



**C100 Appeals Denial of Motion for Preliminary Injunction
to the Federal Court of Appeals**

*Asks that Permitting and Construction of the
Virginia Avenue Tunnel be Stopped*

PRESS RELEASE
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Contact: Monte Edwards
monte.edwards@verizon.net
202/543-3504

The Committee of 100 on the Federal City continues its pursuit of a court order that would effectively stop the CSX tunnel expansion project under Virginia Avenue SE, in Washington, D.C. The Committee has appealed the District Court's denial of a Preliminary Injunction to the US Court of Appeals for the D.C. Circuit. The appeal includes an Emergency Motion to reverse the District Court's decision and suspend the effectiveness of the Environmental Impact Statement, thereby preventing construction of CSX's Virginia Avenue Tunnel until the Court can issue a decision on the merits of the case. The appeal argues that the District Court applied an overly strict standard to the Committee's claim that the outcome of the National Environmental Policy Act process was determined before the environmental analysis was concluded.

The Court's predetermination standard would permit an agency to enter into agreements and accept all manner of valuable inducements that lock it into a course of action. If allowed to stand, the District Court's decision would erode the integrity of the NEPA process because it seriously undermines the "hard look" required by the National Environmental Policy Act and implementing regulations.

Neither the District Court nor the Committee of 100 had access to the full record in the case, which consisted of over 130,000 pages, until April 23, 2015. The record contains persuasive evidence of improper predetermination that was not available to the District Court when it denied the Committee of 100's Motion for a Preliminary Motion on April 7, 2015. In its appeal, The Committee of 100 has now brought those improprieties to the attention of the Court of Appeals and is also seeking reconsideration from the District Court.

A pdf of the Emergency Motion is enclosed with this press release.

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