CAPITOL HILL RESTORATION SOCIETY

September 25, 2013

Mr. Joseph C. Lawson
Division Administrator
Federal Highway Administration
DC Division
1990 K Street, NW, Suite 510
Washington, DC 20006-1103

email: Christopher.lawson@dot.gov

Subject: Comments on the Draft Environmental Impact Statement for the CSX Virginia Avenue Tunnel Project in Southeast Washington, DC

Recommendation: Adopt Alternative 1, No-Build

Dear Mr. Lawson:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the CSX Virginia Avenue Tunnel Project (Project) in Southeast Washington, DC. The Capitol Hill Restoration Society (CHRS) appreciates the opportunity to share with the Federal Highway Administration, District of Columbia Division (FHWA-DC), the DC Department of Transportation (DDOT), and other involved agencies its comments and concerns about the many impacts this extensive project will have on the Capitol Hill community and the Capitol Hill Historic District (CHHD). As the oldest and largest civic organization on Capitol Hill and one of the largest in the city, CHRS is committed to preserving the historic fabric and character of Capitol Hill and protecting its neighborhoods, environment, cohesiveness, and residential nature. CHRS is a consulting party in the Section 106 review of this Project and previously filed scoping comments regarding this project.

Summary

CHRS strongly urges FHWA to adopt Alternative 1, the No-Build Alternative. We believe the safety and security risks and vibration and environmental impacts of the other alternatives would devastate this residential area and are avoidable.

I. Comments concerning Alternative 1, No-Build

No-Build is the only alternative that saves residents and businesses in the Project area from 30-66 months of increased noise, vibration, dust, decreased air quality, and reduced access to their homes; damage to area buildings; loss of more than 400 trees; loss of access to most of Virginia Avenue Park; and a devastated streetscape during construction and for decades afterward.

The No-Build Alternative meets the Purpose and Need described in DEIS Section 2 as part of a plan to satisfy the urgent need for additional passenger rail service in and out of DC. In a nutshell, CSX uses the Long Bridge across the Potomac River, the Southwest (SW) rail tracks, and the VAT to transport freight through DC. Currently, freight and passenger trains (e.g., Virginia Railway Express) compete to use the Long Bridge (controlled by CSX), the only Potomac River rail crossing within 70 miles, and also compete to use rail tracks in Southwest DC (SW). Only CSX uses the VAT. Because CSX and passenger railroads each expect traffic volumes to increase, the Long Bridge bottleneck will become more and more of a problem in the future. CSX will understandably want to maximize Long Bridge capacity for its own operations. The solution suggested by several planners to solve this serious problem is to construct a new freight rail bridge across the Potomac, then connect to existing freight rail tracks in Maryland so that freight trains would no longer need to transit through the District of Columbia. As a result, there would no longer be a need for the VAT.[1] CHRS understands that other commenters will present a detailed analysis of plans for improving freight and passenger rail service that obviate the need for the VAT.

II. Comments concerning Alternatives 2, 3, and 4, the Build Alternatives

CHRS's comments below set forth multiple significant adverse impacts from the Project's Build Alternatives.

A. Summary of Build Alternatives

Alternative 2: Rebuild the Virginia Avenue Tunnel (VAT). Temporary run-around track in protected open trench below street level and seven feet south of the existing tunnel's centerline. DEIS S.3; Figure S-2; Table 3-2.

- Estimated construction time: 30-42 months.[2]
- Estimated cost: $175 million.

Alternative 3: Two new tunnels, constructed sequentially in a protected open trench; existing tunnel to be used during construction of first new tunnel, then demolished and rebuilt; tunnels

[1] We understand that CSX delivers coal to the Capitol Hill Power Plant, CSX's only customer located in DC. The power plant is converting to cogeneration, and after that conversion it will no longer need coal delivered by CSX. The Architect of the Capitol has stated: "The [cogeneration] permits do not allow CPP [Capitol Power Plant] to return to coal burning, as some have suggested, because the plant currently burns limited coal as it has since the early 1900s. The proposed permits would also not roll back emission limits in order to allow the power plant to burn more coal. The permits significantly lower the emission limits at the power plant and therefore limit the amount of coal that CPP can use." www.aoc.gov/capitol-buildings/capitol-power-plant

[2] Construction timelines and cost estimates from VAT public meeting on July 31, 2013.

separated by center wall for most of their length, and 25 feet south of the existing tunnel's centerline. DEIS S.3; Figure S-3; Table 3-3.

- Estimated construction time: 30-42 months.
- Estimated cost: $168 million.

Alternative 4: New partitioned tunnel, online rebuild, 17 feet south of the existing tunnel's centerline. DEIS S-3; Figure S-4; Table 3-4.

- Estimated construction time: 54-66 months.
- Estimated cost: $208 million.

B. Severe shortcomings in DEIS's, scope, data, and analysis

The DEIS contains multiple serious defects in scope, data and analysis, both for the construction period and post-construction operations.

Air quality

A key factor in Purpose and Needs is the increase in rail traffic beginning in 2015. DEIS 2.2. The DEIS fails to project the Build Alternatives' effect on air quality, because it lacks a key variable: number of freight trains using the tunnel in 2015, 2020, 2030 and 2040. Projections to 2040 are used in other recent rail transportation studies. See e.g., "TransAction 2040: Northern Virginia Rail Transportation Plan Technical Report" (Nov. 2012). In 2005, the Federal Railroad Administration issued its Report to Congress: Baltimore's Railroad Network: Challenges and Alternatives, and projected that the number of CSX trains traveling between Washington and Baltimore will increase from 33 trains a day in 2012 to a high of 56 trains a day in 2050. Page 4-13. This projection, performed in 2005, did not take into account the increased freight that will result from expansion of the Panama Canal. The projected number of trains per year in 2015, 2020, 2030 and 2040 must be supplied and analyzed to determine the Project's effect on air quality.

The DEIS is also deficient because it treats changes in air quality only during construction, and totally fails to account for easily foreseeable changes in air quality after construction is completed. CXS presently runs 20-30 trains powered by diesel locomotives through the Virginia Avenue Tunnel. The number of trains will likely double after the Panama Canal expansion. DEIS 2.2. As a result the amount of emissions from CSX trains on Capitol Hill and in other areas in the Washington region will double. Increased CSX emissions are only one part of foreseeable future change in air quality. CSX requires that Amtrak and MARC also use diesel locomotives on CSX tracks in DC. These rail lines also project an increase in traffic, which will further increase diesel emissions on Capitol Hill. These increased diesel locomotive emissions from three rail lines must be quantified in order to evaluate the environmental impacts of rebuilding the Virginia Avenue Tunnel.

Noise

A majority of the predicted construction noise is expected to exceed the Construction Noise Impact Criteria of the Federal Transit Administration (FTA). The very high projected noise levels from Alternative 4 (sheet piling) are a particular concern. DEIS 5.6.2, Table 5-6. DEIS 5.6.4 describes "reasonable (i.e., cost effective) and feasible (i.e., physically achievable)" mitigation measures. The DEIS fails to specify whether all the listed measures will be implemented, and whether the expected reduction in noise from any implemented measures would collectively reduce the noise levels below the FTA limits, and if not, what additional measures are available to bring construction noise below the FTA limits. Because most construction will be done during weekdays, we are particularly concerned about effects of the noise on the children at nearby schools, including Tyler Elementary, Capitol Hill Day School, Van Ness Elementary School (which will be reopened), and the Eagle Academy Public Charter School. Construction noise will also have a serious adverse impact on the environmental justice population of low-income seniors living in the Capper Senior Apartments, an assisted-living facility immediately adjacent to the construction zone. Other residents, including retirees, infants, and small children who live near the LOD, will also experience undue noise impacts.

Vibration

The DEIS methodology in evaluating vibration is flawed, and its conclusions that no harm will be caused to historic buildings are invalid.

The DEIS correctly points out that older buildings are typically more susceptible to ground-born vibration damage because of construction codes (or their absence) in the past. DEIS 5.7.1. Many of the buildings in the Project area are 19th century or early 20th century buildings. See e.g., construction dates for buildings shown in Section 4(f), p. 92 et seq.

Train Height, Weight, Length, Speed and Volume were Underestimated. The DEIS states that because the closest building to the alignment edge of the track is 44 feet, and that human annoyance and building damage only occur at distances closer than 44 feet, there will be no vibration damage during construction or post-construction. DEIS 5.7.2, 5.7.3. However, the DEIS vibration measurements are based on existing trains operating in the Project area. DEIS 4.2. The DEIS fails to answer what the construction and post-construction vibration levels will be from double-stacked intermodal container freight trains. This is a critical shortcoming in the DEIS, and casts doubt on the conclusion that construction and post-construction vibration will not annoy people or damage buildings:

- Construction vibration levels from trains: It appears that double-stacked intermodal container freight trains will run during the construction of any Build Alternative. See DEIS Tables 3-2, 3-3, 3-4 (construction phasing) and Figures S-2, S-3, S-4 (post-construction Build Alternatives). Data from double-stacked trains would be the most relevant and CSX and the consultants should have access to data on vibration from these double-stacked trains.

- Post-construction vibration levels: The tests for vibration levels from passing trains were based on current train configurations using the VAT, and not on double-stacked intermodal container freight trains. DEIS Appendix F, section 4.2. CSX runs double-stacked intermodal container freight trains on some of its routes. Data from double-stacked trains would be the most relevant and CSX and the consultants should have access to data on vibration from these double-stacked trains.

- Train Height and Weight are Underestimated. The DEIS projects the vibration from two passing train trains in the VAT by doubling the vibration measurements for single-track trains. DEIS 5.7.3. Is this projection accurate? One would expect vibration to be higher for passing double-stacked intermodal container freight trains. Data from double-stacked trains is relevant and CSX and the consultants should have access to data on vibration from these double-stacked trains.

- Train Speed is Underestimated. Measured passing trains were traveling at 12, 14, 19, and 20 mph. DEIS Appendix F, Tables 4-1., 5.4. During construction trains speed is to be limited to 25 mph. DEIS 5.15.1.1. After tunnel reconstruction, would trains speeds increase? And how would any increase in speed affect vibration from double-stacked trains?

- Train Length is Underestimated. Measured passing trains were 28, 47, 70, 120, and 143 cars in length. It appears that vibration levels peak during the mid-part of a train's passage. DEIS Appendix F, Tables 4-1, 5-4. After tunnel reconstruction, would train lengths increase? (With the end of single-tracking through the VAT, train lengths may increase.) A longer train may increase the duration of higher vibration levels. And, how would higher speeds or longer double-stacked trains affect vibration?

- The vibration dissipation rate depends on the "local soil composition." DEIS Appendix F section 4.2. The DEIS provides data on current soil conditions. DEIS Figure 4-10. However, some the soil surrounding the tunnel would be replaced. DEIS 5.8. For this reason, it is unclear what post-construction vibration would be.

- Train Traffic is Underestimated. Is there a cumulative effect from repeated vibration events? DEIS 5.15.1.2 states that freight rail transportation is expected to substantially increase. An average of 18 trains per day is projected to use the VAT during construction. DEIS 5.15.1.1.
  In addition, improved vibration studies may indicate that buildings will be damaged by vibration. If either of these circumstances occurs, the projected number of trains per year in 2015, 2020, 2030, and 2040 must be supplied and analyzed to determine the post-construction vibration effects from the Project.

Safety and Security; Hazardous Cargo

The DEIS fails to address key safety and security issues inherent in all the Build Alternatives, which are vividly illustrated by the iconic photograph of rail tanker cars with the Capitol in the

background. While CSX has assured everyone that "hazardous cargo" (generally as substances posing a poison or toxic inhalation hazard, explosives, and radioactive materials (49 CFR Parts 171-180)) is routed outside the District of Columbia, other dangerous substances in rail cars may be routed through the city. (CSX, not the Federal Railroad Administration, decides what "hazardous cargo" is rerouted.) Dangerous chemicals that are not "hazardous" and thus may be routed through the city include oil, terephthalic acid, fluorolytic acid and sodium chlorate. These chemicals have caused major damage in accidents in recent years. The most recent example is the CSX train that derailed near Baltimore, MD, on May 26, 2013. The derailed train, carrying sodium chlorate, terephthalic acid and a partially empty tank car containing fluorolytic acid, exploded and caught fire. The train that derailed was traveling from Selkirk, N.Y. to Waycross, Ga., along CSX's Eastern Seaboard Freight Rail Corridor that includes the Virginia Avenue Tunnel. In addition to the danger from serious accidents, these dangerous cargoes traveling through the city offer targets for terrorists.

The No-Build Alternative is the only alternative that addresses these serious safety and security issues. The DEIS must address how reconstructing the Virginia Avenue Tunnel and the associated increase in the number of freight trains contributes to increased national security threats, from both sabotage of trains and from explosives in container cars. Worst-case scenarios should be an important, if not decisive, component of the DEIS analysis.

Effects on wildlife

The DEIS totally fails to accurately account the effect on wildlife because it omits all effects of construction period noise, vibration, air quality changes, and habitat destruction, each of which is a threat to wildlife identified by DC Department of the Environment (DDOE).

DDOE has identified many species of birds, animals, reptiles, amphibians, and invertebrates in DC. DDOE identified species living in DC urban landscapes. Within that group, DDOE lists species of greatest conservation need in urban landscapes:

- Birds: Black-crowned Night Heron, Brown Thrasher, Chimney Swift (a migratory species),[3] Eastern Towhee, Red-shouldered Hawk.
- Mammals: Eastern Red Bat, Eastern Chipmunk, Gray Fox.
- Reptiles: Eastern Box Turtle, Eastern Hognose Snake.

DDOE Wildlife Action Plan (WAP), Ch. 5, www.ddoe.dc.gov.

We believe that the Project area is an urban landscape, as this term is used in the WAP. DDOE also identifies several threats to wildlife in DC urban landscapes, including habitat loss, noise pollution and air pollution. WAP, Ch. 4, Table 10.

DDOT asked DDOE for information concerning District-listed or proposed threatened or endangered plant or animal species, species of greatest conservation need, and/or any critical

[3] National Geographic Society, Field Guide to the Birds of North America (Washington, DC: National Geographic Society, 1995, 252.)

habitats that may occur within or adjacent to the Project area. DDOE responded by letter dated July 13, 2012, identifying species of greatest conservation need neighboring the Project area (American Toad, Green Frog, Southern Leopard Frog, Redbelly Turtle, Eastern small-footed bat, and Little brown bat). DEIS Appendix, section 7, Correspondence. There are two issues with the letters between DDOT and DDOE:

(1) DDOE was never asked about the effects from noise, vibration, air quality changes, and habitat loss (described in DEIS 4.5 4.6, 4.7, 4.10) during construction. These changes may affect species within the project area and also affect species neighboring the project area, particularly the species of greatest conservation need. DDOE must be recontacted and consulted on these critical issues and the FEIS must account for these effects and how those effects can be mitigated.

(2) DDOE's letter did not mention birds or other species "within the project area." DDOE's reference to birds "in the area" which are not species of greatest conservation need (Northern Mockingbird, American Robin, Song Sparrow, House Sparrow and European Starling), may suggest that DDOE identified no species of greatest conservation need within the Project area, but this is not clear. The DEIS does not clarify whether the Chimney Swift, a migratory species associated with urban landscapes, may be "within the project area" at some times during the year. The DEIS notes that DC is an important pathway for migratory birds. DEIS 4.10.2. The list of species found within DC (from websites of the Smithsonian National Museum of Natural History and the Audubon Society of the District of Columbia), must be compared with DDOE's list, and any discrepancies must be addressed. DEIS 4.10.2; Appendix, section 7, Correspondence. It must also address all the species on DDOE's list of species of concern known to live in urban landscapes, what effects the Project would have on these species, and how those effects can be mitigated.

Bat populations are in decline in the United States, and therefore, conserving them is especially important. We urge that additional field visits be made to check for bats at the optimum dates and times in the Project area, including the tunnel and the adjacent area to check for bats. If any bats are found that a mitigation plan must be developed in consultation with DDOE.

Furthermore, the Project's limits of disturbance (LOD) will suffer the loss of 404 trees, and all impacts on vegetation, as well as increases in noise and air pollution, are threats to wildlife identified by DDOE. The DEIS not only fails to consider the effects of these factors on wildlife, and how they could be mitigated, it makes the unsupported conclusion that "…the existing wildlife in the general vicinity of the LOD is adaptable to urbanized and disturbed habitats, and would unlikely be affected by construction activities other than localized losses of habitat resulting from tree and vegetation removal described above." DEIS 5.10.1.2. DDOE was asked only to identify threatened or endangered species, or species of greatest conservation need. DEIS Appendix, section 7, Correspondence.

Traffic

At least 10 signalized intersections are noted in Table 5-22 as having worse level-of-service (LOS) during at least one construction phase than under existing conditions (No-Build Alternative), with several losing several tiers in the LOS Definitions. This includes going from "A-free flow" to "C-approaching free flow" and "B-relatively free flow" to "D-approaching unstable flow" conditions, as well as from "A-free flow" to "E-unstable flow" conditions" at I/Virginia/7th SE and to "D- approaching unstable flow" conditions at I/Virginia/6th SE during AM rush hours. Other adverse impacts to traffic are noted in the DEIS, including closure of Virginia Avenue south of the freeway during construction for substantial lengths of time. The affected area already suffers from challenging traffic conditions, especially during rush hours, and construction will have considerable adverse impacts on residents and businesses alike. Businesses, especially along Barracks Row both above and below the freeway, stand to suffer adverse economic impacts, and property owners in the Lower 8th Street Overlay area will continue to suffer uncertainty about what they will and won't be able to do with their properties, leading to a dearth of needed revitalization in that area.

At the September 9, 2013 meeting of the 11th Street Bridge Community Communications Committee, attendees were told that the 11th Street off-ramp from I-695 could not be completed during the duration of the 11th Street Bridge Project because the VAT Project would be occupying affected land. Instead, the Project Manager said that CSX would build that ramp after completion of the VAT reconstruction Project. There is no mention in the DEIS of this huge problem related to the VAT Project, which will be yet another huge and unforeseen adverse impact on the community and others who use the freeway. The FEIS must contain ironclad environmental commitments that bind CSX to fully funding and undertaking the completion of this ramp.

Parks

The Project would affect in varying degrees Virginia Avenue Park, Garfield Park, Reservations 122, 122A, 123, 124, 124A and 127 (DEIS 4.12, 4.13, 5.1.1), the Marine Corps Recreation Facility, and the ad-hoc skateboarding area under I-695. Pedestrian access to Garfield Park from 2nd Street, SE would be affected during one phase of construction. DEIS 5.12.1. The DEIS proposes to use Virginia Avenue Park to stage construction equipment, and for construction or equipment staging, to cut down eight trees, and would occupy a "large swath of open grassy area and the fenced dog area." Although the community garden and park benches would be available during construction, "[n]oise and dust from construction activities within the park would degrade the park experience of garden users and park visitors." DEIS 5.10.1, 5.12.1; Appendix H.

The DEIS fails to specify what types of equipment would be located in Virginia Avenue Park, whether any of the equipment is hazardous to people or pets, or how it would be secured. While open trench construction in the Virginia Avenue Park appears unavoidable if the Project moves forward, we are not convinced that there is no prudent or feasible alternative to handling construction staging elsewhere. Other parcels of land are near the project area, and the 4(f) report makes no mention of whether CSX or DDOT have explored other potential areas for staging that

would not require use of a historic and 4(f) property that is a contributing property in both the Capitol Hill Historic District and the L'Enfant Plan. For instance, owners of one or more vacant parcel might be amenable to renting their property for staging purposes, and some areas might be freed up when portions of the 11th Street Bridge are completed. Other areas were found for project staging for the 11th Street Bridge Project, which originally insisted that it just *had* to use Virginia Avenue Park for this purpose, and we recommend that DDOT work with CSX to accomplish the same outcome here. Publicly owned parks, recreation areas, and open green spaces are few and far between on Capitol Hill, and our residents shouldn't have to give up enjoyable use of this one for corporate purposes

Parking

Table S-1 shows that 108 on-street parking spaces would be displaced. It is already nearly impossible for residents of Capitol Hill to find legal parking, especially at night and for those who live near Barracks Row and the Nationals Ballpark. CSX paying fees to DDOT for the lost spaces will do impacted residents no good whatsoever, and the only mitigation offered is that construction workers would not be allowed to use on-street parking. As residents can attest who live near Stuart Hobson Middle School, which is undergoing extensive renovations, this prohibition is meaningless, with construction workers continually parking on the residential streets. Meaningful mitigation that addresses the loss of these spaces must be provided for in the FEIS to address the real-life, daily needs of both residents and the businesses along Barracks Row and in Lower 8th Street.

Alternative 2 is the Build Alternative with the least adverse impact

Alternatives 2 and 3 have the same estimated construction time: 30-42 months, and are relatively similar in cost ($175 million vs. $168 million). Alternative 3 would place train operations during and after construction further south of the current tunnel's centerline (seven feet vs. 25 feet), in an open trench, and closer to residents and buildings on Virginia Avenue. Alternative 4 would place train operations and construction 17 feet south of current tunnel's centerline, take longer (54-66 months) and cost more ($208 million) than Alternatives 2 or 3. Alternative 4 would also require sheet piling and result in extremely high noise levels, some exceeding 90 dB. DEIS 5.6.2, Table 5-6. All three Build Alternatives would have the same post-construction train pass-by vibration distances in terms of human annoyance and building damage. DEIS Table 5-15. For this reason, Alternative 2 is the least undesirable of the Build Alternatives during construction and post-construction because it places construction and operation farther away from residents and people than Alternative 3 or 4.

Mitigation

Summary

If any of the Build Alternatives are selected, people and businesses in the Project area will endure 30-66 months of increased noise, vibration, dust, decreased air quality, plus inconvenience, loss of access to most of Virginia Avenue Park, and a devastated streetscape

during construction and for years afterward. The mitigation measures proposed in the DEIS are completely insufficient to compensate for these losses.

Potential damage to buildings in the CHHD

At the public meeting on July 31, 2013, FHWA promised pre-construction reports on foundations of buildings within part of (or the entire) Project area. These reports are critical for building owners, some of whom may not be able to afford to pay for a report on their own, nor should they have to. FHWA however, was silent on key features regarding these reports, including: what buildings would be inspected and reported on, when inspections will be done, identification and qualifications of persons making reports, content of reports (descriptions, photographs, analysis, potential damage from construction or post-construction vibration), immediate availability of the entire report to the building owner, and the public (including online access) at no cost to the building owner or to the public.

Streetscape; Tree Loss

Options 2, 3 and 4 would require around 400 trees to be cut down. This will degrade the Virginia Avenue, SE streetscape for decades to come. The L'Enfant street grid, which is listed in the National Register of Historic Places, must be restored following VAT construction.

"The Build Alternatives would improve the streetscape of Virginia Avenue, SE." DEIS 5.3.2.1. This statement is completely inaccurate. Virginia Avenue would lose 164-168 street trees, including mature trees. These trees enhance the visual and aesthetic conditions on Virginia Avenue. Virginia Avenue Park would lose eight trees. DEIS 4.13, 5.10.1, Appendix H. Virginia Avenue would be hot and barren during the months of construction and for years afterward, until the replacement trees are planted and mature.[4] The loss of mature trees will degrade air quality, and increase water-run-off. It also may not be possible to replace some mature trees, since realignment and widening of the tunnel may preclude planting trees where

[4] The lost benefits from Virginia Avenue street trees and Virginia Avenue Park trees include:

- A tree can absorb as much as 48 pounds of carbon dioxide per year, and can sequester one ton of carbon dioxide by the time it reaches 40 years old.
- One large tree can provide a supply of oxygen for two people.
- In one day, one large tree can lift up to 100 gallons of water out of the ground and discharge it into the air.
- For every five percent of tree cover added to a community, storm water runoff is reduced by approximately two percent. Vegetation reduces runoff and improves water quality by absorbing and filtering rainwater.
- According to the USDA Forest Service, "Trees properly placed around buildings can reduce air conditioning needs by 30 percent and save 20-50 percent in energy used for heating."
- The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day.
- Healthy trees provide wildlife habitat and contribute to the social and economic wellbeing of landowners and community residents.
- Tree shade can slow deterioration of street pavement, decreasing the amount of maintenance needed.

www.treesforcapitolhill.org, Fall 2013 newsletter.

the tunnel ceiling would interfere with their root systems. See www.caseytrees.org/resources/reasons and www.treesforcapitolhill.org, Fall 2013 newsletter.

DDOT's Urban Forestry Administration (UFA) must replace the soil removed from the Project area, the 164-168 lost street trees on Virginia Avenue, the eight lost trees in Virginia Avenue Park, and regularly water all the new trees for at least the first two seasons after planting. All trees listed in Appendix H must be replaced, regardless of their condition when surveyed. UFA, in consultation with the community, must make all decisions concerning tree replacement and must supervise all aspects of tree replacement, including selection, planting, and care. We appreciate the statement that "the Project sponsor would work with UFA" on replanting, but UFA should be in charge of the entire process. DEIS 4.10, 5.10.2.1, 5.10.3, Figure 4.14. CSX must bear all of these costs.

In addition, CSX should bear the costs of replacing and watering each of the other ~240 trees lost in the LOD (404 trees described in DEIS 4.10.1 minus 164 or 168) on a one-for-one basis, with selection, planting, planting location, and care for trees in public space to be determined by UFA in consultation with the community.

DEIS 3.3.2.2 states that certain elements "are assumed to be constructed or provided by the Project and would be part of post-construction condition of Virginia Avenue, SE between 2nd and 9th Streets, SE", including "improved access to Garfield Park for wheelchair dependent individuals, … provide additional landscaping, such as the area between 4th and 5th/6th Streets SE due to the proposed changes noted above …provision of additional on-street parking where appropriate ... improved street lighting, traffic signals and crosswalks." It is unclear whether these mitigation measures are mandatory and whether they are in addition to or in place of the elements described in DEIS 5.3.2.1 (discussed below).

According to the DEIS 5.3.2.1, improvements in the streetscape "would include improved sidewalks, new bicycle facilities, and more landscaping, … ." This statement is vague. Specifics are needed to define:

(1) "Improved sidewalks": how would the improved sidewalks differ from the existing sidewalks, and would the new sidewalks comply with DDOT's requirements for public space improvements in historic districts? Would sidewalks be constructed using permeable materials?

(2) "New bicycle facilities": Is this a Capital Bike share station, bicycle lanes, or something more? For example, does "new bicycle facilities" mean the three proposed bicycle facilities listed in DEIS 4.15.5 or the two facilities listed in 5.15.5.2?
DEIS 5.1.2.3 mentions enhancing "connectivity between parks for pedestrians and cyclists." It is unclear what connectivity means, or which parks (only the parks listed in DEIS 5.1.1?) or other connections between parks, such as listed in CapitalSpace Partners final report (2010)).

(3) "More landscaping": What does this mean, and where? Any landscaping must be low-impact, minimizing water run-off. Please see additional comments below.

The FEIS should address and incorporate the following mitigation measures:

- Appropriate Soil. For optimum tree and plant growth in the LOD, UFA must specify the type and depth of soil to be installed throughout the LOD, and closely supervise the installation. This is a critical element in successfully restoring the streetscape and parks. For example, the soil installed on the Eastern Market Metro Plaza (on the south side by the escalators) was poor quality, failed to meet National Park Service specifications, and has resulted in ongoing tree and plant growth problems.

- A continuous tree lawn on Virginia Avenue (as opposed to tree boxes surrounded by paving). DEIS 5.9.2.1 appears to suggest a continuous tree lawn; this should be confirmed.

- Plant and wildlife restoration. Because all trees and vegetation within the LOD will be removed, DDOT must work with the community to devise a plan to restore vegetation, taking into account low-impact development, enhancing wildlife habitat, and minimizing water run-off. DEIS 5.10.1.1, 5.9.2.1.

- DDOT's "Anacostia River Trash Reduction Plan" (ARTRP) (2009) should be followed in restoring the LOD and streetscape.[5] In particular:

- Installing rain gardens (sites near I-695 and Reservations 122, 122A, 123, 124, 124A and 127 may be possible, in addition to Virginia Avenue Park and Garfield Park). ARTRP p. 6-10. DEIS 5.9.2.1 appears to recommend rain gardens.

- Installing vortex separator systems (or equivalent best management practices) in all catch basins/ storm drains. ARTRP p. 6-14.

- The FEIS should address other streetscape issues to include street lighting, curbs, street furniture, and for parks, benches and playground equipment. DDOT should follow its "Context Sensitive Design Guidelines."

- New sidewalks should be installed on the north side of Virginia Avenue, abutting I-695 (where there are no sidewalks currently).

- The skateboard area shown on Figure 4-16 should be replaced, and in consultation with the community, additional skateboard and other recreational areas should be added.

It is essential that the community be included in all planning decisions.

Parks

The commitments in the DEIS to restoring Virginia Avenue Park vary: DEIS 3.3.2.2 states that Virginia Avenue Park "would be restored to at least the conditions prior to construction. CSX

[5] www.ddoe.dc.gov/cwp/view,a,1209,q.499180.asp

has committed to provide some enhancements and upgraded amenities in coordination with NPS and DPR." [emphasis added] On the other hand, DEIS 5.12.1, 5.12.3.3, and Section 4(f) evaluation 9.4.3state that "Virginia Avenue Park [would be restored] to its pre-construction condition." [emphasis added] If no feasible alternative is found to using any of the parks for construction staging, the following remediation actions must be implemented: in addition to replanting all trees and restoring vegetation, any remaining non-native invasive plant species should be eradicated. DDOT, DC Department of Recreation and Parks, and the community need to plan the restoration and replanting. CSX must bear all costs.

3. DC government must receive the fair market value of any new right of way on public property granted to CSX in connection with any Build Alternative.

The Build Alternatives contemplate locating the rebuilt tunnel within CSX or publicly-owned property. DEIS 3.2.1. We understand that in connection with the Project, CSX would receive new right-of-way (ROW) under Virginia Avenue from DC government. DEIS 5.1.2.1. CSX is a publicly traded company. DC government and DC taxpayers are entitled to receive fair market value for CSX's use of public land. The area of any new ROW must be measured and appraised by a qualified appraiser, and all documentation concerning this issue must be transparent and immediately available to the public.

In summary, CHRS urges DDoT to address and/or confirm:

1. Air Quality: Factor increased train traffic into construction and post-construction impacts;
2. Noise: Confirm mitigation measures for construction noise and address post-construction noise levels due to increased train traffic;
3. Vibration: Factor in the impacts of increased train height, weight, length and traffic, as well as soil replacement, and secure from FHWA clarification on the promised pre-construction reports on area building foundations, identifying buildings, timelines, qualifications of the inspectors, elements of the reports, and confirmation that they will be immediately available, online and at no cost;
4. National Security and Hazardous Cargo: Acknowledge the health, safety and national security risks of toxic chemicals and terrorism in the Capitol Core;
5. Wildlife: Request DDOE address the effects of noise, vibration, air quality changes, tree loss and other habitat loss on birds and all wildlife, not just endangered species, within the Project area;
6. Parks: Specify what types of equipment would be staged in Virginia Avenue Park, and how it would be secured. Replace the skateboard park and add recreational areas in consultation with the community;
7. Trees: Confirm that the DDoT Urban Forestry Administration will replace, water and care for the 196 trees along Virginia Avenue and the park that will be lost, will consult with the community on replanting and supervise the replacement, and will replace removed soil appropriately. Confirm a continuous tree lawn on Virginia Avenue.
8. Costs: Confirm that CSX will bear the cost of replacing, watering and maintaining all 404 trees described in the DEIS;

9. Plantings: Confirm DDoT will work with the community on a low-impact restoration plan to minimize water run-off and enhance wildlife habitat
10. Sidewalks: Clarify how the new improved sidewalks will be different from those existing, and that they will comply with DDoT public space requirements in historic districts; install new sidewalks on the north side of Virginia Avenue;
11. Bicycle Facilities: Clarify the meaning of "new facilities" and connectivity between parks; and
12. Equitable Reimbursement to District of Columbia: Ensure the City is fairly reimbursed for the use of any new right of way.

All consultation regarding mitigation and post-construction repairs, reconstruction, and enhancements must involve the community, ANCs, and community-based organizations and representatives. We support a strong and continuous outreach program that includes email blasts, flyers, and a project website which provides for information updates and interactive Q&A. There also needs to be a commitment to a complaint and problem resolution process. These all need to be included in the FEIS as CSX commitments.

CHRS also recommends that DDOT and CSX adopt the very successful community consultation model that DDOT formed for the 11th Street Bridge Project, the 11th Street Bridge Community Communications Committee. This group comprising project managers and engineers as well as representatives of ANCs and community organizations has met on a quarterly basis before and during construction and will continue to meet for a while post-completion to address concerns related to construction issues and the newly configured bridge. This is an excellent and tested model for addressing ongoing dialog with the community following the EIS public meetings, and is very useful to all parties involved.

Thank you for considering our comments. CHRS looks forward to continuing to participate in the environmental and Section 106 reviews for this project.

CHRS is forwarding its comments concerning review of the Project under Section 106 of the National Historic Preservation Act (16 USC 470) in a separate document.

Sincerely,

Janet Quigley
President

cc:

DEIS comments email	contact@virginiaavenuetunnel.com
Tommy Wells, Ward 6 Councilmember	email: twells@dccouncil.us
Brian Flahaven, Chair, ANC 6B	email: BrianF6b09@anc6b.org

Kirsten Oldenburg, Chair, ANC 6B Transportation Committee
email: Kirsten6b04@anc6b.org
Andy Litsky, Chair, ANC 6D email:6D04@anc.dc.gov
David Garber, ANC 6D07 dggarger@gmail.com
Michael Hicks, Environmental/Urban Engineer, FHWA-DC
email: Michael.hicks@dot.gov
David Maloney, State Historic Preservation Officer, DC Historic Preservation Office
email: david.maloney@dc.gov
C. Andrew Lewis, Senior Preservation Specialist, DC Historic Preservation Office email: Andrew.lewis@dc.gov
Reid Nelson, Director, Office of Federal Agency Programs, Advisory Council on Historic Preservation email: rnelson@achp.gov
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation
email: clegard@achp.gov
Steve Whitesell, Regional Director, National Capital Region, National Park Service email: steve_whitsell@nps.gov
Faisal Hameed, Chief, Project Development, Environment and Sustainability Planning, DDOT email: faisal.hameed@dc.gov
Christine Saum, AIA, Director, Urban Design and Plan Review, National Capital Planning Commission email: Christine.saum@ncpc.gov
Shane Dettman, AICP, Senior Urban Planner, National Capital Planning Commission
email: shane.dettman@ncpc.gov
Jennifer Hirsch, AICP, Federal Preservation Officer, National Capital Planning Commission
email: Jennifer.hirsch@ncpc.gov
Thomas Luebke, Secretary, Commission of Fine Arts
email: tluebke@cfa.gov
Keith A. Anderson, Director, DC Department of the Environment
email; keith.anderson@dc.gov
Bryan King, Associate Director, Fisheries and Wildlife Division, DC Department of the Environment email:bryan.king@dc.gov
Sylvia Whitworth, Chief, Wildlife Management Branch
Fisheries and Wildlife Division, DC Department of the Environment
email: Sylvia.whitworth@dc.gov
Jesus Aguirre, Director, DC Department of Parks and Recreation
email: jesus.aguirre@dc.gov
Steve Plano, Parsons Brinckerhoff email: contact@virginiaavenuetunnel.com
Chip Dobson, Director of Strategic Infrastructure Initiatives, CSX
email: Chip_dobson@csx.com
Stephen Flippin, Director of Federal Affairs, CSX
email: Stephen_flippen@csx.com