



## **Supplemental Comments Requesting a Revised Draft Environmental Impact Statement**

Regarding

### **Reconstruction of the Virginia Avenue Tunnel**

February 27, 2014

The Committee of 100 on the Federal City<sup>1</sup> offers the following comments<sup>2</sup> to explain the need for a revised Draft Environmental Impact Statement and a revised Appendix B to that Statement pursuant to 40 C.F.R. § 1502.9(a).

The DEIS retained only three options for further investigation in the Final Environmental Impact Statement, all of which involve rebuilding a larger tunnel at, or adjacent to, the present location and continuing to run trains through that area while construction takes place (DEIS, page 3-27). This narrow range of alternatives was based on the erroneous premise that there are no feasible options to reroute CSX trains away from the Virginia Avenue Tunnel either on a permanent basis (that would avoid having to rebuild the tunnel) or on a temporary basis (while the tunnel is being reconstructed).

The facts that were relied on in reaching that conclusion<sup>3</sup> are just plain wrong. They do not reflect the current condition of those tracks, but rather, the conditions that existed in

---

<sup>1</sup> The Committee of 100 on the Federal City is a 90-year-old nonprofit organization dedicated to safeguarding and advancing Washington's historic distinction, natural beauty and overall livability, advocating for responsible planning and land use in Washington, D.C. Our work is guided by the values inherited from the L'Enfant Plan (1791–92) and the McMillan Commission (1901–02), while responding to the challenges, needs and opportunities of the 21st century city.

<sup>2</sup> These comments are supplemental to the Committee of 100 comments submitted September 25, 2013 in response to the Draft Environmental Impact Statement and the comments submitted February 11, 2014 in response to the "January 2014" Draft Memorandum of Agreement related to Section 106.

<sup>3</sup> See Appendix B, "Concepts Evaluation Technical Report," for the DEIS's analysis of why rerouting traffic onto Norfolk Southern's tracks is not a viable option.

2005.<sup>4</sup> Track upgrades, completed in 2010 as part of the Crescent Corridor Phase 1 Project, have eliminated the obstacles cited in the DEIS. These upgrades were not considered in the alternative routing analysis. The DEIS also misrepresented the difficulty of getting access to those tracks.<sup>5</sup>

The DEIS identified operational problems that would preclude the use of Norfolk Southern tracks as an alternative route: constrained capacity, single, rather than double tracking, limited sidings, sharp curves and speed limitations. However, all of those problems were eliminated by the 2010 capacity improvements that allowed the NS tracks to handle more trains at higher speeds.<sup>6</sup>

Under the standard articulated in 40 C.F.R. §1502.9 (a), when a “draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” The errors and omissions highlighted in this comment, and the resultant inadequate analysis contained in the DEIS, require the preparation of a revised Draft Environmental Impact Statement.

#### **A. Appendix B Contains Erroneous Information**

The misinformation contained in Appendix B to the DEIS describes the three “build” alternatives for rebuilding the Virginia Avenue Tunnel and discusses temporary rerouting of CSX trains during construction of the enlarged replacement tunnel. Page 14 of Appendix B describes the alleged problems with rerouting CSX trains using Norfolk Southern tracks:

Norfolk Southern (NS) I-83 [sic] Hagerstown Route – Another possible bypass route involves using the NS I-83 (Inland Corridor) Route that traverses the Shenandoah Valley from Charlotte NC through Roanoke VA, Hagerstown MD (a traditional rail interchange point) and on to Harrisburg PA. Beyond Harrisburg PA, a number of NS routes are available that enable access to the Conrail service area in New Jersey. Given that this route would be a non-CSX route, train movement and track sharing would have to be negotiated before any CSX trains could use it. These agreements would have to address such items as train dispatch priorities, track usage costs, and liability. Generally, with these arrangements, the home railroad company (in this case NS) maintains absolute control of dispatching and the guest railroad trains (CSX) are run as the opportunity permits. Although rerouting is a common railroad practice under emergency conditions that are

---

<sup>4</sup> The description contained in Appendix B matches the pre-2005 condition described in the 2005 Tier I Draft Environmental Impact Statement: *I-81 Corridor Improvement Study*. This erroneous information was the basis for eliminating rerouting options in the Concepts Evaluation Matrix (table 3-1, DEIS 3-26).

<sup>5</sup> Appendix B, page 14, claims that rerouting on the tracks of another railroad is generally reserved for emergency conditions and for short durations (less than two years).

<sup>6</sup> The Crescent Corridor Phase 1 Project was completed in 2010.

usually short in duration, negotiating a 2+-year operating agreement would be very difficult.

Beyond the agreement issues, using the NS route presents operational challenges. The preferred NS bypass route is the I-83 corridor. Northbound trains would leave Richmond, VA and use the CSX Mid-Atlantic Bypass Route through Lynchburg VA to connect with the NS at Balcony Falls. The NS I-83 Corridor Route is severely constrained in line capacity. The corridor has single-track and a limited number of rather short sidings. Much of the corridor consists of curved track and speeds are generally limited to 40-60 mph. NS has capital spending plans to increase line capacity but significant improvements remain in the future.

A second more indirect NS route exists to access the I-83 corridor. This second route extends from Lynchburg through Manassas Junction to Riverton Junction where it joins the I-83 Corridor. This latter route also has capacity constraints, particularly in the segment between Manassas Junction and Riverton. This segment has single-track, traverses a very undulating profile, has numerous back-to-back curves, and sidings are limited.

### *1. Temporary Trackage Rights Are Not an Impediment to Rerouting*

The rerouting options (erroneously referred to as the “NS I-83 Corridor Route”<sup>7</sup>) in fact describe the tracks that run along I-81 and are known as the NS Shenandoah Line that roughly parallels the NS Piedmont Line, and together those two sets of tracks comprise the I-81 Crescent Corridor.

Appendix B, page 14, claims that rerouting CSX trains over the Norfolk Southern tracks is an arrangement normally used “under emergency conditions” and that “negotiating a 2+-year operating agreement would be very difficult.” However, both statements are false. Historically, a large part of CSX’s business has traveled over borrowed tracks.<sup>8</sup> Currently 20% of the tracks on which CSX operates in Virginia alone consist of trackage

---

<sup>7</sup> Interstate 83 runs between Baltimore, Maryland and Harrisburg, Pennsylvania.

<sup>8</sup> In 2004, NS and CSX interchanged approximately 1.5 million rail cars, meaning that 11% of the tracks on which CSX operated in 2004 consisted of trackage rights on NS. “NS and CSX interchanged approximately 1.5 million rail cars in 2004, or about one in every nine cars, empty or loaded, handled by CSX. Out of 518,000 hazmat loads that Mr. Osborne stated was moved by CSX in that year, 21,000 were interchanged with NS according to Mr. Gibson, or one in twenty-five.” See the Shuman declaration based on CSX testimony, filed 3/14/05 as an exhibit in CSX’s litigation against the District of Columbia, at page 11. The resulting D.C. District Court decision is available at 2005 U.S. Dist. LEXIS 6569. The later D.C. Circuit opinion is available at 406 F.3d 667 (D.C. Cir. 2005).

rights on other railroads.<sup>9</sup> Additionally, temporary trackage rights for periods of 2 years, 4 years, and 10 years to meet operational rather than emergency needs are granted and routinely approved by the Surface Transportation Board.<sup>10</sup>

2. The Operational Constraints and Chokepoints No Longer Exist

The 2005 Tier I Draft Environmental Impact Statement: *I-81 Corridor Improvement Study* included the *Transportation Technical Report, Analysis of Existing Conditions*, page 3-34 of which described this part of the Crescent Corridor:

From Manassas, the route turns northwest and connects to Front Royal, Virginia using an older Southern Railway branch line called the “B Line.” This section is single-tracked, and lacks adequate signals and sidings, and has other operational constraints. From Front Royal, the line turns north (at Riverton Junction) where it uses the former N&W rail line north to Hagerstown, Maryland.

\* \* \*

Northwest from Manassas to Front Royal (the older “B Line”) is mostly single-track on more challenging grade with significant vertical and horizontal curves; and

\* \* \*

Overall, the Piedmont Line can be characterized as a more modern rail line and superior to the Shenandoah Line due to terrain and existing rail infrastructure such as double tracks, extensive sidings, and rail signals and communication systems. **By removing key chokepoints, primarily on the older “B Line”, Norfolk Southern could add substantial rail capacity and improve service, reliability, and operations on the Piedmont Line.** [emphasis added]

<sup>9</sup> Virginia Statewide Rail Plan, November 2013, page 3-1:

**Table 3-1: Rail Mileage in Virginia (2012)**

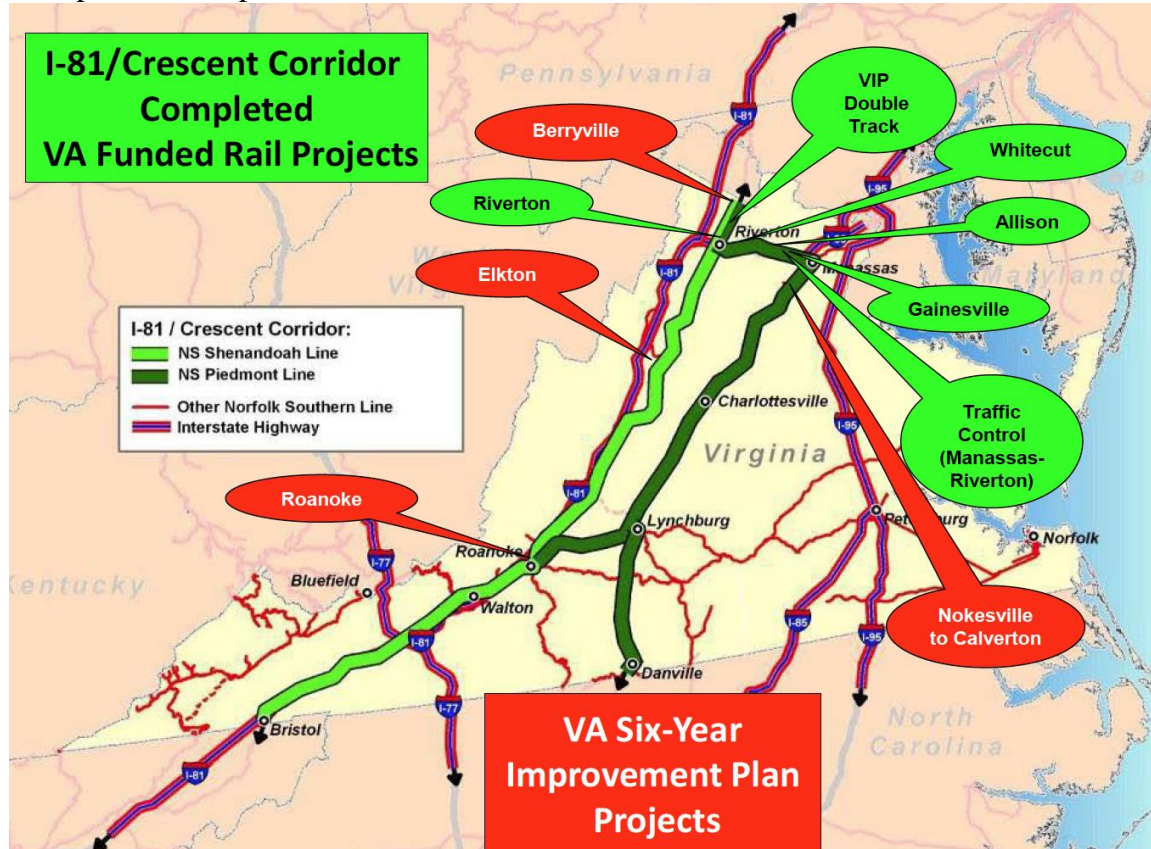
Railroad Classification/Name	Miles Operated in Virginia	
	Excluding Trackage Rights	Including Trackage Rights
<b>Class I RR</b>		
Norfolk Southern	2,020	2,100
CSX	850	1,054

<sup>10</sup> •Surface Transportation Board, Docket No. FD35715, decided March 13, 2013: NS grants trackage rights to GRAND TRUNK WESTERN RAILROAD COMPANY AND WISCONSIN CENTRAL LTD. for a period of two years.

•Surface Transportation Board, Docket No. FD 35719, decided May 16, 2013: BNSF RAILWAY COMPANY AND STILLWATER CENTRAL RAILROAD COMPANY grants trackage rights to GRAINBELT CORPORATION for a period of 10 years.

•Surface Transportation Board, Docket No. 34911, decided November 17, 2006: BNSF RAILWAY COMPANT grants trackage rights to MONTANA RAIL LINK, INC. for a period of four years.

Since that was written in 2005, those chokepoints on the B Line have been removed and the B line, as well as the Shenandoah Line, have been completely upgraded, adding substantial rail capacity, as is shown in the Virginia Department of Rail and Public Transportation map below:



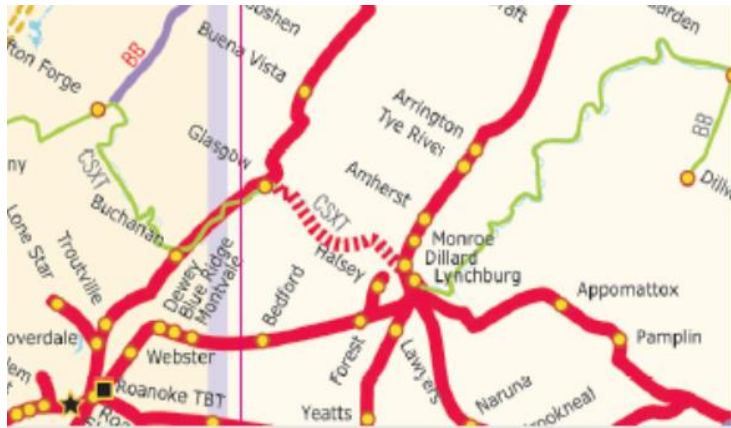
Port Related Initiatives

Virginia Department of Rail and Public Transportation (January 2012)

The upgrading is part of the Norfolk Southern Crescent Corridor initiative to enhance a domestic double stack intermodal route from the Gulf Coast through Atlantic states. That Project corrected the deficiencies described in Appendix B of the Virginia Avenue Tunnel DEIS. The Crescent Corridor Phase 1 Project that upgraded those parts of the Crescent corridor was completed in 2010, and thus was in place three years prior to the issuance of the Virginia Avenue Tunnel Reconstruction DEIS in July of 2013. But the description in Appendix B of the DEIS does not describe the upgraded condition of those tracks. It describes the conditions that existed prior to 2005.

Further, the connection between Lynchburg and Glasgow (described in Appendix B as Balcony Falls) is in fact a section of track that is owned by CSX, on which NS has trackage rights. There is no impediment to CSX using those tracks to access the NS Shenandoah Line

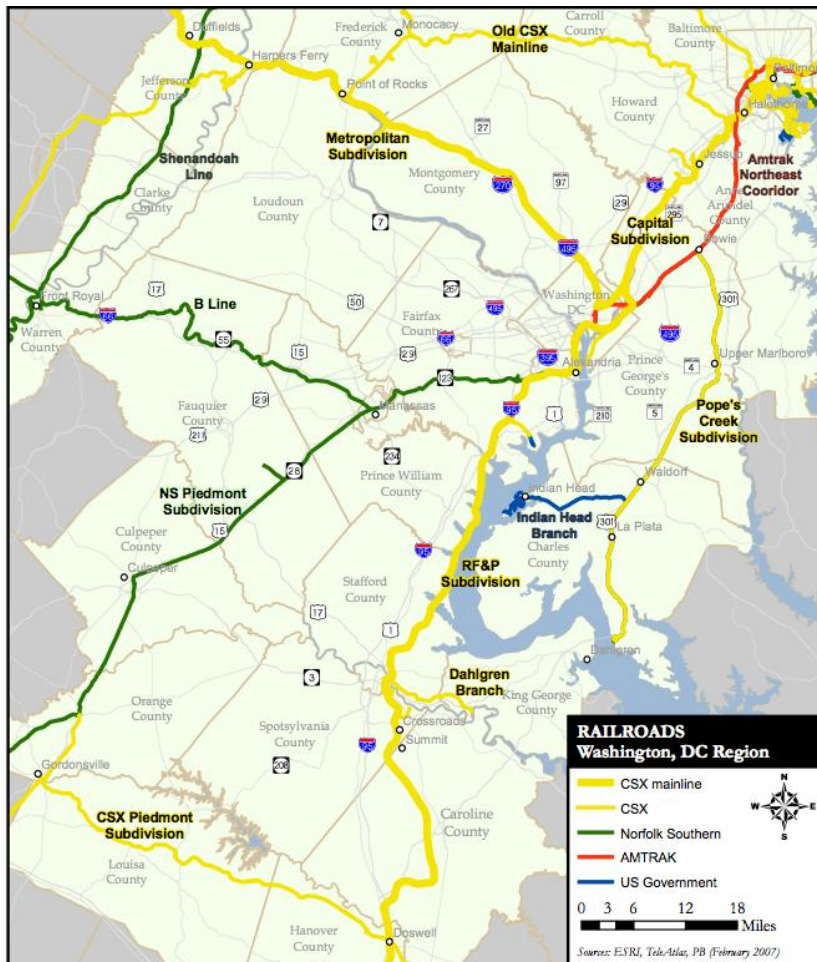




Extract from Norfolk Southern System Map (2011)

3. The Operational Constraints and Chokepoints on the B Line No Longer Exist

The rerouting described in the third paragraph of the Appendix B extract likewise does not describe current conditions. The Manassas to Riverton (Front Royal) line is owned and operated by Norfolk Southern and known as their “B Line.”



Freight Realignment Feasibility Study, NCP, April 2007, Figure ES-2: Regional Railroads.

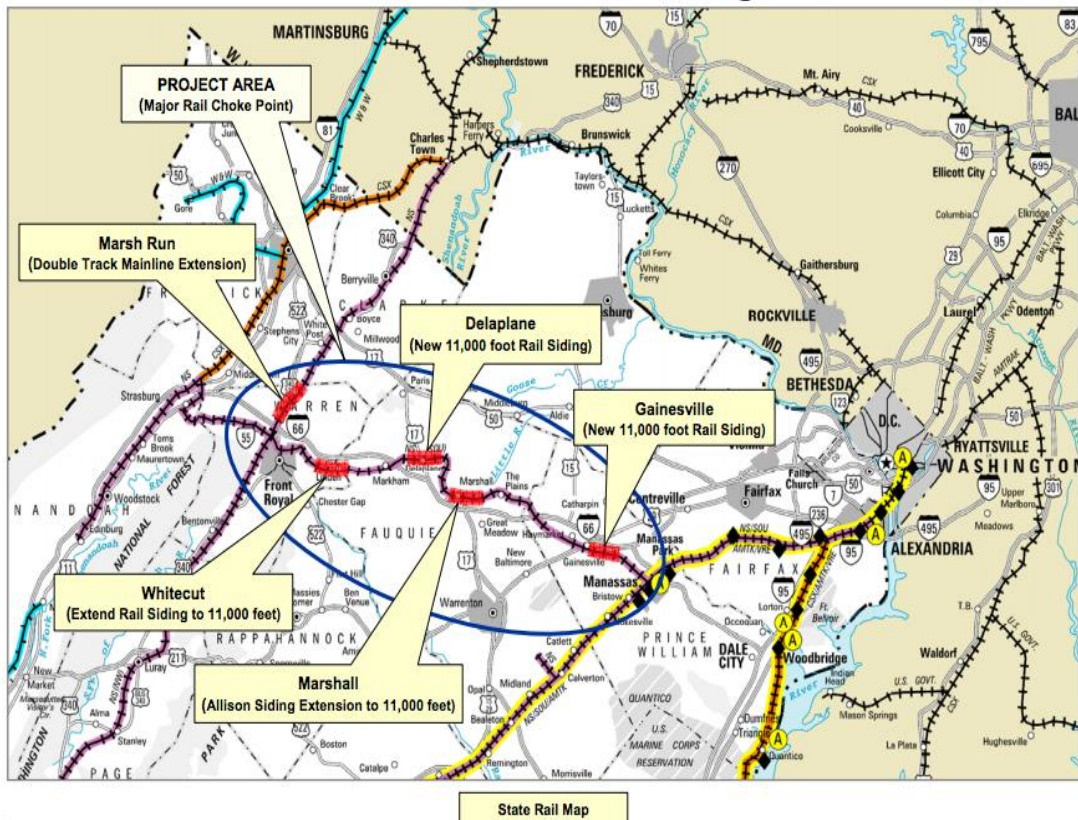
Removal of these capacity constraints between Manassas Junction and Riverton (Front Royal) is described in the August 23, 2010 issue of *Logistics Management* ([http://www.logisticsmgmt.com/article/norfolk\\_southern\\_nixes\\_northern\\_virginia\\_choke\\_point\\_on\\_crescent\\_corridor](http://www.logisticsmgmt.com/article/norfolk_southern_nixes_northern_virginia_choke_point_on_crescent_corridor)):

Class I railroad carrier Norfolk Southern recently announced it has eliminated what it described as a critical choke point on its Crescent Corridor initiative with a reconfigured rail junction near Front Royal, Virginia.

NS officials said this was the final and most complex of six capacity improvement projects in Northern Virginia to handle more trains at higher speeds. These Northern Virginia-based capacity expansion projects received \$43 million in funding from the Virginia Department of Rail and Public Transportation and roughly \$20 million from NS.

Those improvements and upgrades are shown on the 2008 map prepared by Virginia Department of Rail and Public Transportation:

## Project Location



February 20, 2008



## **B. Effect of the Inaccuracies and Misinformation on Temporary Rerouting**

The Norfolk Southern I-81 Route (mistakenly referred to as the NS I-83 Route throughout the DEIS and Appendix B) is described in the alternate route analysis as a part of Concept 7 that would have all of the CSX traffic rerouted away from the construction area while the tunnel is being reconstructed under Concepts 2, 3, and 4 (DEIS 3-17):

Essentially, the NS I-83 [sic] corridor route has [sic] extremely limited in line capacity. The corridor has a single railroad track, a limited number of sidings, and much of corridor consists of curved track and low speed limits.

In the Concepts Evaluation Matrix (table 3-1, DEIS 3-26), Concept 7 is eliminated from consideration because it would:

- “result in substantial degradation of freight rail service to growing customer demands in the I-95 corridor”(DEIS 3-27) ;
- not “maintain interstate rail commerce” because it would result in a “substantial negative impact on the level of service during construction.”(Table 3-1, Criteria 5);
- not be “implemented in a time frame that accommodates the near term anticipated increase in freight traffic”(id., Criteria 6).

Criteria 6 is not a basis for eliminating the rerouting option. The conclusion that it could not be “implemented in a time frame that accommodates the near term anticipated increase in freight traffic” is contradicted by the DEIS at Section 3.3.1.6 that states “construction activities are anticipated to be slowed along the entire length of the Alternative 4’s construction zone because of the close proximity between active rail operations and construction work areas.” Undertaking a massive construction project alongside active rail lines (as opposed to rerouting) *actually causes the project to take longer than otherwise required*. If passing trains are removed through temporary rerouting, then the project would be conducted much more quickly and safely.

This erroneous information and contradictory evaluation precludes meaningful analysis and thus it is necessary to require a revised draft, of not only the temporary rerouting portion of the DEIS, but also the permanent re-routings that would obviate the need for rebuilding of the tunnel.

## **C. Effect of the Inaccuracies and Misinformation on Permanent Rerouting**

The mischaracterization of the Norfolk Southern I-81 corridor due to inaccuracies and errors in Appendix B has also precluded meaningful consideration of these tracks for permanent rerouting. For example, with the current upgraded condition of these NS tracks, a possible rerouting could bypass Washington completely, by starting at the NS/CSX connection in Alexandria, going west to Manassas, then on to Front



Royal/Riverton, then to Shenandoah Junction, to join the CSX tracks at which point, the trains could continue north to Hagerstown or proceed east to Baltimore.

Figure 3-5: Class I Rail Corridors in Virginia—NS and CSX (green lines represent shortline railroads)





in Appendix B about the Norfolk Southern tracks precluded both “meaningful analysis” of this bypass routing, as well as any analysis or consideration of this routing.

#### **D. Conclusion**

The alternative routing analysis in the DEIS is based on erroneous, false, and misleading information, which has precluded the meaningful alternatives analysis necessary under NEPA. Pursuant to 40 C.F.R. § 1502.9(a), a revised DEIS is required, as well as a revised Appendix B. The revised Appendix B should be prepared by an independent rail consultant with NEPA experience. Further, because the DEIS accepted the information contained in Appendix B without verifying its accuracy, that same independent consultant (someone different from Parsons Brinckerhoff) should prepare the revised DEIS.

Respectfully submitted,



Monte Edwards, Vice Chair  
The Committee of 100 on the Federal City