



C100 Challenges Approval of CSX Twin Tunnels in Federal Court

Asks that no permits be issued

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The Committee of 100 on the Federal City (C100) is filing suit to challenge the decision last Tuesday by the Federal Highway Administration and District Department of Transportation to allow for new, twin tunnels, double-stacked trains, and years of hazardous construction in a vibrant, growing community. The decision was announced as a “Record of Decision” (ROD) at the conclusion of the Environmental Impact Statement (EIS) consideration of the CSX plan.

“This decision is unlawful, premature and problematic,” said C100 Vice President, Monte Edwards. “The Record of Decision fails to address the severe safety and security impacts the proposed project will have on the immediate community and on Capitol Hill, the constraint on the expansion of passenger and commuter rail service in the District, and the pre-approval by DDOT of the project before any environmental review had been conducted.”

Edwards also emphasized that there is no need to rush-to-judgment on the CSX proposal. The EIS expressly states that the current CSX tunnel has “decades” left of useful service. In addition, Maryland’s recent rejection of CSX’s proposed double-stacking terminal in Baltimore undercut CSX’s primary rationale for building the two new tunnels in the District, as the Baltimore bottleneck remains.

"Issuance of the Record of Decision ends the administrative process, and litigation is the only option to obtain a new EIS that addresses our concerns. Until we have a new EIS, no permits should be granted by the District or

federal officials,” Edwards concluded.

The C100 will file suit on Wednesday, November 12. Simultaneously with the filing of the Complaint, the Committee will file a motion for a preliminary injunction to prohibit any further action until the District Court for the District of Columbia can rule on whether the Environmental Impact Statement – on which FWHA and DDOT were co-lead agencies – violated the National Environmental Policy Act, the Administrative Procedure Act, and District law. The C100 is represented by Les Alderman of Alderman, Devorsetz & Hora PLLC. Mr. Alderman can be reached at lalderman@adhlawfirm.com or 202-969-8220.

The C100 will hold a press conference at 11:00 AM on Wednesday November 12. The conference will be on the front steps of the US District Courthouse at 333 Constitution Avenue. Nancy MacWood and Monte Edwards, officers of the C 100, Maureen Cohen Harrington – a member of the Committee, whose home is immediately adjacent to the Virginia Avenue Tunnel – Natalie Skimore of DCSafeRail, Meredith Fascett, the newly-elected ANC Commissioner for the area, and Les Alderman, among others, will be available to answer questions about the Committee’s concerns and the lawsuit at that time.

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