



COUNCIL OF THE DISTRICT OF COLUMBIA

Committee of the Whole and
Committee on Transportation and the Environment

JOINT PUBLIC OVERSIGHT HEARING

on

The CSX Virginia Avenue Tunnel Project

Statement of

Monte Edwards

Tuesday August 26, 2014

My name is Monte Edwards. I am the Vice-Chair of the Committee of 100 on the Federal City. The purpose of my testimony is to describe the Committee of 100's concerns about the Virginia Avenue Tunnel FEIS and the practical implications of a statement that fails to meet the requirements of District and federal law. Given these deficiencies, we strongly recommend that the requisite DDOT and FHWA permits for tunnel expansion not be issued until a supplemental EIS is written, based on a thorough assessment of freight, passenger and commuter rail alternatives under the recently authorized DC Rail Plan.

The Final Environmental Impact Statement (FEIS) identifies a Preferred Alternative that will involve rebuilding the existing tunnel and building a second tunnel adjacent to the present location. Enlarging the CSX's Virginia Avenue Tunnel, rather than examining rerouting options that would separate freight from passenger and commuter rail operations, will preclude future needed increases in passenger and commuter rail service for Washington. Current transportation plans and policies call for doubling the number of commuter and passenger trains (Union Station Master Plan); expanding the L'Enfant Train Station to serve more commuter trains and "through-running" MARC trains from Union Station to Alexandria (Office of Planning's Maryland Avenue Plan and National Capitol Planning Commission's SW Ecodistrict Plan); and expanding the Long Bridge to four tracks (DDOT Long Bridge Study). Yet all trains – freight trains from Virginia Avenue and passenger trains from Union Station – converge at the existing three tracks between 12th St., S.W and the First Street tunnel that goes to Union Station.

An unworkable choke point will be made worse when an increased number of freight trains from Virginia Avenue and twice as many passenger trains from Union Station converge at the existing three tracks between 12th St., S.W and the First Street tunnel that goes to Union Station.

CSX owns and/or controls both the SW tracks and the Long Bridge that MARC, VRE and Amtrak must also use to bring commuters and passengers into and out of Washington. CSX will continue to give priority to its own freight traffic that is expected to increase dramatically. The Metropolitan Washington Transportation Planning Board in its Regional Transportation Priorities Plan (RTPP) adopted in January of this year underscored this point:

Freight and passenger trains currently share the Long Bridge's two tracks, which is nearing its practical capacity during rush hours. The bridge's private owner, CSX, maintains the right to give priority to freight traffic over passenger traffic, limiting the scheduling ability and frequencies of passenger trains using the facility. This issue will only get worse as demand for freight and passenger traffic increase in coming decades. (RTPP, p. 29)

Building the Preferred Alternative will have the effect of relocating the current tunnel choke point to the SW Tracks and the Long Bridge as explained in:

- The April 2012 *Maryland Avenue Small Area Plan*: the width for the depressed train tracks between 9th and 12 Streets, SW has been reduced by adjacent development to the point that adding an additional track is not possible (C100 FEIS Comments, page 8).
- The January 7, 2014 C100 letter to the DDOT Project Manager for the Long Bridge Study: expanding the Long Bridge to four tracks will not accommodate future rail demand (attachment B to our FEIS Comments, and has been provided for the record in this proceeding).

The FEIS improperly limits its evaluation of impacts to the immediate space surrounding the construction activity that would occur if the existing tunnel were rebuilt and enlarged, and limits its time horizon to construction of the enlarged tunnel. There is ample evidence that DDOT's assessment of options was improperly pre-determined by its earlier actions, including an agreement to proceed exactly as CSX has proposed. The failure to consider practicable alternatives stems directly from an overly narrow Statement of Purpose and Needs that focuses only on CSX's needs, ignoring impacts on other users of rail infrastructure, impacts to the community, and priorities established by federal and local planning efforts. The FEIS also fails to recognize that increased traffic from passenger, commuter and freight rail pose a serious threat to the community, as DC has no Rail Plan or Office of Rail Safety with the capability of inspecting the rail tracks or evaluating rail operations.¹ The FEIS treatment of the Virginia Avenue Tunnel in

¹ DC is a growing hub of commuter and long distance rail transportation. Virginia and Maryland have

isolation is both wrong and legally indefensible.

At a minimum, the requisite DDOT and FHWA permits for tunnel expansion should not be issued until a supplemental EIS is written, reflecting a thorough assessment of freight, passenger and commuter rail alternatives under the recently authorized DC Rail Plan. As the Committee of 100 explained in the attached June 16 letter to the Mayor, DDOT has an independent responsibility for environmental review that they cannot abdicate by relying on FHWA. We thank Councilmember Cheh and Chairman Mendelson for their recognition that this decision should not be made in a vacuum, without regard for its regional consequences. The FEIS is fatally deficient, and subject to legal challenge, because of its failure to fully assess the environmental implications of feasible alternatives. If CSX is permitted to implement its short-sighted and locally destructive plans, it will permanently curtail the capacity for well-planned expansion of freight, commuter and passenger rail services.

We ask the Council to enact legislation to prohibit issuance of permits for the tunnel expansion pending completion of a supplemental EIS that addresses the DC Rail Plan.² DDOT has acted irresponsibly and contrary to law in its evaluation of the project by cavalierly ignoring the concerns of neighbors. It failed to consider the safety implications of the expanded tunnel and DDOT pre-judged the outcome. Why else would DDOT have accepted over four million dollars of CSX funds in 2010 for reconfiguring the 11th Street bridge³, if not to anticipate the ill-conceived project which it has now found to be the Preferred Alternative?

Thank you.

their own rail plans, but DC has been approaching individual rail-related projects without adequate understanding of their long-range impacts. Statewide Rail Plans are required under the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432) (PRIIA). The regulations that implement these requirements are contained in U.S. Code, Title 49, Subtitle V, Part B, Chapter 227. Safety-focused performance metrics would be established by DC and the railroads operating within DC. The DC Rail Plan is required to address ongoing projects and programs to improve rail safety and security of rail transportation (49 USC § 22075). The current DC budget includes funding to prepare a DC Rail Plan that will both coordinate numerous existing plans and protect the public interest. Until that Plan is in place, we should not add to the congestion and competition for use of the SW tracks and Long Bridge.

² During that time that the permit prohibition is in effect, the Virginia Avenue Tunnel would remain in use by CSX and if CSX does expand their operations to the point that additional capacity is required, then CSX can make use of its proven ability to enter into trackage arrangement with Norfolk Southern.

³ Article IV. C of the 2010 Memorandum of Agreement requires \$4,181,044 in "credits" from CSX to DDOT for the expense of redesigning the 11th Street Bridge to accommodate CSX's plans for the second tunnel that emerged in the 2014 FEIS as the Preferred Alternative (FEIS, Appendix A, page 6).