated. Those are the things
11 that go into the Record of Decision that the
12 agency will make it.

13 MR. UNDELAND: Out of respect--I'm
14 sorry, out of respect for the rest of the folks--

15 MS. HARRINGTON: Can I just make sure I
16 understand what he said?

17 MR. UNDELAND: Well, could you take it
18 offline. I mean, we've got a third of our
19 speakers and we're already a half hour--

20 SPEAKER: It's on the record, it's on
21 the record.

22 MS. HARRINGTON: Right, yeah.

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1 MR. HAMEED: Let me--

2 MS. HARRINGTON: So you're saying that
3 DDOT doesn't have a role in the federal ROD and
4 DDOT's not issuing its own ROD and--

5 MR. HICKS: No, no. What I said was
6 that we don't consider that issue that you're
7 bringing up now, that's not a consideration when
8 making the Record of Decision. We make it based
9 on the information required to make that approval
10 and that is why we did the EIS. We had to look at
11 the consequences of that decision. That document
12 provides that and that's how we make the decision,
13 okay?

14 MS. HARRINGTON: I'll let you move on.

15 MR. UNDELAND: All right, thank you.
16 Chris French, followed by Jessie Skidmore.

17 MR. FRENCH: Good evening, my name is
18 Chris French, C-H-R-I-S F-R-E-N-C-H. My question
19 also goes back to the MOA that's just referred to,
20 so it's really a question for DDOT and CSX.

21 In the MOA which was agreed to in
22 December 2010, which is about a year and a half

1 before the Draft EIS came out, but was not
2 disclosed until the Final EIS came out a few weeks
3 ago. That's another discussion about the timing
4 of that, but the question I have is, in the MOA,
5 CSX agreed to compensate DDOT a certain amount of
6 money for the material cost impact of redesign
7 efforts to accommodate revisions to, this is sort
8 of a long question, but the S-18 Ramp, which was
9 part of the 11th Street Bridges Project that was
10 currently underway.

11 And so that ramp crosses over the CSX
12 tracks and CSX, knowing that they're going to be
13 revising those tracks, requested some changes to
14 the design. So there was a certain amount of
15 money that was compensating DDOT for increases in
16 cost to accommodate CSX's needs. And so that in
17 itself is something that you would expect to
18 happen. You expect that if somebody's doing a
19 project and somebody else has a need that impacts
20 the cost of the project, you'd expect that the
21 third party entity would provide compensation for
22 that. I think that's pretty clear.

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1 In return, DDOT agreed to a credit
2 amount up to the same value back to CSX, which was
3 to be applied to resurfacing Virginia Avenue after
4 completion of the construction. And I have two
5 questions regarding that.

6 One of them is, what was the dollar
7 value of the credit that DDOT was to return to
8 CSX? Can anybody answer that question?

9 MR. HAMEED: I believe it's in the
10 MOA.

11 MR. FRENCH: The dollar value says, "up
12 to \$4,171,440." The "up to" is the part that's
13 confusing. There's actually not an answer in the
14 MOA.

15 MR. HAMEED: So actually, there is also
16 an amendment to the MOA in that document here that
17 talks about that. It's being used--

18 MR. FRENCH: Sure. I understand that.

19 MR. HAMEED: --is not reconstructing
20 the--

21 MR. FRENCH: But the value of the credit
22 still remains the same whether the amendment comes

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1 into account or not. And, actually, I'm glad you
2 brought up the amendment because there's only one
3 amendment to the MOA and this exchange of money is
4 the only topic of that amendment. And basically
5 what that amendment says is that DDOT is not to
6 apply the money to the Virginia Avenue Tunnel, but
7 is instead is to apply it to other DDOT projects.

8 But the money doesn't disappear. My
9 question is, what is the dollar value of the
10 credit that DDOT was to give back to CSX? And the
11 fact that it's the only item on that amendment
12 means that it was something important to somebody,
13 and somebody at this table knows the answer to
14 this question.

15 MR. HAMEED: Actually, I was not part of
16 the MOA, so I can't--

17 MR. FRENCH: Well, then I would like
18 somebody else to answer the question.

19 MR. HAMEED: I cannot--I am the only one
20 from DDOT behalf here.

21 MR. FRENCH: Mr. Dobson, Mr. Flippin,
22 Mr. Brinker, could one of you answer that

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1 question, please?

2 MR. FLIPPIN: I'd be glad to. So the
3 2010 MOA was looking at numerous projects that
4 were happening in the same area. Again, they
5 didn't involve just CSX and DDOT. They also
6 involved D.C. Water and other projects that were
7 in that location.

8 CSX had been talking with D.C. since
9 2006 about our tunnel project. There was
10 agreements that were done by letters between
11 various chief engineers that wouldn't impact the
12 existing tunnel and they would protect any future
13 run-arounds because, again, they had built a
14 freeway over us that impacted our ability to do
15 our tunnel project in the future because we had
16 been talking about this project since 1999 and
17 when they got to their design, they actually
18 designed piers through an existing tunnel.

19 And, as you can guess, you can't design
20 piers through an existing tunnel and us still
21 operate a railroad there. So they had to
22 redesign. As part of that, we offered to help

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1 with that, recognizing that we would be credited
2 back that money for the flaw that they had in
3 their design.

4 And again, you had multiple projects
5 going on in the same location and they all had to
6 figure out how to work within that location.

7 MR. FRENCH: Okay.

8 MR. FLIPPIN: The amendment that you
9 talked about--you asked a question, I'm trying to
10 help you out here. And the amendment in 2012,
11 that was also a change to 11th Street Bridge
12 Project. The 11th Street Bridge Project decided
13 that they, instead of building a bridge across and
14 having to do a liner for the sewer that runs
15 underneath the tunnel, which was part of that
16 project, that it would be better for the community
17 to extend that-- which was some of the comments
18 that they had received, from people in the
19 comment--to have a road. To eliminate the bridge
20 and to expand the green space there to 12th
21 Street. And so the amendment addressed that.

22 MR. FRENCH: That actually raises more

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1 questions than it answers. I'd like to go back to
2 the first one, which is, Dr. Hameed, did DDOT
3 design a pier that went through a tunnel that's
4 clearly marked on the right of way? Because
5 that's not giving me a whole lot of confidence
6 about how this project's going to go forward.

7 MR. HAMEED: I was not part of the
8 design, so I can't answer. I mean, I could go
9 back and check?

10 MR. FRENCH: Okay, that's fine. I
11 didn't expect you to answer that, I'm sorry. The
12 second question is, the extension that you're
13 talking about was specifically a DDOT project
14 unrelated to the CSX tracks, so I'm not sure how
15 the credit back in the amendment to the MOA is
16 related to a DDOT project that is unrelated to the
17 CSX project.

18 Third thing--

19 SPEAKER: I really don't want to hear
20 it.

21 MR. FRENCH: I actually need to get this
22 point out, is that you mentioned that there were

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1 multiple projects going on, but the clause
2 specifically referenced in this exchange of money
3 only specifically speaks to the 11th Street Bridge
4 and the money being returned for the Virginia
5 Avenue Resurfacing. There is no reference of any
6 kind to any other projects in that portion of the
7 MOA.

8 MR. FLIPPIN: And again, it was before
9 DEA or DEIS ever started. It was looking at the
10 Tiger Grant Application that did not get any
11 federal funding, so there was no money there to
12 return or do anything with.

13 And it looked at--

14 MR. FRENCH: So--

15 MR. FLIPPIN: It looked at an agreement
16 that the city was going to support to move forward
17 with a project that would then go through an
18 environmental process that would look at how do
19 you do that project?

20 MR. FRENCH: Okay, so then what you're
21 saying now is that the dollar value of the credit
22 that DDOT was to give back to CSX was zero? Is

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1 that correct?

2 MR. FLIPPIN: The dollar amount that
3 they were looking to give back was equivalent to
4 what we had put in to make the change in an
5 agreement that they had made prior, and that we
6 had to memorialize that agreement because they had
7 messed up--or their contractor had messed up--in
8 the initial design that we got to review before it
9 moved forward. That's what you do, as you may
10 know, when you're doing projects--

11 MR. FRENCH: Okay.

12 MR. FLIPPIN: --is that both groups have
13 to review them and approve them. And, again,
14 those things had changed. And again, the Tiger
15 Grant was not a necessity.

16 MR. FRENCH: So if a material impact to
17 the project, then why would DDOT give the money
18 back? If it was something--if it was a mistake
19 that DDOT--

20 MR. FLIPPIN: DDOT doesn't have it any
21 more.

22 MR. FRENCH: I understand that, but the

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1 original MOA, if it were a mistake that DDOT made--
2 -well, let me go to another question here.

3 MR. UNDELAND: I'm sorry, we need to
4 stick on the--

5 MR. HAMEED: I would like to try clarify
6 that. I feel like that was an incorrect statement
7 that--

8 MR. UNDELAND: --answer the question
9 that was asked.

10 MR. HAMEED: --DDOT messed up, or the
11 mistakes. There are design issues that actually--
12 when you move forward projects, you find out more
13 details as you move forward.

14 MR. FRENCH: This is getting off target.

15 MR. HAMEED: So of course this isn't an
16 issue. This is out of context and that's how this
17 was resolved.

18 MR. FRENCH: This is actually getting
19 off target.

20 MR. HAMEED: There was no messing up or
21 any mistakes.

22 MR. FRENCH: Yeah, I know. That's fine.

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1 This is the one to target. All I want to know is
2 what's the dollar value? Because there was still
3 a dollar value or else you wouldn't have needed
4 the amendment to the contract.

5 If there was no dollar value, the
6 amendment to the contract would have been that
7 there's no dollar value remaining. It wouldn't
8 have said that DDOT keeps the money.

9 MR. UNDELAND: Okay, final comment from
10 the project team and then we're going to need to
11 move on.

12 MR. HAMEED: So the response to your
13 comment is as I stated. It is actually what's
14 stated in the MOA.

15 MR. FLIPPIN: Correct.

16 MR. HAMEED: It is an agreement between
17 the two agencies and it states what it is.
18 Unfortunately, I cannot make a change right here,
19 or answer that, like, how it will change it or it
20 won't change. It was an agreement between the two
21 entities and that's what it is. If it says \$4.2
22 million, that's what it said. If it says, \$4.1,

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1 that's exactly what it will be. Unfortunately, I
2 cannot change that value--

3 MR. FRENCH: But it doesn't say that, it
4 says, "up to."

5 MR. UNDELAND: Can we have Jessie
6 Skidmore come forward? Thank you. Jessie
7 Skidmore, followed by James McPhillips.

8 [Applause.]

9 MR. SKIDMORE: Hi, Jessie Skidmore, S-K-
10 I-D-M-O-R-E. As there are a few things I want to
11 talk about--the thoughts you spurred in my head
12 during your presentation. But first of all I want
13 to thank Mr. Owen and Mr. Edwards and Ms.
14 Harrington and Mr. French for talking.

15 The key things that stood out in my mind
16 about this whole process, so I guess actually I'm
17 really talking to Mr. Hicks and Mr. Hameed because
18 I think they're the people who, I think, own the
19 process. I want to talk about ownership,
20 accountability, transparency, and process.

21 So I'm a government employee and one of
22 the things that we're very careful of as

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1 government employees is, when we're speaking for
2 ourselves, and for our agencies, is who we let
3 speak for us. So I was very confused as to why a
4 comment Mr. Owen alluded to, why Mr. Plano, who
5 was hired by CSX to do the study--who was giving
6 the presentation tonight--when, really, from an
7 ownership standpoint, the two of you own this
8 process, at least as I understand it.

9 So to me that just indicates an
10 avocation of ownership on your part and,
11 unfortunately, that consistent with the way this
12 whole process has gone. You know, Mr. Hicks, I
13 think you earlier had said that you were very
14 involved in this process and you've been involved
15 the entire time, but when the D.C. Council had a
16 hearing and was asking questions about why DDOT
17 was or was not answering questions? Or questions
18 about FHWA's role in the process. Nobody from
19 DDOT or FHWA were there to answer any of the
20 questions, even though they'd been notified and
21 invited to participate.

22 A couple of other things on Mr. Plano, I

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1 was wondering when he was presenting tonight, when
2 he said "we"--so you said "we" a number of times,
3 Mr. Plano. And I guess one question that I have
4 is, when you say "we," who do you mean? Because
5 you say "we" referencing CSX doing construction
6 and you also say "we" when you talk about drafting
7 the Environmental Impact Study, so that seems like
8 a blatant conflict of interest to me--when the
9 person drafting the Environmental Impact Study is
10 also the same person representing the interests of
11 the company doing the construction.

12 [Applause.]

13 MR. SKIDMORE: And the fact that you two
14 are letting him answer questions that are really
15 on a product you own, shows that you don't have
16 any ownership or knowledge of the whole process.
17 And if you don't have any--if you don't know the
18 answers, you should have the people here that do
19 because the people here in the room are the people
20 that you two are accountable to for ensuring this
21 project goes the way it should, both from a
22 national standpoint and from a local

1 standpoint.

2 A couple of other items. So one
3 question that never, as far as I'm aware, has been
4 answered is: We've made reference to people not
5 being allowed to talk about facts of the project
6 during the NEPA process, so one question.

7 You don't have to answer it now, you can
8 answer it at the end of my questions, I'd like to
9 know who disallowed that? Because the D.C.
10 Council was flabbergasted that nobody was actually
11 able to answer their questions, but CSX was kind
12 of parading it around as, well, I'm sorry, we
13 really can't answer anything you're asking us at a
14 D.C. Council hearing because we're restrained by
15 NEPA and Mr. Mendelson, his comment at the time
16 was, the whole purpose of NEPA is to be
17 transparent, and yet it's being used as a tool to
18 prevent transparency.

19 And then I guess the final things I'll
20 say is, you claim you've taken all our comments
21 into account this whole time, Mr. Hicks, Dr.
22 Hameed, but from the very beginning--from the very

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1 first meeting I sat in on in this room, we've been
2 saying that the process--that the EIS is
3 inadequate, draft, final, whatever. That it has
4 inconsistency, that it doesn't answer actual
5 questions. You did not answer my questions in my
6 public comments.

7 What you did was spout or reiterate a
8 number of other comments that you used elsewhere
9 in the document. It's improperly scoped, you're
10 not looking at--the purpose and need is a red
11 herring here in that the real issue, which is what
12 Mr. Edwards was discussing and what the D.C.
13 Council is asking for is to look at this process
14 holistically and really come up with the right
15 answer. The sense that you're giving me and, I
16 think, a number of the people in the room is that
17 you're looking to come up with the answer that CSX
18 wants you to come up with, which is why they hired
19 the people that drafted the Environmental Impact
20 Study.

21 And, frankly, the whole time it's been
22 missing any really rigid accountability for how

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1 you--your two organizations, not anybody else at
2 the table, are going to ensure that the residents
3 and the business community are looked out for in
4 the District as this process is going through,
5 both during construction and after construction.
6 There's a lot of discussion of, well, we'll do
7 things and we'll do stuff, and you can go talk to
8 CSX and they'll make things better, but that's
9 your job.

10 If we're forced to interact individually
11 with CSX, then there's nobody looking out for us
12 and that's an opportunity, and that's something that
13 we've been asking you to do this entire time. I
14 have asked you to do them in my public comments
15 and you have done nothing about, in the process.
16 Nothing concrete.

17 MR. PLANO: Faisal, do you want to
18 answer the question?

19 MR. HAMEED: I don't remember every comment,
20 but in terms of Steve or somebody else answering
21 the questions; the DDOTs, the Federal Highway, and
22 actually a lot of federal agencies. For NEPA

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1 documents it is usually outsourced. You hire a
2 consultant and the consultants do all the detailed
3 work. We provide oversight. It's a very common
4 practice to have a facilitator for your public
5 meetings. It's a very common practice to have one
6 of the NEPA leads lead the conversation and
7 presentation.

8 It is actually--

9 MR. SKIDMORE: So did you hire the
10 consultant?

11 MR. HAMEED: We did not hire the
12 consultant because we did not pay for the project.
13 If it were a DDOT project, we would have hired a
14 consultant. If you come to our other NEPA
15 document meetings you would see that. It is
16 always outsourced. We do not have the resources.
17 We do not have the workforce to do all of that
18 work in-house.

19 NEPA is not about writing text. It's
20 about a lot of analysis, a lot of engineering
21 details, a lot of scientific details. You need to
22 have subject matter experts. Actually, it's not

1 just PB, not just one firm. They have a number of
2 subs. They have technical experts, professional
3 staff as subs and within the organization, which
4 actually helps us develop that document. Even
5 though the text is in the body of the document--

6 MR. SKIDMORE: They sent people to our
7 community meetings to listen to what we were
8 talking about and how we were organizing.

9 MR. HAMEED: I mean, you definitely have
10 your opinions, but if you look at the document
11 it's over 700 pages of responses to the comments.
12 I can understand that you feel like your comments
13 are not answered. But for the past two years, our
14 agencies have worked really hard. We have come to
15 these meetings, we have listened, we have a set of
16 mitigations which a lot of people have said they
17 were not there in the beginning.

18 The alternatives that were moved forward
19 were not there in the beginning.

20 So we have listened. We have worked
21 really hard I mean, I'm saying that very
22 passionately because that's what we did. I can

1 understand you have concerns. I totally
2 understand that. It's a big project. It's going
3 to affect the community. But in terms of keeping
4 the integrity of the process, the agency has
5 worked really hard. And I am responsible to the
6 agency to make that sure the integrity is there.
7 And I take that personally. I have worked really
8 hard to do that.

9 I mean, of course I'm probably not going
10 to be able to change your opinion. But however, I
11 want to make that statement very clear. The
12 agency took it very seriously and we have worked
13 really hard to make it work.

14 MR. HICKS: You know, you and the other
15 gentleman that made a statement earlier about,
16 well, we should be standing here making it--the
17 problem seems to be one of perception. You seem to
18 think that well, if we're standing and making a
19 presentation that it means we're more involved and
20 we have more ownership and nothing could be
21 further from the truth.

22 I mean, I have generated volumes of

1 comments based on the technical studies presented
2 to us. That they didn't develop the draft
3 document, the agencies did. The Federal Highway
4 did. We have Federal Highway specialists that
5 were also involved in reviewing the document.

6 We are involved. It isn't a CSX
7 document by any stretch of the imagination.
8 Believe me.

9 I mean, you have no idea what's
10 happening behind the scenes. Again, it's a
11 problem of perception. You have an opinion, I
12 respect that. But again, it's an expressed
13 opinion that has no merit in terms of what's
14 actually has taken place. It's just a problem of
15 perception and there's nothing that I can do about
16 that.

17 MR. SKIDMORE: So the community's
18 opinion has no merit?

19 MR. HICKS: I didn't say that. I said
20 your opinion has no merit in the sense that you're
21 saying that we don't have ownership of this
22 process. We have ownership of the process, very

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1 much.

2 Simply because someone else is standing
3 here mediating this or moderating it, that means
4 nothing. It just means they're moderating it.
5 But we own the process.

6 MR. SKIDMORE: So why didn't DDOT make
7 it to the Council hearing?

8 MR. HICKS: And you said something else-
9 -I had--this Council hearing that you just
10 mentioned, that you said Federal Highway wasn't
11 present at. I don't know what that was. I was
12 never invited to it.

13 Had I been invited, I would've shown up.
14 If they needed me there. Okay? So again, that's
15 a misconception.

16 MR. UNDELAND: We're going to need to
17 call the next speaker. I'm sorry.

18 MR. SKIDMORE: Can you answer why the
19 NEPA process prevented CSX from giving any facts
20 about the project?

21 MR. HICKS: I don't know what you're
22 talking about.

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1 MR. HAMEED: Yeah, we don't know what
2 facts were not answered and why NEPA prevented
3 those--

4 MR. SKIDMORE: Wasn't it you Mr. Flippin
5 that said that in a D.C. Council hearing?

6 MR. FLIPPIN: It was not me.

7 MR. DOBSON: I would like to respond to
8 that. Mr. Skidmore, I'm Chip Dobson, I'm with
9 CSX. I was one of the people from CSX that was at
10 Chairman Mendelson's hearing on April 30th of this
11 year and one of the people doing the responses.

12 If you review the transcript or the
13 tapes, which I know are publicly available, CSX
14 between Louis Renjel, Stephen Flippin, and myself
15 responded robustly to many of the questions that
16 were asked. Understandably, some of the
17 questions--this was April 30th. Okay? The FEIS
18 had not been released. The FEIS was released in
19 the middle of June, June 13th, I believe.

20 The FEIS identified the preferred
21 alternative and a number of other things. Quite
22 frankly, a number of the questions dealt with

1 issues specific to things that were addressed in
2 the FEIS.

3 There were things that were either those
4 of us out there--because the FEIS had not been
5 approved, okay, the facts were not established and
6 it was not CSX's part to speculate on what future
7 actions DDOT or the Federal Highway may take in
8 terms of what was included in the FEIS. What the
9 FEIS said and things that would be determined.

10 So yes, it was not appropriate for us to
11 speculate on things that were either not
12 releasable or were not known to us or were not CSX
13 issues.

14 You made another comment about people
15 not being able to talk about the facts. That is
16 not true. However, this is a process- driven
17 thing that's going on. So the idea is that when
18 we have meetings, when we put out information,
19 okay. That they are publicly announced. They are
20 done in an open forum so that everybody has
21 access. So that we don't have people going off
22 and having side meetings and doing things like

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1 that. And yes, that can be frustrating. Okay.

2 It is an issue to control the process
3 and it is not a case where facts can't be put out.

4 MR. UNDELAND: I've got to cut you off
5 here. We've had a long discourse on this and you
6 have expressed your opinion. We're going to need
7 to move on. We're not going to be able to get to
8 all the speakers because the program has gone
9 long, but I need to call James McPhillips, please.

10 MR. McPHILLIPS: My name is James
11 McPhillips. M-C-P-H-I-L-L-I-P-S.

12 I wanted to ask a question that follows
13 up on Mr. Skidmore, but before I do it wanted to
14 clarify a few things that I heard. Particularly,
15 following up on Mr. Edwards' comments and
16 something that Mr. Flippin said.

17 He said that VRE has endorsed the
18 Virginia Avenue Tunnel Project. So, when I am
19 looking at the VRE comments to this particular
20 project and they say that while--they say that due
21 to the shared freight-passenger rail use in the
22 CSX rail corridor, increases in freight volumes

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1 may adversely affect existing and future passenger
2 rail operations due to increased interference
3 between freight and passenger train operations.

4 And they go on to say this has not been evaluated
5 or documented.

6 So, I'm not actually asking you a
7 question so I'm just clarifying on the record that
8 you had a misstatement earlier.

9 MR. FLIPPIN: What I said is accurate.

10 MR. McPHILLIPS: Well, I just want to--

11 MR. FLIPPIN: VRE has endorsed the
12 project.

13 MR. McPHILLIPS: Not in their comments
14 to this particular project. Their comments to
15 you--

16 MR. FLIPPIN: In their comments to the
17 DEIS--

18 MR. McPHILLIPS: --were that this has a
19 problem for them and they have not endorsed it.

20 MR. FLIPPIN: --which talked about
21 alternatives not--

22 MR. McPHILLIPS: So it's not a question,

1 that's just a comment.

2 Yeah, is that you've painted also a
3 picture that there's this impending panic of doom
4 if you don't do this right now. And therefore,
5 you can't wait for a comprehensive rail study. You
6 cannot wait to get this right and the look at
7 reasonable alternatives and go through the process
8 in a meaningful way because you paint this picture
9 of doom.

10 Yet, in the FEIS you also, in three or
11 four different places, say that the evidence does
12 not suggest there's an immediate danger that any
13 section of tunnel will collapse. You also say
14 there's at least a few decades of usable life
15 left. That's plenty of time to get a
16 comprehensive rail study done and look at all of
17 the reasonable alternatives and make sure that
18 this is done right.

19 So, those are just some comments to
20 clarify some misstatements that you made earlier.

21 So, I want to talk about the process
22 again, that Mr. Skidmore was talking about and how

1 this is been a broken process and Mr. Hicks and
2 Dr. Hameed you are saying that you take ownership
3 over this process. That the scary thing though is
4 the comment you made earlier, Mr. Hicks about the
5 fact that this-- and actually, you both made this
6 comment, that the current alternative three is
7 some new thing that you guys came up with. It's a
8 hybrid that takes everyone's comments into
9 consideration.

10 This was your concept five from the very
11 beginning. And so, in fact, this was your concept
12 that DDOT approved essentially in 2010 before any
13 data had been analyzed or any environmental review
14 had occurred.

15 So, you have it taken into consideration
16 our views. You haven't looked at our comments and
17 incorporated them. You had--CSX had a plan from
18 the beginning that DDOT went along with. They
19 approved it in 2010 and they said they were going
20 to expedite approvals up to the federal
21 government. They were going to apply for their
22 Tiger grants for them. And they outline the

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1 right-of-way that they needed before any of the
2 process; any of the documents had been looked at.
3 And then, you've gone along check the boxes, held
4 these meetings, you have these PowerPoints, give
5 us the same lectures, don't listen to our
6 comments, and you're just trying to get to the end
7 so you can check the last box and let CSX do what
8 they want.

9 And so, my question is specifically for
10 Dr. Hameed and when you are saying that DDOT has
11 no role in this process. And that's scary because
12 you keep deferring to the federal government as if
13 DDOT--so why are you even here? Why are you here
14 if DDOT and the District as no role?

15 MR. HAMEED: Okay, so I will come back
16 to your last question.

17 MR. McPHILLIPS: Sure.

18 MR. HAMEED: First of all, your comment
19 about VRE that was at the draft EIS stage,
20 actually on July 3rd, VRE did write a letter to us
21 on the project in which they stated, "We are
22 pleased to see the FEIS addresses the concerns

1 leading to commitments to maintain the same level
2 of railway service."

3 And actually, that letter will be part
4 of the official record. So it will be released.

5 And they also say, "While the tunnel
6 project would not be used by VRE, the additional
7 tracks resulting from the preferred alternative
8 will greatly improve fluidity on the part of the
9 railroad we do use. The enhanced operational
10 flexibility created by the project will help VRE's
11 current service, as well as support our expansion
12 plans."

13 So what Steve said, I'm not defending
14 him, but actually there was a letter. There is a
15 new letter signed by VRE which endorses that.

16 MR. McPHILLIPS: Sir, this is part of
17 the process--

18 MR. HAMEED: Let me answer all of your
19 questions.

20 MR. McPHILLIPS: This is something that
21 you withheld until now, that you're just now
22 bringing out. You're not going to publish it

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1 until the end.

2 MR. UNDELAND: It was just issued.

3 MR. HAMEED: We just received it. So
4 I'm trying not to argue. I'm just trying to
5 answer your questions if you would let me answer
6 the questions, then we can you know, you can ask
7 questions.

8 MR. McPHILLIPS: Please.

9 MR. HAMEED: In terms of the alternative
10 that you said was created a long time ago and DDOT
11 agreed to it. Actually 2010, the proposal that
12 was sent by CSX and was taken to the community, if
13 you remember that, actually that was a temporary
14 runaround track.

15 The preferred alternative was nowhere in
16 existence at that point. It was not until the
17 NEPA process was initiated and then, we went
18 through the scoping process and then we developed
19 alternatives, that this alternative was developed.
20 So, you were right it was in the EIS.

21 However, you're not correct when you
22 state it was created in 2010.

1 That alternative was a temporary
2 runaround track. And as we stated during the
3 scoping process, we heard a lot of concerns about
4 having trains running in an open trench. There
5 were safety concerns. There were noise concerns.
6 There were a number of concerns.

7 So, based on that the alternative that
8 was created was to somehow close that trench and
9 actually have a tunnel where the trains will only
10 operate when it's closed and that's how it was
11 created.

12 In terms of the integrity of the
13 process--let me answer all of your questions, one
14 by one.

15 MR. McPHILLIPS: Sure.

16 MR. HAMEED: I think I've said that
17 before. Mike has said that before. You only see
18 us come to these public meetings and answer
19 questions. However, there is a lot of work that
20 goes behind the scenes. Everything that we get,
21 gets reviewed multiple times. The amount of time
22 my team and I have spent in terms of evenings and

1 weekends over this project to make sure that
2 everything meets our standards and federal
3 regulations, I wish you could see that. It's been
4 almost three years that we have been working on
5 this project.

6 In terms of DDOT, DDOT has no role in
7 the process. I've never stated that, either today
8 or throughout the process. DDOT has a role.

9 What Mike was alluding to in the Record
10 of Decision, technically it is a federal document.
11 It has to be done by the Federal Highway
12 Administration. That's what Mike was referring
13 to.

14 So it is a federal decision, however
15 throughout the process we had a role; we are the
16 agency which has the right-of-way. And from our
17 part, and not only re-reviewed every part of the
18 document and made sure that everything was
19 according to the standards and these are the
20 national standards, by the way. These are not
21 something that DDOT arbitrarily created. That
22 those are met before they even got to Federal

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1 Highway and then Federal Highway reviewed them on
2 their own part through their own technical
3 experts.

4 So the integrity of the process was met,
5 was preserved at every step of the way.

6 I mean, I know we are telling you this.
7 You're probably not going to be convinced, but
8 from our perspective, from everything we could do
9 it was preserved.

10 MR. McPHILLIPS: So just to be clear,
11 you're saying that DDOT does not have a role in
12 the final decision of this.

13 MR. HAMEED: What I'm stating is the
14 Record of Decision, NEPA is a federal process.
15 Ultimately, the Record of Decision is issued by
16 the federal agency.

17 MR. McPHILLIPS: It's purely Federal
18 Highway is making the decision.

19 I'm just asking, I'm not getting a
20 straight answer.

21 MR. HICKS: Right, this is the answer.
22 This is what I said to Maureen when she brought up

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1 the MOA. And I said, the MOA is not part of the
2 federal decision. That was an MOA between DDOT
3 and CSX, we don't consider that in our decision.
4 Okay.

5 That's not part of the federal decision
6 that will come out of this at the end of this
7 process.

8 MR. McPHILLIPS: I heard that. But--
9 so, you're saying that the decision solely lies
10 with the Federal Highway.

11 MR. HICKS: It's a federal decision.
12 It's a federal approval. That approval is a
13 federal action.

14 MR. McPHILLIPS: So DDOT has no role in
15 a record of decision and no role in making a final
16 decision?

17 MR. HICKS: DDOT owns the facilities.
18 DDOT owns Virginia Avenue. Their interest is
19 incorporated into the document as well. I mean,
20 again, I'm saying if we didn't do it and involve
21 their interests as well as ours we'd have two
22 separate processes going on here. We'd have DDOT

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1 doing the local process and the federal government
2 doing the federal process.

3 MR. McPHILLIPS: Right. So if I could
4 just ask Dr. Hameed--

5 MR. UNDELAND: Last question.

6 MR. McPHILLIPS: There's no role,
7 there's no decision coming from DDOT on this?

8 MR. HAMEED: So again, yeah, in terms of
9 NEPA, the way the Federal Highway Administration
10 works and the regulations work in terms of the EIS
11 process, the draft EIS is actually signed by us as
12 well as by the Federal Highway Administration. It
13 is purely, by law, it's a federal process.
14 However, federal regulations allow the DOT to
15 participate and work--if it were a DOT-funded
16 project, we would have created everything and
17 still have it approved before it goes to Federal
18 Highway. The same thing happened with the FEIS,
19 that's why on both documents you see signatures
20 from both our director and from the Federal
21 Highway.

22 MR. McPHILLIPS: So when DDOT--

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1 MR. HAMEED: Let me answer your
2 question.

3 And then, however, at Record of Decision
4 stage it is purely a federal decision. It is only
5 signed by the Federal Highway Administration in
6 this case. So Mike is right and stated it
7 correctly, it is a federal action. At the end the
8 Record of Decision states it is a Federal Highway
9 decision.

10 MR. UNDELAND: Okay, the question-- I'm
11 sorry, the question has been answered--

12 MR. McPHILLIPS: I was trying to ask a
13 question--

14 MR. UNDELAND: --very explicitly.

15 MR. McPHILLIPS: No, it wasn't--

16 MR. UNDELAND: The Record of Decision is
17 ultimately a federal decision.

18 MR. McPHILLIPS: Dr. Hameed said, about
19 in 2010 the fact that--so, a follow-up question on
20 your comments about what happened in 2010 with the
21 plans. You said that there was a runaround trench
22 and that what we've ended up with is slightly

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1 different.

2 So beginning in 2010 it was only
3 contemplated that there would be a reconstruction
4 of the tunnel?

5 MR. HAMEED: In 2010, actually, I
6 believe it was a little earlier than that, that
7 CSX started working on the National Gateway
8 initiative. So it went for the TIGER grant and it
9 was partially funded through the TIGER grant by
10 the U.S. DOT. So there was--

11 MR. McPHILLIPS: So the analysis was
12 only really looking at the reconstruction of the
13 tunnel and that's what was seriously considered
14 from the very beginning?

15 MR. HAMEED: Nobody stated that. It was
16 always the plan--there was always a plan--

17 MR. McPHILLIPS: That you agreed to
18 provide for them in 2010, not you DDOT.

19 MR. HAMEED: DDOT agreed to work with
20 CSX, because it's an entity just like you, if
21 you're building a house--

22 MR. McPHILLIPS: Right.

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1 MR. HAMEED: --will come and ask us for
2 a permit, we'll work with you. We're not going to
3 say flat out no way.

4 So it was only an agreement to work with
5 the entity. And again, like I stated, at that
6 point none of this--all of these detailed analysis
7 was later. So, it was a very different plan. If
8 you remember that's what I was stating. It was an
9 open trench. It was a reconstruction of the
10 existing tunnel, but probably an open trench.
11 That was the only--

12 MR. McPHILLIPS: So from the beginning,
13 throughout the process you were looking at
14 reconstructing the tunnel is what CSX wanted and
15 that's what DDOT was going along with to say,
16 that's, you know, reconstructing the tunnel is the
17 goal. And we're going to enter into an agreement
18 to allow you to reconstruct the tunnel and then we
19 will analyze the EIS so that you can reconstruct
20 the tunnel.

21 MR. HAMEED: So, if I follow your logic
22 we could have issued and started construction in

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1 2010. But here we are four years later going
2 through the process, going through all of these
3 public meetings and putting these analyses
4 together.

5 MR. McPHILLIPS: But you were legally
6 bound to expedite approval to allow them to
7 reconstruct the tunnel.

8 MR. HAMEED: We agreed to expedite the
9 review process.

10 MR. McPHILLIPS: Right.

11 MR. HAMEED: And I don't see how to
12 answer a question.

13 MR. UNDELAND: Folks, we're an hour--

14 MR. HAMEED: We agreed to work with
15 someone.

16 MR. UNDELAND: I think we've answered
17 the question to the best of our ability. You
18 might not like the answer. Clearly, you don't.
19 But we're going to need to move on. We've got one
20 more--we're going to make time for one more
21 speaker. We're more than an hour late.

22 MR. McPHILLIPS: I think Mr. Hicks was

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1 just going to make one last comment.

2 MR. HICKS: Yeah. Here's the last
3 comment Mr. McPhillips.

4 Because you say a thing and because you
5 believe a thing, doesn't make that thing true.
6 Okay. Just simply because you say it and because
7 you perceive it to be a certain way, it doesn't
8 make it true.

9 MR. McPHILLIPS: That would be the case
10 if I weren't actually reading contractually
11 binding agreements between DDOT and CSX. I mean,
12 this is factual, legal documents that I'm reading.
13 I'm not making this up.

14 MR. UNDELAND: And the question has been
15 answered to the best of ability. If it's not
16 satisfactory to you, we regret that.

17 MR. McPHILLIPS: Okay, [unintelligible].

18 MR. UNDELAND: I'm going to call Claire
19 Schaefer and she will be the final speaker of the
20 night. Thank you.

21 MS. SCHAEFER: Hello

22 MS. SCHAEFER: Hello, my name is Claire

1 Schaefer, S-C-H-A-E-F-E-R.

2 I am sure you guys have done quite a bit
3 of work and what I think many of my neighbors are
4 bringing up are holes that we still see, that we
5 want to find solutions to and answers to.

6 I'm going to bring up five different
7 areas so you can kind of just going to go through
8 them afterwards.

9 The first one, in the comments Steve
10 Plano made about rerouting. He specifically said
11 that it is constrained to do temporary or
12 permanent rerouting. What I would like to see and
13 I'm going to ask you, will you release the
14 analysis that's been done. The cost and benefit.
15 What would be the impact of a temporary reroute?
16 What's the cost of that to CSX compared to the
17 cost that we're looking at? What's the time
18 change? If you were able to temporarily reroute,
19 how could that decrease the construction amount of
20 time that's going on so we could get this project
21 done faster?

22 Secondly, \$500 is an inadequate amount

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1 for inconvenience; \$500 will not replace the
2 windows in someone's house. It will not pay for
3 another parking space. Whatever inconvenience you
4 may have imagined, \$500 will not cover that
5 amount.

6 You guys need to go back and be much
7 more reasonable about the impact this is having on
8 us and that it needs to be a much larger amount of
9 money to anywhere near the compensation level.

10 In addition to that, nowhere in this
11 document is there a contingency plan for when or
12 if construction becomes unbearable and unlivable
13 for us. For my family, my husband works at home.
14 If there are jackhammers which Google just told me
15 is at the 125 decibel level, which you just said
16 is over the 65 decibel level, I have a hard time
17 believing he will be continuing to work at home.

18 In addition, when my baby is born and
19 needs to nap, I have a hard time imagining that my
20 child will be able to stay in our home during your
21 7 a.m. to 7 p.m. construction time period. In the
22 document there needs to be the contingency plan.

1 And what it's missing is temporary
2 relocation. You talk about living through this
3 for \$500 or are you talking about forcing someone
4 out of their home? I love this neighborhood that I
5 live in and I would like to continue living there,
6 but I may not be able to do that during this
7 construction project. And I would like to see in
8 this document what is that plan for if and when
9 that happens.

10 Connected to that, and the reason I
11 bring this up, is when you talk about some of the
12 areas of mitigation there's not enough
13 accountability. There are statements like we will
14 mitigate, "where feasible." Page 39 for instance.

15 This is an empty promise to us as
16 residents. When we hear you saying "We will
17 rectify this, we will make this better," that's
18 what we want to see it in the document. We don't
19 want to see where feasible we will do things.

20 One last item is the bike path that you
21 mentioned. Bike paths are great, I support bike
22 paths. On our sidewalk we do not want a shared

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1 bike path. Our residents use the sidewalk for
2 walking our dogs, talking with our neighbors, and
3 children running along there and playing every
4 single day. If you're going to do a bike path, it
5 needs to be separated and segregated from the
6 sidewalk. Find a way to put it in the street.
7 Find a way keep it separate. As well as we have
8 brick sidewalks today and all of your renderings
9 are showing concrete sidewalks. So there's things
10 like this, too, attention to detail that makes us
11 question your attention to what we've been saying.

12 Thank you.

13 MR. HAMEED: I can answer the last
14 question and then we can go. The bike path
15 actually is separate--

16 MS. SCHAEFER: Not in the 300 block,
17 it's not.

18 MR. HAMEED: So, we also need to--

19 MS. SCHAEFER: That's where I live sir,
20 and there's where it needs to be separated.

21 MR. HAMEED: We also need to work with
22 the right-of-way.

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1 MS. SCHAEFER: So figure out a way to do
2 it. If you're going to put back the conditions as
3 what they are today, do it. That is actually a
4 negative impact is

5 MR. HAMEED: So like I said, for the
6 majority of the project is separated. There was
7 no bike path. So we have to balance, you know,
8 the needs of everyone and that was the
9 recommendation--

10 MS. SCHAEFER: If you'd like me to--
11 okay. So if you would like us to start advocating
12 as a community for this, we will do this, but it
13 is incredibly important to us that we get back the
14 sidewalk that we have today.

15 MR. HAMEED: Sure, we can look into
16 that.

17 SPEAKER: [Off microphone.]

18 MR. PLANO: Can I answer her questions
19 please?

20 MR. HOWARD: Have you all been to the
21 300 block?

22 MR. PLANO: Yes.

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1 MR. HOWARD: I just want to make sure
2 you've all been there.

3 MR. PLANO: Yes.

4 MR. HAMEED: Actually, some of you took
5 pictures of us being there and came and talked to
6 us, too while we were there.

7 SPEAKER: Because you were on our
8 property when you shouldn't have been.

9 MR. PLANO: Let me work in reverse
10 order. I counted six Ms. Schaefer, but--

11 MS. SCHAEFER: There were six.

12 MR. PLANO: There may have been an A and
13 a B in there.

14 The last would be the first one that you
15 brought up about the number of trains and I did
16 say it was constrained and I think I'll let CSX
17 answer that because they have experience in that
18 from past situations. But, the bike path I think
19 Faisal's answer is correct. We will continue to
20 work with you. We understand that. We are trying
21 to balance the right-of-way with the overall needs
22 of the community. A bike path is generally

1 perceived as a positive, but we understand your
2 concern right there in the specific right-of-way
3 situation.

4 The mitigation accountability.
5 Mitigation accountability from a process
6 standpoint; once we put mitigation elements in the
7 Record of Decision, that is a legally binding
8 document. Those will be done.

9 MS. SCHAEFER: So there will be no
10 "where feasible" in the Record of Decision?

11 MR. HICKS: Well, you know, you say it
12 that--it lacks content. I don't know what else--

13 MS. SCHAEFER: This was about the air
14 quality. It says that there will be mitigation
15 where feasible. It's page 39.

16 MR. PLANO: Right, there are specific
17 mitigation measures under air and noise and
18 vibration. There are also those things that we
19 would like to do and we will try to do those in
20 specific areas. Some areas, some blocks we may
21 not be able to do it some times a day, we may not
22 be able to do. It wasn't meant to be kind of a

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1 general statement. It was meant--there are cases
2 where we might not be able to do that right in
3 front of that house at that particular time and it
4 may not be necessary.

5 So, we try to do a full menu.

6 MS. SCHAEFER: And then what happens?
7 How is it been mitigated?

8 MR. PLANO: If there's no mitigation
9 needed, there won't be any mitigation. We are
10 trying to put extra mitigation in is what I'm
11 getting to.

12 SPEAKER: Who determines whether or not
13 mitigation is needed? Who determines that?

14 MR. PLANO: Can I continue with--

15 SPEAKER: Well, answer who determines--

16 MR. PLANO: The mitigation, Mike talked
17 about that earlier. Sure. On air quality there's
18 National Ambient Air Quality Standards and in the
19 document we talk about where mitigation is
20 required. We talk about where mitigation is
21 required for noise and vibration. For noise and
22 vibration we talk about there is no mitigation

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1 required from a permanent standpoint.

2 MR. HICKS: Anytime there's an impact, a
3 mitigation is required. And the mitigation,
4 that's either minimize it, replace it, replicate,
5 avoid or compensate. It has to do with one of
6 those five things.

7 MS. SCHAEFER: So we'd like to see that
8 in the language of the document.

9 MR. PLANO: Okay, so in the Record of
10 Decision, as I mentioned the mitigation measures
11 will be in a legally binding document. That's
12 what the ROD is about.

13 And then, there's compliance, which you
14 didn't bring up but it is important to comply with
15 it. And those measures that we're talking about,
16 those monitoring programs are critical. We will
17 be out there monitoring.

18 The fourth item I had was temporary
19 relocation; we're hearing that tonight for the
20 first time.

21 MS. SCHAEFER: I submitted that in my
22 comments.

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1 [Multiple speakers overlapping.]

2 MR. PLANO: In a public forum, I'm
3 hearing that for the first time.

4 MS. SCHAEFER: Okay.

5 SPEAKER: --environmental impact
6 comments--

7 SPEAKER: [Off microphone.]

8 MR. PLANO: Okay, who am I answering
9 right now?

10 SPEAKER: The public.

11 MR. PLANO: Okay, okay.

12 So Ms. Schaefer, we will look into that.
13 We understand the \$500, which I think is one of
14 your comments is not enough, the \$500 per month.
15 We have looked into it to the best of our ability;
16 we'll take it back and look at it again.

17 You mentioned that there is no, I can't
18 remember the words you used about if it's
19 unlivable that there actually is something in our
20 document about that. There is a claims process
21 despite all of the residential property mitigation
22 and all the other mitigations that are proposed,

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1 there is still no preclusion of a claims process.

2 MS. SCHAEFER: So if I need to rent
3 another home, I then need to go through the claims
4 process with CSX to get reimbursed for that amount
5 of money?

6 MR. PLANO: Yes, that is mentioned in
7 the document.

8 MS. SCHAEFER: In the thousands of
9 dollars.

10 SPEAKER: Where is it?

11 MR. PLANO: I think that was the sixth.
12 Did I get all six?

13 MS. SCHAEFER: That did not come across,
14 so I'd recommend that you make that much more
15 clear.

16 MR. PLANO: Okay. That's a fair
17 comment. Thank you.

18 MS. SCHAEFER: I also believe that that
19 process is going to be very much stacked against
20 residents, because individually we're fighting
21 against the corporation.

22 MR. UNDELAND: Okay. Listen--

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1 MS. SCHAEFER: There was a question you
2 didn't answer, which will you release the cost and
3 benefit analysis about temporary rerouting? And I
4 don't need to hear the explanation of why it does
5 or does not work; I just want to know if you'll
6 release that information so we can see it.

7 MR. DOBSON: The analysis that was done
8 for rerouting, and rerouting defined broadly
9 including the tunnel underneath, temporary
10 rerouting through a combination of systems, was
11 done per the analysis is in the FEIS that was one
12 of the things it is an impact analysis based on
13 the factors that are in the document. It is based
14 on environment impacts. This is an environmental
15 impact study.

16 MS. SCHAEFER: Will you release the
17 impact in terms of decreased time of construction
18 if you could do both tunnels at the same time and
19 what it will cost CSX to reroute in terms of let's
20 say trackage rights with other railroads?

21 MR. DOBSON: I mean, the factors that
22 were looked at, you know, showed that the

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1 rerouting had significant impacts such that it was
2 not feasible to do.

3 MS. SCHAEFER: You looked at permanent
4 rerouting--

5 MR. DOBSON: It was not a matter of
6 reducing the time, what you're talking about is a
7 transfer of impacts or adding impacts in another
8 area.

9 MS. SCHAEFER: I'm not talking about
10 permanently building new tracks; I'm talking about
11 temporary rerouting.

12 MR. DOBSON: And what I'm telling you is
13 that temporary rerouting, the analysis is in the
14 document. It did not get to because the impacts
15 that were there, you know, precluded going in and
16 doing that. You know, quite frankly it's not a
17 matter of, well it takes this many months. Okay?

18 It did not get to that point because
19 there was not a viable reroute on any basis that
20 did not have significant impacts. So you can't do
21 the work, you know, if the rerouting is not going
22 to work in terms of the impacts that were

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1 evaluated, okay. It is not a fruitful exercise to
2 say, well, if we can't do this what would back get
3 us in the tunnel?

4 So the analysis is in the document. It's
5 in the FEIS. It's not a cost benefit analysis.

6 MS. SCHAEFER: All right. I'll submit
7 separate comments about that.

8 MR. DOBSON: It's an environmental
9 impact analysis and the details are there in terms
10 of the various things that are that.

11 One of the, and I forget the number, it
12 was a large number. It's in a large--red, yellow,
13 green graph. One of the factors to my
14 recollection was cost feasibility, but there are
15 other things in there and that the detail that was
16 done.

17 MS. SCHAEFER: There's quite a bit of
18 sharing between railroads, so I just want to go
19 through and really make sure I understand what
20 you're saying. There is no way that you could
21 possibly shift cargo to another rail line for a
22 temporary period of time to then decreased the

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1 amount of construction time period? That's what
2 you're telling me is in the document?

3 MR. DOBSON: That's correct.

4 MS. SCHAEFER: Okay.

5 MR. DOBSON: That was one of the things
6 that was addressed in the analysis that was done.
7 Both in the DEIS and then carried over into the
8 FEIS. That is a correct statement.

9 MR. UNDELAND: Folks, thank you say
10 much. That was--a lot of that question and that
11 discourse had to do with construction and that was
12 an appropriate one to end on, because the
13 conversation, the discussion obviously does not
14 end in this room.

15 Post-ROD, there will be a robust
16 community relations effort and when concerns come
17 up, you're going to be invited to be voicing them,
18 bringing things to the team's attention and every
19 effort will be made to address this.

20 So thank you for coming out. Thanks for
21 hanging in here for an hour and 20 minutes
22 overtime.

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1 Thank you much.

2 (Whereupon, at 9:19 p.m., the public

3 hearing concluded.)

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1 CERTIFICATE OF COURT REPORTER

2

3 I, CHRISTINE ALLEN, 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
7 the testimony of said witness was recorded by me
8 and thereafter reduced to typewriting under my
9 direction; that said deposition is a true record
10 of the testimony given by said witness; that I am
11 neither counsel for, related to, nor employed by
12 any of the parties to the action in which this
13 deposition was taken; and, further, that I am not
14 a relative or employee of any counsel or attorney
15 employed by the parties hereto, nor financially or
16 otherwise interested in the outcome of this
17 action.

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CHRISTINE ALLEN
Digital Reporter

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