



Near Southeast/Southwest
Advisory Neighborhood Commission 6D

July 27, 2014

1101 Fourth Street, SW
Suite W 130
Washington, DC 20024
202.554.1795
Email: office@anc6d.org
Website: www.anc6d.org

DC Council
Jamie Henson, DDOT
Faisal Hameed, DDOT

VIA E-MAIL

RE: Resolution to Refrain from Issuing Record of Decision on Virginia Avenue Tunnel

OFFICERS

Chairman
Roger Moffat

Vice Chairman
Andy Litsky

Secretary
Stacy Cloyd

Treasurer
Rachel Relly Carroll

At its regularly called, properly noticed meeting on July 14, 2014, with a quorum present (a quorum being 4), Advisory Neighborhood Commission (ANC) 6D voted 4-1 to send this letter and in support of the following resolution re the Record of Decision for the CSX Virginia Avenue Tunnel.

ANC 6D requests that DDOT refrain from issuing a Record of Decision (ROD) for the CSX Virginia Avenue Tunnel expansion until after the Council of the District of Columbia returns from recess in September.

COMMISSIONERS

SMD 1 *Sam Marrero*
SMD 2 *Stacy Cloyd*
SMD 3 *Rachel Relly Carroll*
SMD 4 *Andy Litsky*
SMD 5 *Roger Moffatt*
SMD 6 *Rhonda Hamilton*
SMD 7 *David Garber*

ANC 6D believes that the Final Environmental Impact Statement, released on June 13, raised at least as many questions as it answered. For this reason ANC 6D hopes that DC Council has obtained or will obtain enough information to answer questions related to the following:

Rail Plan: whether granting CSX approvals for the Virginia Avenue Tunnel expansion would substantially undermine the comprehensive rail plan funded in the Council's 2015 budget; whether the plan would enable the District of Columbia to inventory rail infrastructure and develop a comprehensive rail safety program; whether the plan would ensure that all modes of rail (passenger, commuter, and freight) can co-exist as they expand.

DDOT Pre-Approvals: Whether DDOT pre-approved CSX's preferred proposal before any plans had been shared with the public or any environmental analysis had been done, as suggested by newly-disclosed DDOT agreements with CSX, dating back to at least 2010, and why these documents were withheld from the public despite many years of community questions about the process for permitting and other approvals?

Right of Way: Whether DDOT has the authority to grant CSX the additional right of way that the FEIS admits CSX will need for the preferred alternative; whether proper procedures were, or are being, followed with respect to the grant of that right of way; and whether the boundaries of the current CSX right of way are more limited and clear than DDOT and FHWA seem to believe?

Hazardous Materials: Whether the city should condition any grant of right of way, permitting, and other approvals on CSX entering into a public, binding, and perpetual agreement to reroute shipments of crude oil, toxic by inhalation materials, and other highly hazardous materials away from the monument core and preclude the use of the CSX RF&P Sub-division for any of these shipments to the District of Columbia; whether, the city may be losing leverage to accomplish by contract what it has been unable to accomplish by regulation, based on the CSX having defeated prior city legislation when the D.C. Circuit held that only the federal government may regulate the railroads. Yet today, even Transportation Secretary Foxx and the National Transportation Safety Board acknowledge that federal rail safety regulation has not been able to keep pace with growing safety concerns.

Emergency Preparedness: Whether the city's first responders, its first response resources, and its emergency preparedness plans – including plans communicated in advance to the public – are up to the task of responding to freight rail accidents, especially those involving hazardous materials, and especially – but not only – during the multi-year construction period; and whether the special challenges of responding to rail accidents in tunnels have been addressed, given the many challenges and CSX failures revealed during the 2001 Howard Street Tunnel derailment in Baltimore.

Economic Development: Whether and how the billions of public and private dollars invested in Navy Yard and Southwest neighborhoods will be protected; whether this intensive private construction project affecting public roadways and property will dissuade new investment and commercial development that will expand and support the growing residential and commercial communities.

Affordable Housing and Environmental Justice: Whether the affordable housing near the multi-year proposed construction site is jeopardized by the project; whether the most vulnerable residents – including seniors and others with medical issues – will have alternative options for housing if the construction threatens their health or severely restricts their quality of life, given the multi-year waitlists and other legal and practical restrictions; and whether the FEIS improperly dismissed consideration of other environmental justice communities.

In the event that this project does move forward in any form, ANC 6D asks that the following be added into any project agreement before construction.

Perpetual agreement to reroute high hazardous materials: Condition any grant of right of way, permitting, and other approvals on CSX entering into a public, binding, and perpetual agreement to reroute crude oil shipments, toxic by inhalation materials, and other highly hazardous materials away from the monument core

Funds dedicated to the ANC should be gifted instead to local community organizations that have demonstrated successful engagements on a community-wide basis. ANC 6D is willing to provide counsel regarding groups who can perform in that capacity. As a point of law, the ANC cannot and will not serve as a distributor of funds to residents to 'mitigate' for damages.

Affordable Housing Temporary Relocation: funding for temporary relocation is especially important for the affordable housing and senior center residents; CSX and DDOT must secure pre-approval from DCHA that any temporary relocation of affordable housing residents will not forfeit their right to return to their home after construction is complete.

Freeway Sound Barriers: CSX installs clear sound barriers along the freeway wall the length of Virginia Avenue, like those facing Alexandria around the Wilson Bridge.

Separated Bike Path: new bike path along Virginia Avenue needs to be in a dedicated bike lane (not shared with the sidewalk), for the entirety of its route along Virginia Avenue.

Tree replacement warranty and landscaping service: CSX should not only replace all of the trees they remove, they should also replace them with large diameter trees and pay for a 5 year warranty and a 5 year landscaping service contract that will water the trees during the vulnerable early years and monitor them for healthy growth. Additional non-turf landscape plantings should accompany the new trees both along Virginia Avenue, the land in front of the Front Row Residents, and along the freeway berms.

4th Street Southwest DC CSX Underpasses: CSX must repair, restore, and maintain the existing railway underpass on 4th Street SW between E Street SW and G Street SW.

Thank you for your consideration in this matter.

Sincerely,



Roger Moffatt
Chairman, ANC 6D

cc: Delegate Eleanor Holmes Norton
Mayor Vincent Gray
M. Jeffrey Miller, Interim Deputy Mayor for Planning & Economic Development
Mike Hicks, Federal Highway Administration