

# The Committee of 100 on the Federal City



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Re: Draft Environmental Impact Statement & Section 4(f) Evaluation

Virginia Avenue Tunnel Reconstruction, Washington, D.C.

CEQ# 20130207

Dear Ms. Rudnick:

I am writing on behalf of The Committee of 100 on the Federal City (Committee of 100) in response to the comments of the Environmental Protection Agency (EPA) on the Draft Environmental Impact Statement (DEIS) for the Virginia Avenue Tunnel (VAT) project. The Committee of 100 agrees that the information provided in the DEIS is insufficient. We also believe that once more information is provided, it will become clear that the DEIS was too narrowly conceived and that both the scope of the analysis and the range of alternatives considered need to be substantially revised to preserve the integrity of the Environmental Impact Statement process.

The Committee of 100 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 21<sup>st</sup> century city.

Enclosed is a copy of the comments filed by the Committee of 100 in September. This letter will focus on what we believe are three areas of common concern: Utilities, Alternatives, and Cumulative Impacts. We will also suggest

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that a revised statement of Purpose and Need may be necessary to address those concerns, and conclude by raising a Section 4(f) issue that we believe has been overlooked.

### **Utilities**

As EPA's comments note, the list of disrupted or relocated utilities appears to be incomplete. An additional fact has emerged since EPA's filing: the one utility that did contribute commentary on the DEIS — The DC Water and Sewer Authority (WASA) — has indicated that the information in the DEIS about its infrastructure is inaccurate.

WASA's comments<sup>1</sup> point out "significant discrepancies" between what CSX has conveyed to WASA and what is contained in the DEIS. The necessary relocation is considerably more extensive than is described in the DEIS; nor has WASA agreed to some of the CSX relocation proposals. WASA states that "there are significant utility conflicts that are as yet unresolved and may prove infeasible and/or unacceptable." WASA also points out that the 3-inch through 20-inch water mains along the alignment of this project were constructed more than 100 years ago, between 1885 and 1905, utilizing "lead joint cast iron" pipe and that replacement is essential to prevent failure of these lines during adjacent excavation and heavy construction."

With respect to the water system, the issues here are not limited to flooding and/or temporary loss of water to local residents and offices, but include the risk of compromising the ability of firefighters to contain damage in the event of a construction accident or railway derailment or collision in which water lines are also damaged.

The DEIS contains only a summary identification of the gas, electric and other utility lines that presently exist under the Virginia Avenue Tunnel. Potentially affected utilities include Potomac Electric Power Company (PEPCO), Comcast, Verizon, and Washington Gas, in addition to WASA. Based on the WASA comments, the reliability of the information that has been provided seems questionable. In light of WASA's comments, The Committee of 100 recommends that, once the requested information has been included in the revised EIS, EPA consult with the respective utilities to insure its accuracy.

A submission from Washington Gas is particularly important, given the experience in the Cherry Valley (Illinois) derailment, where the National Transportation Safety Board (NTSB) concluded that had a natural gas pipeline at the site simply met (rather than substantially exceeded) the standards for cover, it would have been ruptured in the derailment, and added high-pressure natural gas as fuel to the resulting fire. The inherent dangers posed by the rupture of several gas lines in the vicinity of the proposed Virginia Avenue Tunnel reconstruction (DEIS, pp. 5-56) in the dense urban environment of Washington, D.C. is unacknowledged and unaccounted for in the DEIS. The DEIS needs to list all such

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<sup>1</sup>Available at [http://www.virginiaavenuetunnel.com/media/uploads/downloads/VAT\\_DEIS\\_Agencies.pdf](http://www.virginiaavenuetunnel.com/media/uploads/downloads/VAT_DEIS_Agencies.pdf)

lines under or near the CSX tracks, the nature and extent of the productive conduit in which they are encased, and the depth they are located below the tracks.

### **Alternatives**

The DEIS does not lay out a range of genuine alternatives. In fact, every alternative assumes that the Virginia Avenue Tunnel will be enlarged and rebuilt in or near its current location to enable it to accommodate substantial increases in the amount of freight traffic that travels through this urban neighborhood. Even the “no build” alternative assumes continued use of the tunnel until its collapse or deterioration makes its reconstruction imperative.

In part, the failure to consider any other scenario has been made possible by the fact that the DEIS has begged a crucial question — and one that EPA specifically raised in its comments: “Will providing a second track and releasing the bottleneck at this location cause any unintended bottlenecks elsewhere?” We believe that the answer to that question is an emphatic “Yes!”

The Virginia Avenue Tunnel is just one piece in a stretch of complicated (and antiquated) infrastructure that carries freight, passenger, and commuter rail into and through the District of Columbia. In anticipation of significant increases in each type of rail service, the reconstruction and upgrading of all of these facilities is currently under discussion. In a situation where there are a host of different stakeholders and interests, the planning and environmental challenge is to think systemically rather than to let the earliest decisions narrow the range of available alternatives to those that favor one type of rail service over another and/or perpetuate (rather than solve) pre-existing problems.

Ideally, the geographical unit of analysis here should be the one employed by the National Capital Planning Commission (NCPC) in *Extending the Legacy: Planning America’s Capitol for the 21st Century* (1997) that encompassed rail infrastructure from the Virginia side of the Potomac River, south of National Airport, to the Benning railyard in the District located east of the Anacostia River. At a minimum, the analysis should include both the Long Bridge (over the Potomac) and the Anacostia Railroad Bridge, as well as all of the tracks between.

What the Long Bridge to Anacostia Railroad Bridge segment analysis will suggest is that, once the Virginia Avenue Tunnel is widened, first the Long Bridge, and then the SW tracks will become new chokepoints. Currently, the double-tracked Long Bridge crossing feeds to three SW tracks, which split just before the Virginia Avenue Tunnel, sending two tracks of passenger and commuter rail to Union Station, and one track of freight rail through the VAT. While the Long Bridge is slated for reconstruction, the SW tracks cannot be widened.

CSX is actively lobbying for a government-financed reconstruction of the Long Bridge, but has shown little or no concern about the SW tracks — presumably because it controls access to those tracks. If the Long Bridge were reconstructed as a four track structure and the Virginia Avenue Tunnel enlarged to carry twice as much traffic as it currently does, then the SW tracks could represent a significant

constraint on the expansion of commuter rail to and from Virginia, because those lines will compete with both CSX and Amtrak for access to the SW tracks (which provide the only access to Union Station, just beyond).

One advantage of using the longer segment, beginning south of National Airport, as the unit of analysis, is that it opens up the possibility of alternatives that provide for different or additional Potomac River crossings, rather than assuming that the Long Bridge (in some reconstructed form) will remain the sole rail connection between DC and points south.

Lastly, while the rationale for expanding the Virginia Avenue Tunnel to allow double-stacking and double-tracking of freight through DC is to expand the capacity of CSX's National Gateway route, the Virginia Avenue Tunnel isn't the only structure along that route that currently cannot handle double-stacked containers. As Fritz Kahn, former General Counsel of the Interstate Commerce Commission, comments on the DEIS explains, there are ten other such tunnels along this route. Because there are so many moving parts here, it is important to look at the time frame it will take to make the National Gateway route fully operational. Of equal importance is the need to look at the time frame that will be required to realize the commuter and passenger rail objective of the proposed Union Station expansion and NCPC's and the District's initiatives to rebuild the SW quadrant of the District, including the *SW Ecodistrict Plan* (NCPC, 2013) and *Maryland Avenue Small Area Plan* (DC Office of Planning, 2012).

### **Cumulative Impacts**

The Committee of 100 agrees with EPA that the DEIS lacks "a thorough cumulative impact analysis for past, present and reasonably foreseeable projects occurring in the project areas" and that such an analysis should establish geographic and temporal limits that are significantly broader than those necessary to encompass the reconstruction of the Virginia Avenue Tunnel itself.

In our September comments, the Committee of 100 argued that the foreseeable projects encompassed within such an analysis should include

- replacement of the existing Long Bridge, a two-track structure that currently serves as the only Potomac River rail crossing for 70 miles;
- Union Station Master Plan, which anticipates doubling the number of trains (and tripling the number of passengers) using the expanded facility; and
- Southwest EcoDistrict Plan, including the proposed expansion of L'Enfant station to facilitate increased commuter rail service to accommodate the transit needs of both federal offices and the resident population of this new neighborhood.

The combined pressure of increased freight and passenger/commuter rail demand seems likely to overwhelm the carrying capacity of the SW rail tracks. Since those facilities are owned by CSX, it is likely that CSX will resolve that competition in its own favor and thereby frustrate the proposed

increases in Amtrak and commuter rail. If the number of CSX trains increases substantially, reconstruction of the tunnel may even force a decrease in commuter and passenger rail service.

The two-track Long Bridge is recognized as a bottleneck and a study, funded by the Federal Railroad Administration, is now being undertaken by the District Department of Transportation (DDOT). All of the proposals for replacement/refurbishment of the Long Bridge propose four separate railroad tracks, two for passenger/commuter and two for freight rail. If the bridge is rebuilt with four tracks, then the bottle-neck and rail congestion will be shifted to the SW tracks. The minimum width to accommodate four railroad tracks is 68 feet, and the width of the SW tracks cannot exceed 58 feet, allowing room for only the three sets of tracks that now exist, and requiring that they continue to be shared by freight, passenger and commuter rail.<sup>2</sup>

We think it is imperative from an environmental point of view that the alternative of abandoning the VAT Tunnel and splitting freight and passenger rail traffic be fully considered. While CSX touts the environmental advantages of hauling freight by rail rather than truck, a thorough analysis must consider whether those gains will be lost if we rebuild our rail infrastructure in a way that forces more workers to drive into the city rather than take commuter rail. Similarly, to the extent that shared tracking forces passenger and commuter rail south of Union Station to rely on diesel rather than electric locomotives, the air quality implications of retaining this constraint should be assessed.

The current balance between freight and passenger/commuter rail operations on the CSX-owned shared-use infrastructure south of Union Station is an artifact, in part, of the limitations on freight rail capacity imposed by the current configuration of the Virginia Avenue Tunnel. Even with that constraint on freight volume in place, VRE's access to this infrastructure is already being rationed. Greatly increasing the capacity of the Virginia Avenue Tunnel, without coordinated alternatives to the capacity constraints imposed by the Long Bridge and the SW tracks creates the very real possibility that CSX will satisfy its own needs for increased rail capacity at the expense of other rail users.

In sum, the DEIS needs to include a more comprehensive statement of needs, a broader range of alternatives, a larger segment of rail infrastructure, and more detailed and relevant data. Looking solely at the Virginia Avenue Tunnel, exclusively from the perspective of freight rail, turns the NEPA process into a pointless bureaucratic exercise rather than a useful decision-making tool.

### **Purpose and Need**

The EPA's letter of transmittal acknowledges the stated purpose and need for the reconstruction of the tunnel is to preserve the continued ability to provide freight transportation services by addressing structural and operational deficiencies, accommodating expected increases in freight, and ensuring that

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<sup>2</sup> Section 6 of the 1901 statute (31 Stat. 767) states that the width where the "tracks are depressed on Maryland Avenue shall not exceed fifty-eight feet between the inside faces and profiles of the parallel retaining walls, measured at the level of the said tracks."

freight service remains uninterrupted during the reconstruction of the tunnel. While these are legitimate needs, they are defined in ways that have effectively pre-empted consideration of robust alternatives and of cumulative impacts on stakeholders other than CSX.

We believe that a revised Statement of Purpose and Need must begin from an acknowledgement that (a) the Virginia Avenue Tunnel is part of a larger segment of problematic infrastructure connecting Washington, D.C. to points south; (b) this infrastructure is shared by freight, passenger, and commuter rail; and (c) all three forms of rail transportation are slated for significant increases in traffic and all three forms are equally valued. The challenge should be to replace obsolete rail infrastructure in ways that increase the overall carrying capacity of the system rather than privilege one form over another based on which project gets done first.

The proposed rebuilding of the Virginia Avenue Tunnel serves only the interests of freight rail. The detrimental impacts of the expansion on passenger and commuter rail are neither acknowledged nor evaluated. The statement of Purpose and Need needs to be revisited and to incorporate needs and purposes beyond the narrow interests of CSX. The Statement needs to accommodate the expansion of passenger and commuter rail capacity and contribute to a coordinated solution of the problems created by outmoded infrastructure – including but not limited to the Virginia Avenue Tunnel, the Long Bridge, shared tracks in SW DC, the Anacostia River Rail Bridge – rather than simply relocate chokepoints.

#### **Section 4 (f)**

Finally, as your letter of transmittal notes, the reconstructed tunnel that would result from any of the build alternatives would be wider than the existing structure. We would like to point out the implications of this fact. The additional space that the enlarged tunnel would permanently occupy is part of Virginia Avenue, which, as a contributing element to the L'Enfant Plan, is an historic resource as defined under section 4(f).

Attached to the DEIS is a separate Draft Section 4(f) Evaluation that addresses the impact on Virginia Avenue only during construction and in terms of the need to occupy part of Virginia Avenue to accomplish trenching to provide space for construction and to provide different configurations of “run around” tracks for continued CSX operations while the existing tunnel is demolished and then rebuilt. The 4(f) Evaluation concedes that the “use” would not be a *de minimis* impact, the trenching would not be minor, and the use would be adverse in terms of Section 106 “due to the temporary occupancy of a contributing element (Virginia Avenue SE) to the L'Enfant Plan” (page 12). But the Evaluation fails to address the permanent use of a part of Virginia Avenue.<sup>3</sup>

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<sup>3</sup> Alternative 2 would shift the center-line of the tunnel seven feet south, Alternative 3 would shift the center-line 25 feet to the south and Alternative 4 would shift the center-line 17 feet to the south (DEIS 3-28 – 3-29). Because these measurements are framed in terms of the “center-line” only, it is unclear how far the tunnel footprint is being expanded to accommodate the second track proposed by each alternative (DEIS 3.2.1.1-3.2.1.4). The tunnel footprint for alternative 3 appears to shift by

While the 4(f) Evaluation does not discuss this permanent incursion into public space, page 5-3 of the DEIS states that:

Each of the Build Alternatives proposes a rebuilt Virginia Avenue Tunnel alignment that is, at least partially, outside of the existing tunnel alignment but still largely within the public right-of-way of Virginia Avenue, SE.

Page 3-5 of the DEIS concedes this fact, but without quantifying the amount of incursion:

Because all three Build Alternatives described in this Draft EIS contemplate that the reconstructed tunnel would only be located within CSX owned **or public property**, rather than intruding into or under any private property, no additional detail beyond those already presented here is warranted [emphasis added].

Any use of Virginia Avenue, a contributing element to the L'Enfant Plan, can only be permitted if there is no feasible and prudent avoidance alternative. The temporary use has been superficially addressed and the permanent use of Virginia Avenue has not even been addressed. Alternatives to the use of Virginia Avenue do exist but they have not been objectively analyzed.

I would be happy to discuss with you any questions or concerns that you may have, or direct you to others who may be helpful on a particular issue. You may reach me at 202-543-3504 or at [monte.edwards@verizon.net](mailto:monte.edwards@verizon.net).

Sincerely yours,



Monte Edwards

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Enclosure: Committee of 100 Comments on Virginia Avenue Tunnel Reconstruction Draft Environmental Impact Statement & Draft Section 4 (f) Evaluation (September 25, 2013)