

February 27, 2017

SENT VIA FIRST CLASS MAIL AND EMAIL (to info@bptunnel.com)

Brandon Bratcher
Environmental Protection Specialist
Office of Railroad Policy and Development
USDOT Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: B&P Tunnel Project Final Environmental Impact Statement

Dear Mr. Bratcher:

I write on behalf of Residents Against the Tunnels, Inc. (RATT) to offer comments on the Final Environmental Impact Statement (FEIS) issued for the B&P Tunnel Project (the Project) on November 25, 2016. While RATT supports the goal of improving passenger travel in and around Baltimore, it continues to have serious concerns about the Project as proposed.

RATT's most significant concern about the Project relates to public safety. According to the FEIS, the Project Study Area includes 65,762 residents (per the 2013 Census) across 30 communities, 26 schools, and 37 places of worship. The Study Area comprises more than 10% of the city's population and geographic area. The Project absolutely must show respect and consideration for the tens of thousands of people impacted by this significant development.

Freight

The FEIS has not adequately addressed concerns about public safety because it fails to address a very likely potential increase in freight trains using the tunnel. The FEIS has only evaluated scenarios involving two single-stack freight trains a day, which is the current number (and size) of freight trains using the existing tunnel. However, the Purpose and Need chapter of the FEIS clearly states that goals of the Project include removing "freight clearance impediments" (Page II-14), working to "integrate freight service plans in the NEC" (Page II-15), and addressing the current "bottleneck" in freight transport in the Baltimore area (page II-10). The FEIS also makes a point of referencing a report noting that "the freight capacity of the Baltimore network is not sufficient to handle the expected freight volumes forecasted for 2050" (Page II-14). In fact, the word "freight" is used 46 times in the 16-page Purpose and Need chapter of the FEIS. This frequency of usage alone indicates that freight is an important issue for the Project to address. Given this fact, it is simply insufficient to study the Project based on only the current level of freight usage.

The impacts created by higher volumes of freight are myriad, including increased diesel fumes and air pollution, increased vibrations, and increased noise, and, certainly not least, increased transport of hazardous materials

through the tunnel. Since there are no restrictions on the types of goods/materials that could be transported through the tunnel, 60,000+ residents could have multiple trains carrying fracking oil, gasoline, toxic inhalation hazards (which, if leaked, have quick and devastating impacts), or nuclear or other explosive materials running underneath them each day. The potential for disaster will increase significantly with increased freight transport through the tunnel. RATT is also very concerned that the tunnel could become a target for terrorism, especially if greater amounts of dangerous materials are transported.

In the FEIS itself as well as in previous public information sessions, Project personnel have stated that there is no basis for predicting the future market for freight usage of the tunnel. However, with new infrastructure in place that is being designed to accommodate double-stacked freight trains at a much greater volume, and knowing that the freight companies have every right to use the tracks (and have already asserted their rights to do so), the FEIS is jeopardizing the tens of thousands of residents of Baltimore that will be impacted by the Project by refusing to examine the impacts of higher levels of freight.

RATT requests additional information that would show the predicted environmental impacts at varying higher levels of freight train volume. In addition to an increased number of daily train trips, this information should also address the fact that freight will most likely be double-stacked through the new tunnel and that longer trains (more cars carrying more cargo) would likely be using the tunnel. That is to say, even if only two trains a day use the tunnel, they will almost certainly be carrying significantly larger loads (and thus have greater impacts).

Missing Information

The overwhelming majority of people reading this FEIS are not trained scientists or engineers. They must rely on the data presented to them, which has been prepared by experts. However, the data presented in the FEIS does not provide a full picture of the impacts of the Project on residents living above the tunnel or near the entry points or ventilation buildings. For example, in the case of a disaster such as an explosion in the tunnel, is there a difference in terms of potential impact whether the soil above it is loam or clay, or whether the tunnel is 150 feet below the surface, or only 50 feet (as is the case in some locations along the route)? And, knowing that the MARC system is converting its fleet to diesel, and additional freight trains would likely be powered by diesel, what increase in exhaust exposure will those living in the densely populated areas around the three ventilation buildings face? RATT believes that the Project must be built to levels that will protect the dense urban population living above it, but does not have any way of knowing whether the Project as proposed will do so based on the information provided in the FEIS. Additional information must be provided.

Additionally, the FEIS does not include any safety risk analysis. Baltimore residents are aware of two recent derailments in the Howard Street Tunnel (2001 and 2016), and need to know what the potential impacts will be if there were to be a derailment in the B&P Tunnel, particularly if a derailment involves hazardous materials. Furthermore, the FEIS does not address disaster planning in the case of a derailment, terrorist attack, or other type of emergency situation in or near the tunnel. This is simply unacceptable.

North East Corridor FEIS

The FEIS for the North East Corridor was issued on December 16, 2016. The NEC FEIS makes significant emphasis on the need to increase freight capacity to the Port of Baltimore (Page 4-94 and several other locations

throughout the document). This supports RATT's reason for concern when no increase in freight is considered in the B&P Tunnel FEIS.

RATT has noted inconsistencies between the B&P Tunnel FEIS and the NEC FEIS. For example, the NEC FEIS notes that "...the areas of greatest concern for noise and vibration effects include densely populated areas, particularly those that are not currently within existing rail or highway corridors and therefore have lower existing noise and vibration levels. These areas include dense urban areas with residential and institutional land use in Baltimore [and other areas] ... with concentrations of other sensitive land use, such as parks, wildlife refuges and cultural/historic resources, are also of concern" (Page 7.12-8). There is a reference to 5070 people in the noise and vibration zones in Baltimore City (Page 7-12.6). However, the B&P Tunnel FEIS states that "[i]mpacts to ground-borne vibration from train passbys are not predicted to exceed the FTA frequent impact criteria for any land use" (Page ES-14). It is difficult for any person residing in the Study Area to reconcile these two differing statements. RATT requests additional information related to vibrations and noise in the study area.

Need for Comprehensive Review

Finally, I would like to reiterate previous comments made by RATT members regarding the need for a comprehensive review of Baltimore's railway system (passenger and freight). Instead of approaching needs on a project by project basis, a comprehensive review of Baltimore's railway system – and needs for improvements – should be prepared that considers and reviews all potential needs together. If the area's railways were examined together and a comprehensive plan was prepared, as opposed to looking at each project separately, it is entirely possible that alternative solutions could be found that would avoid tunneling under heavily populated areas. Instead, the approach taken with the Project includes only a narrow view that this tunnel must be built to connect two fixed points (the West Baltimore MARC Station and Penn Station). This precludes the possibility of directing railways through less populated areas. The FEIS also does not consider the potential impact of the possible Maglev system (currently being studied), or the results of the FEIS for the North East Corridor (which was issued after this FEIS was issued). A comprehensive review is warranted and necessary before proceeding with individual projects examined on a piecemeal basis.

Thank you for your attention to these comments on the FEIS. RATT would welcome the opportunity to discuss these comments with you and/or other project personnel. Please feel free to contact me at 410.366.0922 x114 or kellyp@communitylaw.org.

Sincerely,


Kelly E. Pfeifer
Supervising Attorney

cc:
Residents Against the Tunnels, Inc.
B&P Tunnel Project
Sarah E. Feinberg, Federal Railway Administration
Paul Nussenbaum, Federal Railway Administration
(continued on next page)

cc (continued from previous page):

Jacqueline Thorne, Maryland Department of Transportation
Odessa Phillips, Baltimore City Department of Transportation
Senator Benjamin Cardin
Senator Chris Van Hollen
Congressman Elijah Cummings
Congressman John Sarbanes
Governor Larry Hogan
Mayor Catherine Pugh
City Council President Bernard C. "Jack" Young
Senator Nathaniel J. McFadden (Maryland District 45)
Senator Joan Carter Conway (Maryland District 43)
Senator Shirley Nathan-Pulliam (Maryland District 44)
Senator Barbara A. Robinson (Maryland District 40)
Delegate Talmadge Branch (Maryland District 45)
Delegate Cheryl D. Glenn (Maryland District 45)
Delegate Cory V. McCray (Maryland District 45)
Delegate Curtis S. Anderson (Maryland District 43)
Delegate Maggie McIntosh (Maryland District 43)
Delegate Mary L. Washington (Maryland District 43)
Delegate Frank M. Conaway, Jr. (Maryland District 40)
Delegate Antonio L. Hayes (Maryland District 40)
Delegate Nick J. Mosby (Maryland District 40)
Delegate Keith E. Haynes (Maryland District 44A)
Councilman Leon F. Pinkett III (Baltimore District 7)
Councilman John T. Bullock (Baltimore District 9)
Councilman Eric T. Costello (Baltimore District 11)
Councilman Robert Stokes, Sr. (Baltimore District 12)
Councilwoman Mary Pat Clarke (Baltimore District 14)