

## CSX Wants to Move Its Rails

CSX doesn't want to just expand the Virginia Avenue Tunnel (VAT). It also wants to shift the center line of the permanent tunnel up to 25 feet to the south, with the total shift even greater.

We have been asking CSX, FHWA, and DDOT for years about the right of way (ROW), including:

- What are the exact boundaries of the existing tunnel?
- What additional ROW will CSX need?
- Who has the authority to grant it, under what process?

The agencies have done little more than refer to behind-the-scenes negotiations, and they seem to confuse ROW (for permanent use) with permitting (for construction activities). The long-awaited Draft Environmental Impact Statement (DEIS) mentions the 1869 and 1901 statutes authorizing the tracks and tunnel. DEIS at 1-3. It acknowledges that any new tunnel would be beyond the current alignment. DEIS at 5-3. It then says that because no private property would be taken, "no additional detail... is warranted." DEIS at 3-5.

The DEIS neglects a Supreme Court case about these very tracks, District of Columbia Commissioners v. Baltimore & Potomac Railroad Company, 114 U.S. 453 (1885). That case holds that if the railroad wants to move the Congressionally-authorized tracks, the railroad must get permission from Congress.

Granted, that case was prior to the 1901 statute's vague ROW. But that statute also says that all work must be completed by 1906. No authorization for later expansions or shifts. Subsequent cases limit vague ROWs to the space that a railroad has actually used. If CSX and the agencies are relying on contrary authorities, they should disclose those for public review.

Moreover, the Virginia Avenue ROW, at 160 feet, is much wider than the street. The United States owns the Virginia Avenue ROW. The Home

Rule Act of 1973, allowing the city to maintain and control the streets, did not change that.

So it looks like CSX must go to Congress, though it will still need approvals from DC.

At Congresswoman Norton's November 23 community meeting, CSX denied that it was lobbying Congress about the VAT. I then produced CSX's two most recent quarterly lobbying disclosure reports -- prepared by CSX -- showing CSX lobbying specifically about the VAT. CSX lobbying expenses during those six months were \$1,686,592.

Norton wants transparency about the ROW and related issues, including what the city would get in return for the harms and risks imposed by CSX. She's asking for a Congressional oversight hearing into FHWA's handling of the VAT project.

Many thanks to Norton for recognizing that these discussions need to be public. There's a lot at stake here.

*Maureen Cohen Harrington  
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## Smoked Out By CSX

I walked my dog this Sunday, November 17th, as I do every day, and watched Garfield Park fill with smoke that started billowing out of Virginia Avenue Tunnel, following a slow moving train heading south. I had no idea what was going on, but it made me very uneasy. Neighbors called the CSX emergency response number and CSX maintained everything was 'normal' in the tunnel.

Turns out that an open freight car filled with wooden railroad ties had caught fire. Those ties contained creosote, which is a known carcinogen according to the Environmental Protection Agency. Imagine something more dangerous burning, under 'normal' conditions, during spring and summer, when Garfield Park is full of families and children, including my own. And now increase the probability of an incident by a factor of 10.

If you're wondering what I'm talk-

ing about, CSX is proposing an expansion of the Virginia Avenue Tunnel, to increase its capacity from single track, single-stacked trains, into a double track, double-stacked trains. And while they are expanding the tunnel, they plan to turn Virginia Avenue into a trench and still have the trains running through the construction zone!

If you're not familiar with the project, please visit [www.dcsaferail.org](http://www.dcsaferail.org) (here you can also find a link to the Washington Post's coverage of the fire). Contrary to widespread belief—this project is NOT a 'done deal'. Permitting and review process is still under way. We can affect the outcome, but we must speak up. We can't assume CSX and the government agencies are doing due diligence and looking out for our safety and health. If you feel the same way, please contact Congresswoman Eleanor Holmes Norton and express your concerns, via her assistant at [lauren.dudley@mail.house.gov](mailto:lauren.dudley@mail.house.gov), or join e-mail list at [www.dcsaferail.org](http://www.dcsaferail.org).

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## Not Too Late to be Heard on The Virginia Avenue Tunnel

The recent fire in CSX's Virginia Avenue Tunnel was a wake up call for this community. Thankfully, the fire didn't involve any highly hazardous materials or spread to other cars, but considering CSX's 221 accidents in 2012, that doesn't offer much comfort.

What might happen if CSX gets approval to move forward on an open-trench construction project, running more and double-stacked trains at higher speeds on temporary tracks, adjacent to Garfield Park and playground, the highway, numerous homes, a multi-story office building and a senior housing center?

Though DC Delegate Eleanor Holmes Norton says CSX has agreed not to carry "high hazmats" through our neighborhood, but that CSX

doesn't disclose its cargo. We're not worried about "orange juice and soybeans." We worry about things like sodium chlorate, oil or diesel engine fuel, any of which would devastate our community in an accident.

Too many questions remain. How much air and noise pollution and increased vibrations can we expect? How will CSX satisfactorily mitigate these health threats to the most vulnerable in our community? Are CSX and DC authorities prepared for a derailment, given the proximity to the U.S. capitol and other national treasures? What about the hundreds of irreplaceable majestic trees that will be lost? How long will cross streets like 3rd, 4th, 5th/6th, 8th and 11th Streets be inaccessible? These, along with the 6th street exit from 695 are critical to thousands of residents and commuters who already endure long traffic tie-ups, especially on Nationals home game days.

It's not too late for the residents of Capitol Hill and Navy Yard to speak out. Thankfully, ANC 6D Commissioner David Garber, and our Council Member, Tommy Wells, are listening and voicing our concerns. It's time for DC Delegate Eleanor Holmes Norton and Mayor Vincent Gray to join them.

*Jared Weaver  
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## The Navy Yard Neighborhood Opposes CSX

The Navy Yard Neighborhood Association (NYNA) is very concerned about the potential impacts of this closure on the community, including:

- commuter traffic
- emergency vehicle access
- traffic to and from games and events at Nationals Stadium
- evacuation in case of emergency
- economic impact on Capitol Riverfront and Barracks Row business districts

Project background: CSX proposes to undertake a major mile-long

infrastructure project to demolish an existing single-track rail tunnel and replace it with a new, wider two-track tunnel capable of handling double-stack rail cars. They propose open-trench construction, and they propose to continue freight rail passage through the construction site for the duration of construction. CSX is currently in the process of completing an Environmental Impact Statement for the project, under the FHWA (lead agency) and the District Department of Transportation.

NYNA will be looking for further clarification on this issue in advance of the Final Environmental Impact Statement (EIS), which is due to be released any day. For more information, please feel free to contact us at Navy-YardNA@gmail.com.

*Established in October 2013 as a DC non-profit corporation, Navy Yard Neighborhood Association (NYNA) exists to promote the general welfare and interests – including safety and security, education, quality of life, and economic development – of the community known as the Navy Yard, Capitol Riverfront, and Near Southeast neighborhoods in the District of Columbia.*

## Charles Allen Is Our Choice for Councilmember

As Ward 6's elected education leaders, we are proud to endorse Charles Allen for Ward 6 member of the DC Council.

Charles has been an integral part of the successes we have seen so far at our neighborhood elementary schools and he stands ready to work with residents to bring that same energy and urgency to improving our Ward 6 middle schools.

As a parent himself, Charles knows that all parents want outstanding educational opportunities for their children. As a Council-

member, his focus will be on ensuring high quality options and supporting all families, whether they choose traditional public schools or public charter schools.

Charles has a strong track record of success in helping support the dramatic expansion of high-quality early education options in Ward 6. And as a major contributor to the public education renaissance in our ward, he demonstrates incredible knowledge about our schools' needs and challenges.

In his years at the DC Council, Allen worked with parents and school leaders across the ward and knows that building strong neighborhood middle schools is a priority in every corner of Ward 6.

Great neighborhoods have great schools from pre-K through high school. Ward 6 has a great story to tell and we are proud of our work with parent and school communities, as Ward 6 elementary schools have led the way for school reform. But our work is not done yet. We know and trust that Charles Allen will take the same energy – and urgency – to transform our middle schools. With a \$98 million renovation, and one of the best principals on the East Coast, Eastern High School is on the right track to return as a school of choice. But as Charles has repeatedly said, it's the bridge between elementary and high school that will determine our success at reforming the school system, preparing students to succeed, and instilling the confidence of our parents.

The DC Council needs strong voices for public education in the District and we're proud to support Charles Allen as our next Ward 6 Councilmember.

*Monica Warren-Jones, is the current Ward 6 Member of the DC Board of Education, and Lisa Raymond, is the former Ward 6 Member of the DC Board of Education. ★*



## Capitol Hill Group Ministry Thanksgiving Baskets

PHOTOS COURTESY OF SANDRA NELSON AND LEYLA SERAFINO!

A heartfelt thanks to all those who donated towards the Thanksgiving Baskets this year! Once again, MOTHS surpassed their goal of 60 baskets which feeds 240 people. They totaled 63 family meals this year, and gave Capitol Hill Group Ministry a huge surplus of extra food as well!

It is so wonderful to see our families come together year after year to help at the assembly, and parents teaching your kids the meaning of sharing what we are all so lucky to have – we can always count on you! And we hope the new folks enjoyed it and will come back next year!

Many thanks to Alex, Nico, and Mitch for their hard work. We love having them help us – need those muscles!

Also here is the link for Capitol Hill Group Ministry online donations if you want to pass it on, or give more thru the year...

<http://www.chgm.net/get-involved-nn/donations/>  
HAPPY THANKSGIVING!