

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE COMMITTEE OF 100 ON THE)
FEDERAL CITY)
)
Plaintiff)
v.)
)
ANTHONY FOXX, Secretary of)
Transportation, et al.)
)
Defendants)
_____)

PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION

EXHIBIT 9



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Federal Highway Administration Approves Construction Alternative for CSX's Virginia Avenue Tunnel Project

Final action on Federal environmental review allows CSX to complete design work and seek construction permits

JACKSONVILLE, Fla. (Nov. 4, 2014) – The Federal Highway Administration has approved a preferred construction alternative for CSX's Virginia Avenue Tunnel project, enabling CSX to complete the tunnel's design and initiate the construction permitting process. The decision marks the completion of an extensive environmental review of the project conducted jointly with the District of Columbia Department of Transportation, which incorporates three years of input from residents, businesses and government agencies in the southeast Washington, D.C., neighborhood around the tunnel.

The Federal government approved a proposal to modernize the 110-year old tunnel which will improve the flow of freight traffic through the District of Columbia and eliminate a rail-traffic bottleneck that also impacts commuter and passenger trains in the region. The new structure will accommodate trains that can carry enough freight to remove the equivalent of 280 trucks per train from the nation's highways.

"The Virginia Avenue Tunnel is a critical piece of our national and regional transportation infrastructure," said Louis E. Renjel, Jr., vice president of strategic infrastructure initiatives for CSX. "Reconstructing the aging tunnel will eliminate a long-standing rail bottleneck that impacts freight and commuter rail, and it will increase the network's capacity ahead of anticipated growth in freight-rail traffic. Through CSX's commitment to the community, neighbors will enjoy improved streetscapes, additional green spaces, a new bike trail and other improvements as part of the project.

"While this decision is the end of the Federal environmental review process, it is just the beginning of a new phase of CSX's relationship with the community," Renjel said. "Input from residents shaped many features of this project and we are appreciative of their involvement. We are committed to doing this project the right way; safely, respecting our neighbors and working closely with residents and businesses to minimize impacts and to ensure that they are informed about construction plans."

CSX plans to use a new website, social media, events, briefings and other tools to maintain the flow of information to area residents and businesses. The company has an established community office in the neighborhood that is staffed during regular hours to allow visitors to learn more about the project and ask specific questions of company representatives.

CSX and its design/build contractor, Clark/Parsons, will now finalize the tunnel design and begin applying for construction permits in compliance with D.C.'s established construction-permitting process. Following the initial permitting process, utility relocations and other preliminary efforts will begin. Major construction is expected to begin in the next several months, following receipt of the required permits.

The CSX Virginia Avenue Tunnel team has voluntarily committed to hire workers and select contractors consistent with the spirit of the District of Columbia's First Source and Certified Business Enterprise programs.

In response to feedback from nearby residents, the alternative selected through this process has the shortest construction timespan (30 to 42 months) of any of the construction alternatives considered and ensures that trains will always operate in enclosed tunnels in front of nearby residences. The plan includes significant measures to reduce the construction impacts on nearby residences and businesses, including dust, noise and vibration monitoring and control plans; limited construction hours; and maintenance-of-traffic plans that ensure continued pedestrian access and vehicle mobility for all essential services throughout the process.

The Virginia Avenue Tunnel is part of CSX's National Gateway, an initiative to improve the flow of rail traffic throughout the nation by increasing the use of double-stacked intermodal trains and creating more efficient rail routes that link Mid-Atlantic ports with Midwestern markets for domestic and imported products. It is one of several infrastructure investments CSX is making to meet the growing demand to move more freight by rail across its network. The Virginia Avenue Tunnel, one of the largest components of the National Gateway program, is receiving no Federal funds.

The record of decision is available for review and downloading at www.virginiaavenuetunnel.com.

CSX, based in Jacksonville, Florida, is a premier transportation company. It provides rail, intermodal and rail-to-truck transload services and solutions to customers across a broad array of markets, including energy, industrial, construction, agricultural, and consumer products. For more than 185 years, CSX has played a critical role in the nation's economic expansion and industrial development. Its network connects every major metropolitan area in the eastern United States, where nearly two-thirds of the nation's population resides. It also links more than 240 short-line railroads and more than 70 ocean, river and lake ports with major population centers and small farming towns alike. More information about CSX Corporation and its subsidiaries is available at www.csx.com. Like us on Facebook (<http://www.facebook.com/OfficialCSX>) and follow us on Twitter (<http://twitter.com/CSX>).

Contact:
Rob Doolittle
Rob_Doolittle@csx.com
202-626-4939



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