



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904



September 23, 2013

9043.1
ER 13/484

Faisal Hameed
Project Development and Environment Division
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Dear Mr. Hameed:

The Department of the Interior (Department) has reviewed the Virginia Avenue Tunnel Draft Environmental Impact Statement (DEIS) and draft Section 4(f) Evaluation and submits the following comments in accordance with provisions of the National Transportation Act of 1966, as amended 23 U.S.C. 138 and 49 U.S.C. 303, referred to as Section 4(f), and the applicable regulations at 23 C.F.R. 774, and other regulations and guidance.

The Department understands that the Federal Highway Administration (FHWA) in conjunction with the District of Columbia Department of Transportation (DDOT) has released a DEIS and draft Section 4(f) Evaluation for the proposed reconstruction of the Virginia Avenue Tunnel, which is owned by CSX Transportation, Inc. (CSX). The location of this proposal is in the Capitol Hill neighborhood of the District of Columbia (District) beneath eastbound Virginia Avenue SE from 2nd Street SE to 9th Street SE; Virginia Avenue Park between 9th and 11th Streets; and the 11th Street Bridge right-of-way.

CSX is seeking approval from FHWA because reconstruction of the tunnel would require the short-term (approximately a week or less) closure of ramps that connect to Interstate Highway 695 (I-695). CSX is also seeking approval from DDOT for the Project effects on I-695 and all roadways affected by construction, including Virginia Avenue SE. The reconstruction of the tunnel would require temporary closure of Virginia Avenue SE between 2nd and 9th Streets SE, as well as other interim effects on several adjacent city streets during construction.

The Project would transform the tunnel into a two-track configuration and provide the necessary vertical clearance (minimum 21 feet) to allow double-stack intermodal container freight train operations. This would allow more efficient freight movement, especially in light of expected increases in freight traffic. Reconstructing the tunnel to allow double-stack intermodal container freight trains would require lowering the grade below the rail line's New Jersey Avenue SE Overpass. The project is needed to address structural and operational deficiencies of Virginia Avenue Tunnel and increasing freight transportation demands.

As part of the DEIS and the draft Section 4(f) process, 12 preliminary concepts were developed. Following an evaluation of these concepts, nine failed to meet the Project's overall purpose and need, and were dismissed from further analysis. The three build alternatives going forward include:

Alternative 2 - Rebuilt Tunnel / Temporary Runaround Track - This Alternative involves rebuilding the existing Virginia Avenue Tunnel with two tracks. It would be rebuilt in generally the same location, except aligned approximately seven feet to the south of the existing tunnel centerline. During construction, freight trains would be temporarily routed through a protected open trench outside the existing tunnel on a runaround track aligned to the south and generally parallel to the existing tunnel, and would be located below street level.

Alternative 3 - Two New Tunnels - This Alternative involves replacing the existing Virginia Avenue Tunnel with two new permanent tunnels constructed sequentially. A new parallel south side tunnel would be built first as trains continue operating in the existing Virginia Avenue Tunnel. After the south side tunnel is completed, train operations would switch over to the new tunnel and the existing Virginia Avenue Tunnel would be demolished and rebuilt.

Alternative 4 - New Partitioned Tunnel / Online Rebuild - Alternative 4 would result in a new tunnel with two permanent tracks. Similar to Alternative 3, the new tunnel would be partitioned. It would be aligned approximately 17 feet south of the existing tunnel's centerline. The new tunnel would be built using protected open trench construction methods. The rebuild would occur 'online' meaning that during the period of construction, the protected open trench would accommodate both construction activities and train operations. Maintaining safe and reliable temporary train operations is a more complicated endeavor under Alternative 4 than under the other two Build Alternatives because of the online rebuild approach.

As stated in the DEIS and draft Section 4(f) Evaluation, all three of the build alternatives have approximately the same layout (i.e., they would cover approximately the same surface area during and after construction). In addition, upon completion of the rebuilt Virginia Avenue Tunnel, the surface of Virginia Avenue SE and other disturbed areas would be fully restored to the environmental conditions that existed prior to construction. Of the three build alternatives being considered, none was identified as being a preferred alternative in either the DEIS or the draft Section 4(f) Evaluation.

After review of the DEIS and the draft Section 4(f) Evaluation, the Department understands that, due to the current location of the tunnel, this project will result in either the permanent or temporary uses of Section 4(f) resources, which include:

The Virginia Avenue Tunnel - The Virginia Avenue Tunnel, which is owned by CSX, is eligible for the National Register of Historic Places (National Register) (Criteria A, C).

The L'Enfant Plan of Washington DC - The L'Enfant Plan of Washington, DC (L'Enfant Plan), which is listed on the National Register (Criteria A, B, and C), is a Baroque city plan with Beaux Arts modifications designed by Pierre L'Enfant (1792). The plan consists of regular orthogonal street grids with numerically and alphabetically designated streets, intersected by diagonal avenues. It also consists of historic and contemporary system of parks and medians. The 1901-02 McMillan Commission recommendations resulted in

physical changes to the L'Enfant Plan necessary for urban development. Virginia Avenue SE was identified as part of the L'Enfant Plan.

The Capitol Hill Historic District (CHHD) - The Project Area is located within a small portion in the southeast area of the Capitol Hill Historic District on the south side of I-695. Most of this historic district is located north of I-695. CHHD is listed on the National Register and is primarily a residential area with two to four-story row houses and small frame houses in a variety of architectural styles including Federal, Italianate, Greek revival, Queen Anne, Romanesque revival, and vernacular interpretations (Criteria A, C).

The Virginia Avenue Park - The Virginia Avenue Park, which is owned by the National Park Service (NPS) and is maintained and operated by the DC Department of Parks and Recreation (DPR), is a public recreational resource as well as a contributing historic resource to the L'Enfant Plan and the CHHD.

The Department agrees with the statements in both the DEIS and Draft Section 4(f) Evaluation that the Project would likely result in a determination of "adverse effect" under Section 106 of the National Historical Preservation Act (Section 106) due to the proposed demolition of the existing Virginia Avenue Tunnel, the temporary construction occupancy of Virginia Avenue SE and other streets noted in the L'Enfant Plan and within a contributing resource (Virginia Avenue Park) of the CHHD. We also note that since a Section 106 "adverse effect" is expected, mitigations would be developed in consultation with the DC SHPO and consulting parties in the preparation of a Memorandum of Agreement (MOA). The National Park Service (NPS) has been identified as one of the consulting parties and wishes to continue to provide input in this Section 106 effort and the overall planning process.

The DEIS and the draft Section 4(f) Evaluation both need to provide more detail regarding the measurement of the Limits of Disturbance (LOD). Reservation 122, which is a small grassed triangle under NPS jurisdiction located between 4th and 5th Streets SE and Virginia Avenue SE and I Street SE, seems to fall within the LOD for this project. In addition, the NPS maintains an easement that protects the view corridors of K Street SE and Virginia Avenue SE, between 6th and 7th Streets SE; and the view corridor of 6th Street SE, between Virginia Avenue and L Street SE. As directed by the covenants attached to a transfer of jurisdiction agreement (Reservation 124, 2002), these view corridors shall remain free of buildings or structures of any kind. There is no mention of these properties within either the DEIS or draft Section 4(f) Evaluation. Ownership and site restrictions of these parcels should be acknowledged and the impacts assessed in both the DEIS and draft Section 4(f) Evaluation.

With regard to the draft Section 4(f) Evaluation, the Department understands no feasible and prudent alternatives that avoided the use of Section 4(f) properties were identified and that those build alternatives carried forward seem to have somewhat equal impacts to Section 4(f) properties. As a result, DDOT has not selected a feasible and prudent alternative, as defined in 23 CFR 774.17, to the "use" of land from the Virginia Avenue Tunnel, and the temporary occupancy of the L'Enfant Plan, Capitol Hill Historic District, and Virginia Avenue Park.

Since the draft Section 4(f) Evaluation did not identify any feasible and prudent alternatives that avoids the use of Section 4(f) properties, DDOT, FHWA, and CSX must continue its planning process, as defined in 23 CFR 774.17 to minimize harm. The information gathered through continued planning as part of the Project's Section 106 consultation process and other related Section 4(f) coordination activities will help inform the Section 4(f) Evaluation and guide the

selection of the alternative that minimizes harm to the Virginia Avenue Tunnel, the L'Enfant Plan, the CHHD, and Virginia Avenue Park.

Finally, we appreciate knowing that CSX is committed to improving the function and appearance of Virginia Avenue SE and providing additional amenities at Virginia Avenue Park as part of the Project as a community benefit. However, at this point, the Department has no comment on the proposal since no preferred alternative has been identified. These comments represent an indication of the Departments' thoughts regarding the findings of the DEIS and draft Section 4(f) properties information and involvements, but concurrence or non-concurrence by the Department requires more information on alternatives, mitigation and minimization. The Department looks forward to continued coordination with this effort.

For continued coordination with NPS, please contact David Hayes, Regional Planner and Transportation Liaison at 1100 Ohio Drive SW, Washington DC, 20242. Mr. Hayes can be reached by phone at (202) 619-7277 or email David_Hayes@nps.gov. We appreciate the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindy Nelson", with a long horizontal flourish extending to the right.

Lindy Nelson
Regional Environmental Officer

cc:

FHWA - Michael Hicks (Michael.Hicks@dot.gov)

FHWA - Lavinia M. Thomas (Lavinia.Thomas@fhwa.dot.gov)

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