

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, September 25, 2013 7:31 PM  
**To:** Contact@virginiaavenuetunnel.com; Faisal.hameed@dc.gov; Michael.hicks@dot.gov  
**Subject:** Comment to the draft Environmental Impact Statement RE: CSX Virginia Ave Tunnel Project

To Whom it May Concern:

I write this letter on behalf of my family in response to the July 2013 Draft Environmental Impact Statement ("DEIS") published by the District of Columbia Department of Transportation ("DDOT") and the Federal Highway Administration ("FHWA" and collectively with DDOT, the "Agencies"), both acting under the direction of CSX Transportation Inc. ("CSX") for the planned reconstruction and expansion of the Virginia Avenue Tunnel (the "VAT") in the Navy Yard neighborhood of Southeast DC.

I am deeply troubled by the lack of rigor conducted by the Agencies and CSX in preparing this DEIS and the findings published in the document.

Not only does the DEIS fail to meet the minimum standards required under the National Environmental Policy Act of 1969 ("NEPA") by failing to take a "hard look" at all the impacts to the affected environment, but it also directly threatens the health, welfare, and safety of my family, my neighbors, and the Washington, DC community more broadly.

First, the DEIS fails to address the authority permitting CSX to expand the VAT's current footprint and right of way. Second, contrary to NEPA requirements, the DEIS fails to demonstrate a sufficient purpose and need for the project, and it does not consider all reasonable alternatives, most notably any rerouting alternatives that could greatly reduce the timeframe and footprint of this massive construction project. Fourth, the DEIS does not even address the broader safety, hazardous material, and environmental concerns that the NEPA contemplates for such level of review. Fifth, the DEIS fails to provide concrete measures to mitigate the adverse environmental impacts created by the project.

Because of these reasons, the DEIS limits the Agencies' and public's ability to make an informed choice regarding the alternatives presented in the document. Therefore, the DEIS must be significantly rewritten and/or supplemented to address these points with rigorous analysis before a Final Environmental Impact Statement is issued and a Record of Decision is made. Until this occurs, the Agencies and the public large do not have an avenue through which to provide meaningful input into the current build alternatives. Without a more rigorous and complete EIS, the Agencies are required to choose the no-build option.

Sincerely,

[REDACTED]

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From: [REDACTED]  
Sent: Wednesday, September 25, 2013 11:29 AM  
To: contact@virginiaavenuetunnel.com  
Subject: Comments on Virginia Avenue Tunnel EIS

To whom it may concern,

I submit these comments in response to the draft EIS statement that has been released for CSX's Virginia Avenue Tunnel project.

I was very disappointed to see that the EIS dismissed all rerouting options in favor of open trench, dual track construction. Recent dangerous and disruptive freight rail derailments in the greater Washington DC area only serve to highlight the risks posed by having a heavy rail line so close to such important community assets (homes, parks, sidewalks), regional assets (highway, new economic development projects), and national assets (Capitol power plant, Capitol complex, Marine Barracks, Navy Yard, DOT). These risks should not be minimized and should be fully evaluated as a part of this process. Doing so, I believe, makes strong arguments in favor of a rerouting option.

If a rerouting option is ultimately rejected, I am very concerned about the open trench construction being proposed. In addition to the overall safety and security concerns I've already raised, I am also concerned about the social and economic impact to both the fragile, developing, mixed-income community south of the freeway and the established community north of the freeway. I expect this trench will limit mobility between the two communities, damaging the development projects underway to the south and isolating the new community to the south from the resources to the north, especially for those community members without cars (seniors, families with limited resources). I'm also concerned about the habitability of the homes near the trench, my own included. I am currently pregnant with twins, and I am very concerned about the environmental contamination several years of open trench construction could bring. I am not naive enough to think that being near a highway makes for great air quality, but I am cognizant that a project like this is not going to make the quality of that air any better and will likely make it worse. Further, I am concerned about the impact of vermin and noise and light pollution on the community.

Given these concerns, if the construction is to go forward, I would ask that all efforts be made to (1) cover the trench, (2) limit the number, speed, and signalling of trains coming through during construction, (3) require that construction be done in phases so that any one section of the community is impacted for the most limited time possible and (4) require an aggressively short timeline for construction and institute strict penalties for violating the timeline. If this has to happen, please do not let it be Washington's own "Big Dig."

This project has no benefit for the city or the community and instead asks us to make a very large sacrifice to increase the profitability of an already very profitable company. I would ask that the city and federal overseers of this project not allow that sacrifice to be eagerly nor lightly.

Thank you for the opportunity to provide comments.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

# Near resident response to the Draft EIS on the proposed VA Ave Tunnel project

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**SUBJ: Virginia Avenue Tunnel Draft EIS - Comments**

To Whom It May Concern:

I reside a few blocks south of the proposed open trench site in the Capitol Quarters/ Navv Yard neighborhood with my wife and two young children. My wife and I have lived on the [REDACTED] [REDACTED] since June of 2009. Thus this project – and the accuracy of the DEIS are of paramount importance to me and my family. Among the issues I believe are most pressing are the following:

- 1. Environmental health concerns to children and the elderly in our community have been ignored by this DEIS – the DEIS must be redone and must consider these issues as well as the fact that a new elementary school will be opening a few blocks from the proposed open trench site.**

If an open trench, with freight trains traveling through it, is brought into the heart of our neighborhood there will necessarily be serious health consequences for the entire community, but especially for our children (I am a father of two young children myself) and for our elderly. One of the many problems with the DEIS is that it completely ignores the facts there is a community of elderly citizens exists right on Virginia Avenue that will be abutting this open trench and that there are well over 100 children who live within a few blocks of the project site. It also fails to consider the fact that DC Public School system has decided to reopen the Van Ness elementary school only a few blocks away. Van Ness will be the school for hundreds of early elementary children beginning with the 2015-2016 school year – right in the middle of the construction schedule. Van Ness is on the corner of L and 5<sup>th</sup> Street, SE and as such, is only a few blocks south of the potential open trench site – the fact that there will be a school in the construction zone has been completely ignored by the current DEIS. Van Ness elementary absolutely must be considered by the DEIS if any decision is going to be based on the DEIS. The abject failure of the DEIS to recognize these issues makes it a completely unsatisfactory study and a flawed product, and it should on this basis alone be sent back to the drawing board for further study.

Turning to these vulnerable populations, the children and elderly will especially suffer from the increased dust which will be propelled into the air from each passing freight train as well as from the construction process, and the other pollutants which will be emitted from the train engines that pass. This increased air pollution will unquestionably lead to increased cases of asthma for all the children of our community, as well as other serious health problems – including additional fatalities - for the elderly. Moreover, children and the elderly will be moving back and forth through the construction site in order to attend church and community activities, visit parks, go to school – nowhere does the DEIS address the potential environmental impacts that will fall upon our community's children and elderly either from prolonged exposure while in the community, or from increased exposure while transiting through the construction site. The DEIS

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must adequately consider the health consequences which will confront our vulnerable populations as a result of this construction. Accordingly, on this basis alone the DEIS fails – and any decision based upon this flawed document would consequently be arbitrary and capricious.

Moreover, the DEIS has also not taken into consideration or addressed the other causes of potential health issues for our neighborhood. Specifically, the DEIS, CSX, and DC must consider the difficulties of such a radical increase in the 24 hour a day noise and light levels in our community. There are medically associated health problems that will arise from such noise and light on all members of our community, but particularly on the children and the elderly. Studies exist which have demonstrated conclusively that loud noises can lead to, among other things, life-long heart problems for children. Furthermore, it is uncontested that having such a significant increase in the noise and light in our neighborhood will negatively affect the sleeping habits of all members of the community – which will also lead to potentially catastrophic health problems, particularly for the most vulnerable: the very young and the very old, both of which are present in significant numbers right next to the path of the trench. The DEIS also fails to consider the psychological health of children who must live near this project for years. All aspects of our children's health and that of the elderly population in the community building on Virginia Avenue needs to be considered by the DEIS before a decision can be made which would be based upon the DEIS. The DEIS needs to be re-done in order to take into consideration the health problems faced by these communities, as well as the community at large, from these as well as other causes.

Until we are certain that the health of our children, our elderly, and our entire neighborhood will be protected to the maximum extent possible, there is no way that this project should be allowed to proceed. Furthermore, until a real DEIS has been prepared and put forward the community will not know if our most vulnerable populations, as well as our entire neighborhood are being protected to the greatest extent possible. Therefore, in order to protect all members of our community, but especially the most vulnerable in our neighborhood, I demand that the DEIS being re-done and neutral members of the medical community, among others, be brought in to evaluate the construction proposals contained within the DEIS. Without the involvement of neutral medical advisors – experts who can provide insights into possible harms, as well as suggesting additional precautions and mitigations to minimize the damage from such harms, any decision based upon this DEIS would be necessarily faulty – and therefore arbitrary and capricious.

Finally, it appears to me, and many of my neighbors, that the DEIS has almost completely ignored the fact that more than a thousand people live within 250 feet of the proposed construction site. There is absolutely no way that this DEIS can be considered adequate when it appears to have disregarded the simple fact that there are so many individuals, many of whom are very old or very young, living in close proximity to this project. To reiterate: until the DEIS



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takes into consideration the possible health dangers that every member of this community will be facing during the multi-year life of this project there is no reasonable way that it can be considered to be a sufficiently complete document for any decision to be based upon. At this point, the DEIS appears to be a biased document that ignores numerous health risks and dangers to the community at large – and therefore, if any decision were to be based upon it, such a decision would necessarily be based upon insufficient information and would therefore be, without any doubt, arbitrary and capricious.

### **2. The DEIS is faulty because it fails to consider possible health issues for pregnant women.**

We are a community made up in part of younger families, some of whom are currently pregnant, and many of whom have an expressed interest in having one or more children in addition to those they currently have. As a result we have a very real interest in the potential harms, and appropriate mitigations, from environmental issues of particular concern to pregnant women and in utero fetuses. Currently the DEIS is faulty as it fails to consider the possible harm to pregnant women and their unborn children. Until the DEIS has taken into consideration and provided appropriate mitigation for these very sensitive populations it must be deemed a failed DEIS and it must be sent back to the drawing board to be re-done.

### **3. The DEIS fails because it failed to adequately consider the dangerous conditions at the construction site.**

There can be no question that having an open trench with huge double-stacked freight trains tearing through our neighborhood will create terrifically dangerous conditions for all members of the community, but especially for our children. It is plain from a reading of the DEIS, that it has failed to adequately consider the dangerous conditions posed by the open trench proposal and the construction at the site. Thus, it must be reconsidered in order to adequately protect the health and wellbeing of our children and our community from the numerous safety issues this project will create in our neighborhood. If any decision were to be based upon it, such a decision would necessarily be based upon insufficient information regarding the dangerous conditions at this work site, particularly when it seems that the DEIS has completely ignored the fact that hundreds or thousands of people will be traversing the construction site on a daily basis by foot, by bike, in wheelchairs, or by baby stroller, and consequently, any decision based upon this failed DEIS would therefore be, without any doubt, arbitrary and capricious.

### **4. The DEIS failed to consider the possibility of train derailments.**

In recent months there have been numerous – and deadly train derailments across North America – some of which have involved CSX trains. Our community is extremely concerned that if CSX can't keep their trains on permanent tracks, how will they be able to ensure the safety of our neighborhood from heavily-laden freight trains riding on temporary tracks if the open

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trench option is selected? This is a concern that should have been addressed by the DEIS and yet, appears to have been completely ignored by the DEIS – thus, the DEIS is faulty and needs to be redone to address this issue.

The DEIS absolutely should be required to consider the likelihood of train derailments on any temporary tracks and the potential consequences of such a derailment. As the DEIS completely fails to recognize the fact that thousands, up to approximately 60,000-70,000 or more during Nationals day games, of people live, work, and visit the area, it absolutely must be required to consider the potential harm caused by a derailment and possible mitigation. As it has failed to consider the danger posed to this enormous population by the seemingly too common occurrence of a CSX train derailment in a population center, it is absolutely faulty. Moreover, as it has failed to contemplate the dangers posed to a population which could be 70,000 or more, it is a faulty document. As it is a faulty document, if any decision were to be based on that document such a decision would be necessarily arbitrary and capricious.

- 5. The DEIS is faulty because it fails to consider the inability of community members to travel north and south due to blocked roads – this is also a barrier for community members to attending religious services (potential First Amendment issue).**

Many of us do not have cars – or we simply elect to walk in our “small-town feeling” community. On a daily basis hundreds of people, young and old, walk, bike, use wheelchairs, or ride in baby strollers through the proposed construction site. For example, my children cross the SE/SW freeway multiple times a day to go to schools, parks, and community events. Additionally, our Church, the 200 year old Christ Church Episcopal, is on the other side of the freeway. We attend religious services at this church every Sunday, and we are at the church for other church-events regularly during the week (cook-outs, dinners, volunteering, Vacation Bible School, etc). If the access is blocked then this construction site will become a barrier for us to attend religious services at the institution of our choosing. This would seem to raise some serious First Amendment concerns as well as matters which should have been considered by the DEIS.

If this project closes the north/ south access points it will not only increase the dangers of traveling north and south, it will also have a significant and negative impact on our ability to take our children to school/ attend religious services, etc., and on our Navy Yard neighborhood in general. The DEIS has failed to consider this community need, and therefore is faulty as currently drafted. When it is re-drafted it will need to consider this aspect of our community transportation method, and the only proposals that should be contemplated in the future DEIS are those that will allow for unimpeded and safe access north and south via all the routes that currently exist – access that is not reduced one iota from the access that currently exists north/ south. Otherwise this project will stand in our way of traveling where we chose to go and our community will suffer. To the extent that the DEIS does not currently do so, it must be re-done

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to reflect this reality – and any decision based upon the current faulty DEIS would necessarily be arbitrary and capricious.

**6. Potential closure of the 6<sup>th</sup> Street, SE vehicle exit off the SE/SW Freeway should be addressed by the DEIS, to the extent that it does not, it fails.**

My family has one car. While we typically walk whenever we are traveling on the Hill and across Virginia Avenue, we do drive. If the 6<sup>th</sup> Street exit is closed it will add a significant amount of time to our travel whenever we go to Northern Virginia or Maryland via the SE/SW Freeway as we will have to use the Capitol South exit, which is always overcrowded. This issue will not only affect us, but will affect tens of thousands of commuters and Nationals fans traveling to the 81 home games every year and other events at the stadium (such as the Papal visit from a few years ago or the Paul McCartney concert this past July).

The DEIS has failed to consider the various aspects of closing the 6<sup>th</sup> Street exit, such as: 1) how this will increase the traffic (and safety dangers from traffic to our children and community – we have already had one child hit by a car in our neighborhood - what will an increase in the number of cars do to the safety of our children?) in our neighborhood; 2) how this will further burden other city infrastructure; 3) how this will increase the pollution levels from cars having to travel through the Capitol Quarters neighborhood – thus, subjecting our children to additional airborne pollutants. Moreover, in a future, properly conceived and conducted DEIS city planners and traffic engineers should be consulted to offer their insights into what unintended consequences could result from closing this exit – and how best to mitigate such issues – especially pollution and safety related issues. As drafted the current DEIS does not adequately consider these issues, thus any decision based upon this DEIS would necessarily be arbitrary and capricious.

**7. Additional traffic on other streets in Capitol Quarters as a result of closing Virginia Avenue to traffic should be addressed by the DEIS, to the extent that it does not, it fails.**

If Virginia Avenue is closed all the other neighborhood streets will necessarily suffer an increase in traffic. This will increase the concentration of pollution around all of the homes in our neighborhood. Additionally, an increase in traffic may see a corresponding increase in the dangers these added vehicles traveling our streets will pose to our children. Furthermore, the extra vehicles will also increase the noise pollution and light pollution on our streets – and thus in our homes. (This will add to the increased burden caused by closing the 6<sup>th</sup> Street exit discussed in paragraph 6).

Nowhere in the DEIS was this issue considered. It is a direct and negative impact of closing Virginia Avenue and must be considered in the DEIS. Therefore, the current DEIS is faulty. Moreover, as with paragraph 6, in a future, properly conceived and conducted DEIS city planners

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and traffic engineers should be consulted to offer their insights into what unintended consequences could result from increasing traffic on other neighborhood streets – and how best to mitigate such issues – especially measures to mitigate the increased pollution and safety hazards.

**8. Access to the Navy Yard neighborhood by emergency vehicles should be addressed by the DEIS, to the extent that it does not, it fails.**

The DEIS did not adequately address how emergency vehicles will be able to access our community in case of a medical or other emergency. This raises multiple potential life-threatening dangers that will be faced by our community during construction (e.g. ambulances can't reach the ill or injured in a timely manner, the fire department can't get to fires quickly, additional time will be required to respond to police emergencies, etc). Thus, the DEIS is faulty, and it will need to be re-done in order to adequately consider and address these concerns. Any decision based upon this DEIS – which fails (among other things) to adequately consider how our community will be served by emergency vehicles – would be based upon insufficient information – and therefore, any decision based upon this failed DEIS would be arbitrary and capricious.

**9. Loss of old growth trees/ environmental damage should be addressed by the DEIS, to the extent that it does not, it fails.**

The DEIS fails to fully address the fact that the only almost all of the old growth trees between the SE/SW Freeway and the Anacostia River will be destroyed as a result of this project. These are the only old growth trees in our community – and there seems to be complete indifference to their existence in the DEIS and by CSX. The DEIS is faulty as it has failed to consider the importance of these trees to the environmental well being of the community – and as homes to some of the only wild animals south of the SE/SW Freeway. We need these trees and the animals that live in and from them to enrich the positive environmental impact on our lives. The DEIS is faulty as it has failed to consider the environmental importance of these trees and the impact of removing them on our community, and thus no decision can be based upon it as such a decision would be based upon insufficient information and would therefore be arbitrary and capricious.

**10. DEIS has failed to consider the true population in the community – and is therefore faulty.**

The DEIS has ignored the fact that on a daily basis – with events at Nationals park (81 home games a year – as well as concerts), regularly events at the Yards Park drawing thousands, a significant residential population, and a considerable working population at, among other places, the Navy Yard and the Department of Transportation, more than 70,000 people could be within ½ of a mile on a given moment during the open trench construction/ a train traveling