

STAFF RECOMMENDATION

E. Keller

NCPC File No. 6712



**UNITED STATES DEPARTMENT OF HOMELAND SECURITY
NATIONAL CAPITAL REGION RAIL PILOT PROJECT
Washington, D.C.**

Submitted by the U.S. Department of Homeland Security

October 26, 2006

Abstract

The Department of Homeland Security (DHS) has submitted to the Commission preliminary and final site and building plans for a project to reduce the security vulnerability of a portion of the District of Columbia rail system along the National Capital rail corridor. This will be accomplished by implementing the National Capital Region Rail Pilot Project (NCRPP) to create a monitored and inspected rail corridor along an 8.1 mile section of the CSX Transportation Corp. (CSXT) right-of-way and the National Railroad Passenger Corporation (Amtrak) spur rail right-of-way in Washington, D.C. The project creates an electronically-monitored virtual boundary within the rail rights-of-way that includes the rail tracks and a sufficient lateral distance from such tracks to provide adequate areas of video monitoring. However, all elements of the project remain in the existing railroad rights-of-way only.

Commission Action Requested by Applicant

Approval of preliminary and final site and building plans pursuant to 40 U.S.C. § 8722(b)(1) and (d).

Executive Director's Recommendation

The Commission:

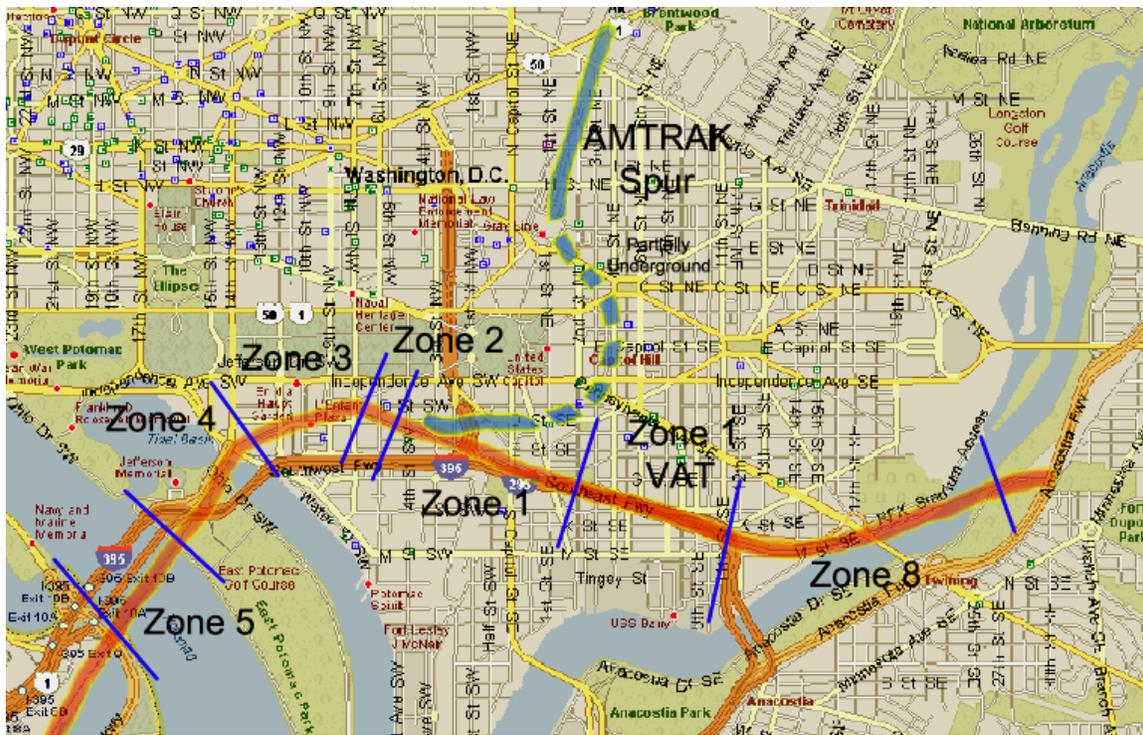
- **Approves** the preliminary and final site and building plans for the National Capital Region Rail Pilot Project, as shown on NCPC Map File No. 0.00 (38.40)-42132.
- **Requests** the U.S. Department of Homeland Security remove all equipment, wires and support poles associated with the project, when the Department determines to abandon the project or finds its future use obsolete. Additionally, diligent and continued yearly maintenance and clean-up of the right-of-way is recommended to assist security activities.
- **Encourages** the evaluation of permanent solutions to address the risks associated with hazardous materials being transported through the nation's capital. This should specifically include rerouting the freight rail service from the monumental core, which is being studied by NCPC in the Railroad Alternative Alignment Feasibility Study being conducted in conjunction with the District Department of Transportation with funding from the Department of Homeland Security.

* * *

PROJECT DESCRIPTION

Site

The proposed project would comprise the 8.1 mile stretch of rail line owned and/or operated by CSX Transportation Corp. (CSXT) and the National Railroad Passenger Corporation (Amtrak). This area encompasses seven areas described as “zones” (1, 2, 3, 4, 5, 8, and 9) and the Amtrak spur extending in the vicinity of Union Station. Zones 1-5, 8, and the Amtrak spur are contiguous. The project area extends along the CSXT rail line at the boundary of the George Washington Memorial Parkway where the rail line crosses the Potomac River to the CSXT rail yard at Anacostia Park. The Amtrak spur begins where the CSXT line crosses 2nd Street, SW and extends north to the intersection of New York Avenue, NE.



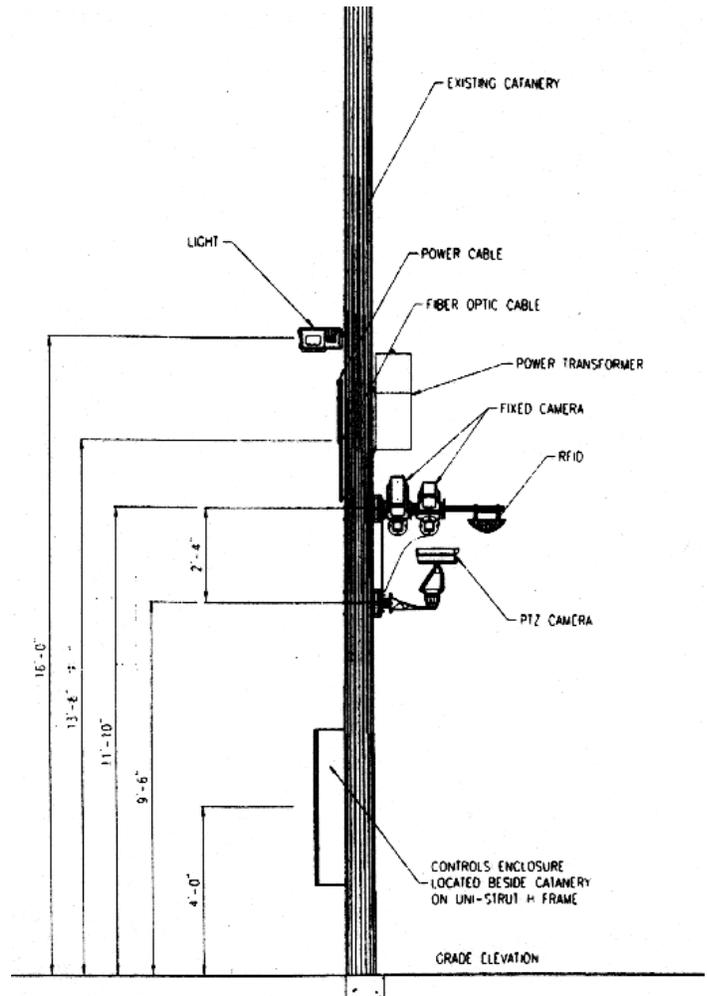
**PLAN OF GENERAL EXTENT OF NATIONAL CAPITAL REGION
RAIL PILOT PROJECT (NCRPP)**

Background

The proposed railway security measures are a test-bed state-of-the-art approach to utilizing technology that creates a security perimeter for the Capital’s close-in railroad track system that is in proximity to a significant portion of the city’s population and the federal government. DHS has cited that events of recent years demonstrate that terrorist organizations have focused on the target value of passenger railway systems. This effort is to put into place a detection system that will serve both passenger and freight trains as they travel through the District of Columbia. CSXT has indicated during the project development that current security operational procedures would remain in-place regarding freight train manifests and scheduling as discussed with District of Columbia government authorities.

Proposal

The virtual security boundary of the railway would consist of two aspects: (1) a virtual fence surrounding the NCCRPP; and (2) virtual gates installed at each entry point into the corridor. The system would include intelligent video surveillance of the rail lines, as well as detection, identification, and distinction between unauthorized and authorized personnel. The virtual gates would be designed to provide advance notification of train traffic approaching the corridor with identification signal recognition as well as early detection equipment for radioactive materials, chemical warfare agents, and toxic industrial chemicals. The system would be designed to allow around-the-clock monitoring of all real-time streaming video and data from CSXT's Police Communication Center (PCC), Amtrak's PCC, and from multiple remote law enforcement command centers in Washington, DC. The system's design will be such that additional technologies may be incorporated as they become available through proven technology use.



TYPICAL VIEW OF VIRTUAL SECURITY PERIMETER EQUIPMENT FOR RAILROAD
 (NOTE NOT ALL EQUIPMENT AT ALL LOCATIONS)

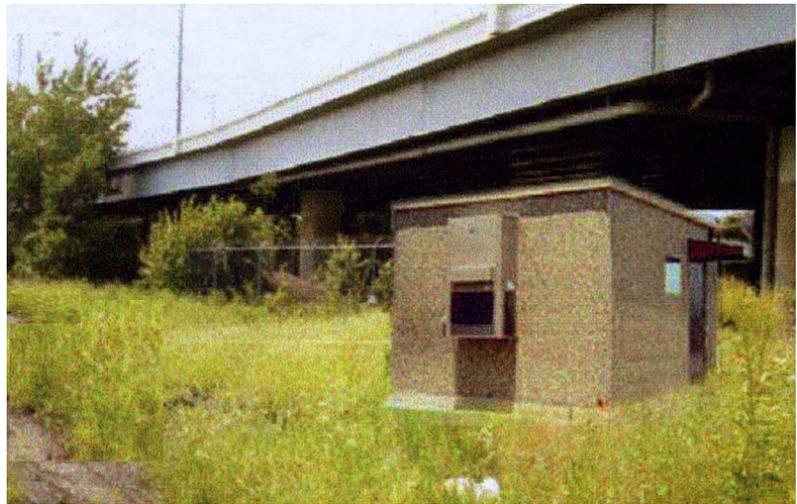
Construction of the virtual fence system will be limited to the following activities. A concrete shed measuring 12 feet by 20 feet, by 8 feet-8 inches high, will be erected on the east side of the tracks adjacent to the D.C. Power Plant and surrounded by a perimeter fence. Monitoring and surveillance equipment would be mounted on poles and catenaries at the existing tracks that includes security lighting, infrared illuminators, fixed cameras, pan/tilt/zoom cameras, radio frequency identification transmitters/receivers, transformers, and junction boxes. Not every pole or catenary will contain each piece of equipment. DHS will use existing poles and catenaries wherever possible to limit the installation of new poles. The maximum new installed pole height will be 34 feet in those areas where cables cross over railways to compensate for line sag. Unless otherwise specified, poles will be class three southern yellow pine utility poles. Pole height will be 25 feet in most areas, and dark creosote-like in color. No security equipment or poles will be mounted on the bridges crossing the Anacostia or Potomac Rivers. No new audible or visual alarms will be added to any area.

PROJECT ANALYSIS

Executive Summary and Analysis

The staff recommends **Commission approval of the preliminary and final site and building plans.**

The proposed railway security efforts use technology that establishes a security perimeter for the Capital's close-in railroad track system that is in proximity to the monumental core and agency headquarter buildings, as well as the Capitol. Additionally, a significant portion of the population of the city would be served by this prototype project. Finally, a major portion of the Virginia Rail Express Commuter rail line (VRE) utilizes this rail corridor for its destination commuter service into Washington for both private-sector and federal employees traveling by rail transit. Rail lines from Manassas, Virginia and Fredericksburg, Virginia make station stops at L'Enfant Station and Union Station, with additional Amtrak service stops provided also. In total, 17 VRE daily commuter trains and four



**SIMULATED VIEW OF THE ONLY SMALL
STRUCTURE ESTABLISHED IN THE PROJECT
DESIGN — 12 FT. x 20 FT. CONCRETE SHED**

Amtrak daily trains use this railway as a commuter transit link to downtown Washington. Additional long-distance Amtrak trains carrying passengers traveling north and south from Union Station use the project area. Staff analysis finds the advance technology and minimal footprint and adherence to the railway rights-of-way provides minimal visual impact from the action. All the while, this new technology affords additional monitoring and scanning capability for law enforcement agencies as a layer of security, which could prove to be valuable as part of the rail transit security response that would potentially have wider application to the northeast rail corridor.

Staff has found that DHS representatives have consciously and professionally worked with Commission of Fine Arts staff and NCPC staff in addressing visual design issues of the proposal. Furthermore, DHS has revised the project to incorporate National Park Service comments regarding the visual impact issues to the George Washington Memorial Parkway in Virginia and the Monumental Core. DHS responded by eliminating the Parkway portion of the project, and placing the most visually prominent aerial wires of the project underground within East Potomac Park and near Anacostia Park. Additionally, all equipment in the Monumental Core is established in dark colors where technically feasible and is minimized in composition and location. Only one small head-end electronic equipment shed is sited in the revised design and is limited in size to 240 square feet.

Staff does recommend to the Commission endorsement of the provision cited by the Commission of Fine Arts review of the project at its September 21, 2006 meeting. At that meeting the CFA suggested to remove all equipment, wires and support poles associated with the project, when the Department determines to abandon the project, or find its use obsolete in the future. Staff fully concurs with that direction for final disposition of the project when it is determined by DHS that the virtual boundary no longer serves its intended purpose.

Finally, staff understands that the proposed improvements will provide a level of additional security in the near term. Nevertheless, we continue to see advantages regarding the ongoing evaluation of permanent solutions to address the risks associated with hazardous materials being transported through the Monumental Core of the nation's capital. The most significant study underway to address this issue is the Railroad Alternative Alignment Feasibility Study currently being conducted by the District of Columbia Department of Transportation, which was funded by the Department of Homeland Security. Staff recommends the Commission highlight this study as an important effort towards a comprehensive solution to rail corridor security.

CONFORMANCE

Comprehensive Plan for the National Capital: Federal Elements

In the context of the specific project design proposal, the following Comprehensive Plan polices apply:

Security

Policy for the Design and Review of Physical Perimeter Security Improvements (adopted by the Commission on January 9, 2003)

2. All perimeter security improvements that are intended to be in place for more than 60 days shall be submitted to NCPC for review and/or approval.

10. Incorporate security needs into the design of buildings, streetscapes, and landscapes using urban design principles in a manner that enhances and beautifies the public realm, resulting in coherent and welcoming streetscapes.

11. Design projects in a manner that does not impede commerce and economic vitality but balances the need for perimeter security with the need to enhance and maintain the viability of urban areas.

(Development of Workplaces with Communities Policies, pages 55 and 56)

Staff has determined that the project, as modified by the characteristics cited in the design submission, would not have an adverse effect on other federal facilities and is consistent with the Federal Elements of the Comprehensive Plan.

National Environmental Policy Act

In compliance with NCPC's Environmental and Historic Preservation Policies and Procedures, the National Capital Planning Commission, as a cooperating federal agency, assisted the Department in preparing an Environmental Assessment (EA) for the establishment of the NCRPP. The preferred alternative identified by the Department of Homeland Security would comprise the 8.1 mile stretch of rail line owned and/or operated by CSXT and Amtrak. The contiguous work area extends along the CSXT rail line at the boundary of the George

Washington Memorial Parkway, where the rail line crosses the Potomac River, to the CSXT rail yard at Anacostia Park. The Amtrak spur begins where the CSXT line crosses 2nd Street and extends north to the intersection of New York Avenue. Work also will be needed inside the CSXT's track controlling facilities located in Jacksonville, Florida, Amtrak's facilities located in Philadelphia, Pennsylvania, and at multiple law enforcement command centers in the National Capital Region. This work will be limited to the installation of computer equipment and data devices; no construction will occur. Zone 9 is composed of the virtual gates to be installed under the underpasses on the rail line near Alexandria, Virginia, and near Colmar Manor, Maryland. The Alexandria virtual gate will be located near mile post 100, below the Interstate 495 overpass. The Colmar Manor virtual gate will be located near mile post 119, below the Kenilworth Avenue overpass. These gates (small utility structures within the railway right-of-way) are designed to house equipment that detects the presence of an approaching train and scans the train for radioactive materials, chemical warfare agents, and toxic industrial chemicals.

The DHS noticed the availability of the EA for public comment in August 2006 with the closing of the comment period on September 8. The EA, its development process, and comments from the public and other federal agencies on that document comprise the EA analysis information available to the Commission staff for review and compliance with the requirements of the National Environmental Policy Act (NEPA). DHS signed a Finding of No Significant Impact on September 29, 2006.

NCPC staff has independently reviewed the EA, and the impact assessed therein, and confirms the analysis presented by the EA and its findings. The Executive Director completed a Finding of No Significant Impact on October 26, 2006.

The Alternatives Considered in the EA.

Four alternatives are considered in the EA and are described as follows.

1) The Visible Light Alternative consists of a security system like that described in the proposed action alternative, but it does not use infrared illuminators, and relies on the installation of security lighting to capture video images at night. This system would be installed throughout zones 1 through 9, and the Amtrak spur, and would create a 9.7 mile secured corridor. As visible light systems are less expensive than infrared systems, the project area for this alternative includes zones 6 and 7.

2) The Augmented Security Measures Alternative consists of a combination of security equipment, additional personnel, and operational measures. The project area would encompass zones 1 through 8. The security equipment added under this option would include erecting an 8 foot high chain link fence with a 2 foot high section of concertina wire mounted at the top. While the fencing would not be erected in the tunnels themselves, it would be constructed in such a manner as to prevent unauthorized access to the entire 9.7 mile project area. Fixed surveillance cameras would be mounted every 750 feet on 34 foot utility poles. Security lighting ranging from 100 to 400 watts of output would be mounted on 34 foot utility poles at 150 foot intervals. Existing catenaries and poles would be used where possible. Additional personnel would consist of both security and technical personnel. Multiple security teams, each consisting of one officer and one trained canine, would patrol the rail corridor at random intervals determined by rail activity and threat level. The technical personnel would maintain and monitor the surveillance cameras and report suspicious activity to the security teams via two-way radio communications.

The operational measures would include the following two aspects that are applicable to the preferred action also. Temporary storage of rail tank cars containing Toxic Inhalation Hazard (TIH) would be prohibited in the 8 mile project corridor. All cars transporting TIH would be continuously tracked within the project corridor by the Automatic Equipment Identification System, using data from radio frequency identification tags that are already in place on all rail cars.

3) Under the No Action alternative, the planned project would not be built at this time. As part of the environmental assessment process, the consequences of a No Action Alternative are also considered. With this alternative the present security system would be maintained. This alternative fails to achieve DHS' goal to reduce the vulnerability of the District of Columbia's rail system along the National Capital Region rail corridor.

An alternative considered but rejected in the EA included rerouting rail shipments of hazardous materials (HM) and TIH by DHS. This option was rejected as it failed to reduce the vulnerability of the District's existing rail system as a target. Specifically, this alternative would do nothing to address the security of the passenger rail system and the threat of improvised explosive devices placed on freight trains not carrying TIH or HM. Therefore, rerouting was not evaluated in detail in the EA.

The EA does not attempt to review or acknowledge other efforts by federal, state and local agencies that are considering the feasibility of relocation of the District of Columbia rail system, given that such an effort does not reduce the vulnerability and target value of a new rail system corridor if operated with passenger and freight trains. Should such a relocation effort be undertaken by the necessary stakeholders, a security plan and system may be found to be necessary to implement to protect trains at that location. Such considerations are beyond the scope of the present EA.

4) The proposed action specified by the EA is the creation of a specific virtual boundary within the National Capital Region rail system that includes the rail tracks and a sufficient lateral distance from such tracks to provide adequate areas of video monitoring. The virtual boundary would consist of two aspects: (1) a virtual fence surrounding the NCRPP; and (2) virtual gates installed at each entry point into the corridor. The system would include intelligent video surveillance of the rail lines, as well as detection, identification, and distinction between unauthorized and authorized personnel. The virtual gates would be designed to provide advance notification of train traffic approaching the corridor as well as early detection of the release of radioactive materials, chemical warfare agents, and toxic industrial chemicals. The system would be designed to allow for around-the-clock monitoring of all real-time streaming video and data from CSXT's Police Communication Center (PCC), Amtrak's PCC, and from multiple remote law enforcement command centers. The system's design will be such that additional technologies may be incorporated as they become available through proven technology use. Future additions may include detection of additional chemicals and substances not immediately detectable with the sensor technologies that are currently feasible.

Potential impacts

NCPC staff, in its independent review of the EA has found few potential environmental impacts generated by the proposed action. Those that exist are minimal and are addressed by mitigation through design modifications which are included in the final design and through best

management practices demonstrated in the submitted project. Visual impacts, especially to views protected as historic views and affects to historical and cultural components of the environment regarding exterior lighting have been being addressed by a National Historic Preservation Act, Section 106 process. That coordination was achieved by DHS and reviewed by the various state and District Historic Preservation Officers of the respective jurisdictions. Additional issues of comment during the EA public review are noted in the following discussions below and have been found to be of no significant effect.

Impacts and mitigation presented in the EA include:

Cultural Resources–Historic features and visual impacts. None of the alternatives would alter the characteristics that make the L’Enfant Plan, Anacostia Park, Potomac Park including the Vietnam, Korean, George Mason, Lincoln, Jefferson, and FDR memorials, the National Mall, the Washington Monument, the U.S. Capitol, and many other adjacent buildings eligible for listing on the National Register. However, both the Visible Light Alternative and the Augmented Security Measures Alternative will interfere with vistas of these cultural and historic resources. Viewsheds of cultural, historic, and scenic resources will be interrupted with utility poles and light trespass from the security lighting. In the case of the Augmented Security Measures Alternative, the viewshed in certain areas of the project is further disrupted by fencing of this alternative along the entire rail corridor. The Proposed Action has been designed to cause minimal visual interference with cultural and historic resources through other forms of visual identification and alternative construction. Potomac Park is located in zone 4 and is therefore considered the most sensitive zone in terms of cultural and historic resources.

Mitigation for the identified effects will be directional subsurface boring that will be used to bury all cables in zone 4 and no new poles will be erected in the portion of the zone that crosses through Potomac Park. Other areas would include overhead cables along and across the railway to connect cameras. This mitigation, in conjunction with the use of infrared illuminators in the proposed project design, would ensure that there are no visual impacts to the monuments and aesthetic resources of the Potomac Park area. NCPC staff finds the planned use of these mitigation measures appropriate and adequate to address the effects.

Infrared illuminators will be used in all zones with the exception of the northern portion of the Amtrak spur in order to avoid light impacts. Due to the high levels of ambient light along the Amtrak spur north of Union Station and extending to New York Avenue, infrared illuminators cannot be used as the contrast of the infrared is lost due to the predominance of existing visible light. Consequently, visible lighting must be installed in this area. The impacts to viewsheds and vistas by the security lighting will be reduced by installing security lights that provide the minimum amount of light required for the cameras to record images in adequate resolution. The security lights will be focused directly on the tracks to minimize light trespass. Near residential areas the lights will be angled and shielded to prevent light trespass. Full cut-off lights that do not emit direct light from above a horizontal plane through the unit will be used to minimize light pollution and effects to the overall level of ambient light in the study area. There are sufficient structures in place along the Amtrak spur extending from Union Station to New York Avenue from which to mount equipment without installing additional poles. While the security lighting will result in a cumulative increase in ambient light levels it is not anticipated to create a significant impact to the overall level of ambient light in the rail yard vicinity.

Existing poles and catenaries will be used to mount equipment that meets the installation structural and technical requirements. No poles will be erected on bridges and overpasses to eliminate the disruption of viewsheds along roadways. There will be no direct impacts to cultural, historic or archeological resources.

Cultural Resources–Archeological features. The EA acknowledges that any area along the tracks in zone 8, Anacostia Park, which has not been significantly disturbed in the past, could contain archeological resources. The Augmented Security Measures Alternative has the potential to impact archeological resources when post holes are dug at eight foot intervals for the security fencing. Under the Proposed Action and the Visible Light Alternative no new poles will be erected in Anacostia Park and therefore there is no threat to archeological resources.

NCPC staff finds that the final documentation and the conclusions and concurrence of the three separate Historic Preservation Officers of Virginia, Maryland and the District of Columbia pursuant to Section 106 of the National Historic Preservation Act are sufficient to conclude DHS's responsibilities. The finding of the three State Historic Preservation Officers is that no adverse effects result from this undertaking.

The Proposed Action, the Visible Light Alternative, and the Augmented Security Measures Alternative will generate the temporal impacts of: increased dust, noise, and construction traffic. The Augmented Security Measures Alternative will generate these impacts for a longer period of time as this project alternative would involve more construction. These impacts are deemed to be minimal for all alternatives.

Noise, Air Quality, and Dust effects. During construction operations, DHS, CSXT, Amtrak, and their contractors will use available noise suppression devices and properly maintained mufflers to mitigate noise effect. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components. NCPC staff finds the planned use of these mitigation measures appropriate and adequate to address the temporary effects.

DHS, CSXT, Amtrak, and their contractors that use trucks and construction equipment will comply with all appropriate requirements to control dust and other fugitive air emissions. Contents of all open bodied trucks transporting materials likely to become airborne will be covered to minimize dust impacts during construction operations as required by local jurisdictions. Any abnormal or excessive amounts of earth or other material accidentally deposited on paved roads by trucks or other construction equipment will be promptly removed in conformance with appropriate requirements for control of sediment control regulations by the local agency authorities of the government jurisdictions in Virginia, the District of Columbia, and Maryland. NCPC staff finds the planned use of these mitigation measures appropriate and adequate to address the temporary effects.

Soil Erosion, Sedimentation, and Contamination. Soil disturbing activities, with the exception of horizontal directional boring, will be performed by CSXT and Amtrak. DHS would bring "clean" soil to the project to fill holes or level ground if required. As part of these activities, CSXT, Amtrak and DHS must meet requirements to control soil erosion and manage stormwater as regulated by the local jurisdictions in adherence to National Pollutant Discharge Elimination System (NPDES) permitting requirements for construction activities, under the Clean Water Act. CSXT and Amtrak will assume responsibility for the proper disposal of all

soils in accordance with regulations, including Resource Conservation and Recovery Act (RCRA) requirements. In the event that any unusual soil conditions are observed, such as oily liquids or odors, work at that specific location will cease and appropriate containment and decontamination activities will be implemented by either CSXT or Amtrak. NCPC staff finds the planned use of these mitigation measures appropriate and adequate to address the temporary effects.

Transportation effects. Minimal, temporary increase in traffic due to construction vehicles has been found to be the only potential effect from all alternatives to the transportation road network of the submitted project area. Small work crews, however, will be dispersed throughout the project area, thus limiting the number of construction vehicles or construction crews reporting to any one location. Construction activities will not require any lane closures or disrupt normal roadway traffic flows by any additional construction access points. Rail traffic would be minimally impacted with temporary reduction in speed zones established within the rail right-of way for all rail traffic in work zones, as is the normal practice by CSXT and Amtrak in the vicinity of railway work. NCPC staff finds the planned use of this approach to transportation effects from the proposed project appropriate and adequate to address the temporary effects.

Comment issues received by DHS and further considered

Only a limited number of comments were received by the DHS in response to its notice of intent to prepare an EA or in its notice of availability of the EA. The most significant issues were received from the National Park Service and are presented in full by the text below. Additional issues presented by comment to DHS included the following:

- Four comments requested additional information, which is presented as the body of the EA, and one was from the Arlington County Police Department stating they had no concerns related to the project. Other similar responses expressing no concerns were received from Prince George's County authorities, Amtrak, and the General Services Administration
- Five comments were in favor of re-routing of trains. These included the Mayor of the District of Columbia, Councilmember Kathy Patterson, Councilmember Carol Schwartz, and Mr. Kammerman, Homeland Security Coordinator from the District Department of Transportation. None of the comments provided additional information related to the environmental impact of the proposed action, except for lighting trespass and camera monitoring concerns that are addressed by the final EA (See attached copies of comments).

The National Park Service presented the following comments on the EA regarding impacts:

1. Can all cables in zones 4 and 5, with the inclusion of the two catenaries on the shore of the George Washington Memorial Parkway (GWMP) be buried or placed in conduit?
2. Will the conduit be painted?
3. What are the dimensions of the I-beam style poles?
4. Will the current CSX vegetation management plan be changed?

5. What is meant by the reference on page 2 of the EA that "The system's design will be such that additional technologies may be incorporated as they become available." ?
6. Can the 3 inch hybrid cable be reconfigured into two separate smaller cables?
7. What equipment will be painted black and in which areas of the project will this occur?
8. Can the wooden poles be treated to be dark in color?
9. How will the new hybrid cables be installed?
10. Why are these hybrid cables required?

The DHS EA representatives have responded to the Park Service by indicating the following points of clarification regarding the Park Service's observations.

Response to Item 1: All cables in zones 4 and 5 and the catenaries on the shore of the GWMP will be buried or placed in conduit. In zone 8 all cables will be aerial with the exception of the area under the Sousa Bridge, where cable will be buried.

Response to Item 2: DHS proposes to use dark grey PVC conduit in zone 4 and on the catenaries at zone 5. This material will not flake like black paint on galvanized metal conduit. In other areas with conduit, unpainted galvanized conduit will be used.

Response to Item 3: The I-beams will be nominally 8"x 8". The beams will be painted black.

Response to Item 4: The project will have no effect on the CSXT vegetation management program for any areas where the security systems will be installed for this proposal.

Response to Item 5: The reference to new technologies is in reference to only new chemical or radiological detectors or new computer or software upgrades. The cited text in no way implies that new poles, cameras, lighting or other added infrastructure elements would be added to the system without additional NEPA evaluation as to their effects and that additional NHPA, Section 106 process compliance, would have to be completed.

Response to Item 6: The three-inch hybrid cable has been redesigned into two separate cables. The cables will range between 1.5-inches and two inches in diameter. The cable would be black in color.

Response to Item 7: The cameras will be painted black. The infrared illuminators will be black. The mounting arms and RF identification receiver/transmitter will be painted black. However, the disk can not be painted due to frequency disruption from the paint. The disk will be lowered in its configuration by its placement horizontally versus the original vertical location. Other equipment features will be either dark grey in color or black when possible.

Response to Item 8: Dark color wooden poles will be utilized.

Response to Item 9: The DHS will install the two aerial lines in zone 8 in whatever configuration the Park Service desires in crossing the rails.

Response to Item 10: Because of fiber optic technology and high voltage that are used to transmit data and power, the signals into equipment must be converted to low voltage and a converted wire signal when reaching the electronics of the equipment itself. This conversion utilizes separate lines for the signal wire into the pieces of equipment.

National Historic Preservation Act

Visual impacts and historic resource effects, especially to views protected as historic views and affects to historical and cultural components of the environment regarding exterior lighting have been addressed by a National Historic Preservation Act, Section 106 process completed by DHS as the lead agency. DHS received a determination from the Maryland Historic Trust, The District of Columbia State Historic Preservation Officer, and the Virginia Department of Historic Resources that the proposal will have no adverse effect.

Development Program

Applicant: U.S. Department of Homeland Security

Estimated Cost: Total project costs to design, construct, equip, and maintain the project is obligated by the Department at \$10,066,000.

Engineers: Duos Technologies, Jacksonville, FL

Completion Date: Full operation by June 2008.

Federal Capital Improvements Program

The applicant's submitted project is not identified in the Commission's FCIP report, fiscal years 2007-2012.

COORDINATION

Coordinating Committee

The Coordinating Committee reviewed the proposal at its October 11, 2006 meeting, and forwarded the proposal to the Commission with the statement that the submission has been coordinated with all participating agencies. The participating agencies were NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the Department of Housing and Community Development; the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

Commission of Fine Arts

The Commission of Fine Arts reviewed and approved the DHS Rail Pilot Project at its September 21, 2006 meeting. Throughout the project consultation process, CFA staff has been direct and responsive to suggesting several improvements to the DHS proposal that led to appropriate improvements to the final submission. The applicant has responded to the Commission of Fine Arts input by revising the project design as recommended. That design is the current submitted proposal to NCPC.

ATTACHMENTS

COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

KATHY PATTERSON
COUNCILMEMBER, WARD 3

CHAIRPERSON
COMMITTEE ON EDUCATION,
LIBRARIES, AND RECREATION

September 13, 2005

OFFICE: (202) 724-8062

FAX: (202) 724-8118

William F. Flynn
Director, Protective Services Division
U.S. Department of Homeland Security
Washington D.C. 20528

Dear Mr. Flynn:

Thank you for the opportunity to comment on the National Capital Region Rail Pilot Project (NCRPP).

I appreciate the time and analysis that has been provided by agents of the federal government and of CSX Transportation in producing this security plan. That said, the security plan fails to address the basic risk to life and safety posed by the shipment of toxic-by-inhalation chemicals through the nation's capital. The plan does not prevent, or decrease, the threat of an attack on a rail car carrying highly dangerous materials. It provides for surveillance of persons or vehicles in close proximity to the tracks but it does not preclude an attack. It provides for detection, not prevention.

I received a confidential briefing on the federal rail security plan on November 9, 2004. At that time I asked representatives of the Department and CSX how the proposed detection technology would prevent a suicide bomber from accessing the tracks. They did not provide an answer. I noted that the surveillance equipment would, apparently, provide photographs of a suicide bomber after the fact – just as airport security cameras recorded the movement of Mohammed Atta on the morning of September 11, 2001. The cameras included in the Pilot Project would, surely, provide historical documentation of what vehicle or what individuals gained sufficient proximity to the CSX tracks to blow up a 90-ton tanker full of chlorine – after the fact of thousands of deaths.

It is apparent that the detection technology would not prevent access by a suicide bomber to the series of roadways that run under the CSX tracks. Similarly, I assume the proposed "virtual fence" and "virtual gates" would not prevent an attack by a high-powered rifle or other form of weaponry used from a distance well beyond the virtual fence and gates.

I urge the Department to adopt an Alternative Security Operational Measure that would reduce the risk to life and safety of Washington residents, workers, and visitors: re-routing of ultrahazardous materials in densely populated, high-threat communities. Re-

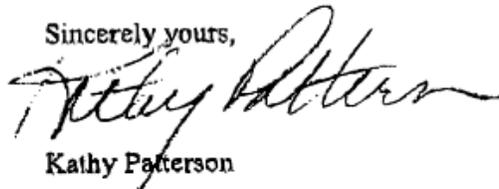
routing addresses both the risk and the threat of an attack on toxic-by-inhalation cargo. As you know, re-routing is the goal of the law adopted by the District of Columbia earlier this year.

In the context of potential chemical releases, risk consists of "consequence times probability," according to a literature review including publications of the American Institute of Chemical Engineers. Risk is greater when ultrahazardous cargo traverses a densely populated area. Risk is also greater in a location that is an obvious terrorist target, as is the case with Washington D.C. The D.C. law reduces both consequence (rerouting away from a densely populated area) and probability (because the nation's capital is at the highest risk of terrorism of any U.S. location.) We acted locally because the federal government had not acted to prevent such cargo from traveling through the nation's capital.

There is no time like the present for the Department of Homeland Security to address the risks and threat of an attack on dangerous cargo in the nation's capital. I urge you to heed the lessons of Hurricane Katrina, to act on the information we have at hand, and to reduce the risk of an attack by removing the target from our midst.

Thank you again for the opportunity to comment on the proposed NCRPP. Please take the alternative action that has been long identified, and require the re-routing of ultrahazardous cargo in high-threat target cities.

Sincerely yours,



Kathy Patterson

cc: Councilmembers
Mayor Anthony A. Williams
Congresswoman Eleanor Holmes Norton
City Administrator Robert Bobb
Attorney General Robert Spagnoletti
Director of Transportation Dan Tangherlini



ANTHONY A. WILLIAMS
MAYOR

September 30, 2005

David Holcomb
Project Manager
U.S. Department of Homeland Security
Protective Services Division
Washington, D.C. 20528

Dear Mr. Holcomb:

Thank you for the opportunity to comment on the National Capital Pilot Rail Project. I appreciate your agency's effort to improve the security along the rail lines that pass through the District of Columbia. However, the proposed action demonstrates that the Department of Homeland Security does not fully grasp the magnitude of this potential threat nor the needed remedy for the lack of security along these lines.

In order to adequately manage this risk, the Department should order CSX to reroute rail cars carrying ultra-hazardous cargo. In the past, CSX has worked with federal officials to hold or reroute trains during certain special events, such as the State of the Union address and the July 4th celebrations. Currently, the District Department of Transportation is working with National Capital Planning Commission on a Department of Homeland Security Urban Area Security Initiative grant regarding the relocation of the freight line. However, federal officials have not directed CSX to reroute cars carrying hazardous materials away from the District of Columbia on a long-term basis. The Department of Homeland Security should be at the forefront of actions taken to avert potential threats rather than simply responding to them after the fact.

The proposed action does not address the very real threat posed by the shipment of ultra-hazardous materials through the District. The virtual fences and gates called for in the proposed action may malfunction, may be subject to power outages, and will not provide ample deterrence to a terrorist determined to reach the CSX rail lines as they pass through the city.

While early detection devices may assist first responders in dealing with the potential or actual release of hazardous materials or gases, the proposed "around-the-clock monitoring" from Jacksonville, Florida may well result in a prolonged reaction time to a

terrorist who breaches the virtual system. In addition, a virtual system will neither prevent nor deter an attack by a determined terrorist. Instead, it will simply provide a video record of the attack. The only system that guarantees the prevention of a catastrophic release of ultra-hazardous material is one that removes the material from densely populated areas. In sum, the proposed action does not sufficiently address the threat that the shipment of these ultra-hazardous chemicals poses to the tens of thousands of Washington, DC residents, workers, and visitors who would be exposed to the ultra-hazardous materials in the event of an attack. The Alternative Security Measures and Equipment option may better reduce the current vulnerability than the proposed option via the use of additional on-site security personnel, but it is still fundamentally inadequate as a means of addressing the risk.

While it is unlikely that the proposed action will have any adverse environmental impact on the neighborhoods surrounding the rail system, the rail tracks where the proposed security devices will be installed run near some neighborhoods, and high intensity lighting could have an adverse affect on the people living in neighborhoods along the rail corridor. The Department of Homeland Security should not install high intensity lights that will interfere with residents' use and enjoyment of their property. Additionally, the Department plans include the installation of 30 pan/tilt/zoom cameras mounted on 40-foot utility poles at 1,500-foot intervals. The cameras may observe locations where there is a reasonable expectation of privacy and cause concern for the neighborhood residents along the rail corridor. I would strongly recommend that the cameras be used to observe locations that are in public view and where there is no reasonable expectation of privacy and that the Department adopts policies and procedures that will ensure that the privacy rights of the residents in the surrounding neighborhoods are not violated.

Furthermore, there are issues regarding the use of existing facilities and right-of-way use considerations that are not addressed in the proposal. If your agency chooses to construct the security devices mentioned in the proposal, the District Department of Transportation should be engaged early in the process to ensure proper permitting is completed. As additional technology is incorporated with the existing security plans, I request the right to review and comment on the deployment of any new technology along the rail corridor.

In sum, there are numerous concerns relating to the proposed option, but even with those concerns addressed, the risk associated with the subject rail lines will remain. Rerouting the cargo is the effective means by which the Department can mitigate the risk.

Again, I thank you for the opportunity to comment on the proposed National Capital Rail Pilot Project.

Sincerely,


Anthony A. Williams



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September 30, 2005

William F. Flynn, Director
Protective Security Division
U.S. Department of Homeland Security
Washington, DC 20528

**Re: Request for Comments Regarding the Potential for Environmental Impacts
from the Implementation of a National Capital Region Rail Pilot Project for
Washington, D.C.**

Dear Mr. Flynn:

I appreciate being asked to comment on the potential for impacts to the human and natural environments from the implementation of a National Capital Region Rail Pilot Project (NCRPP) for Washington, D.C.

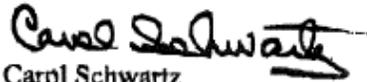
With respect to the human environment, I remain alarmed about the impact on District residents and others of any proposal for the NCRPP that does not involve the total rerouting of toxic-by-inhalation gases out of the District. No virtual fence or virtual gate deployed along the National Capital Region (NCR) rail system will protect people in the District from the effects of an accident or intentional attack involving a railcar carrying toxic-by-inhalation gases that causes a release of these gases.

I have similar concerns about the impact on the District's natural environment of any plan to secure the NCR rail system that does not include the complete rerouting of toxic-by-inhalation gases. A release of any such gas could have a serious effect upon water, plants and animals in the District. In addition, the low-lying nature of the District's lands would pose a serious problem if any of these gases were to be released.

As far as the specifics of the NCRPP proposal are concerned, I do not see any significant problem with the housing in 12' x 12' x 7' metal structures at either end of the rail corridor of equipment to process incoming data from the "virtual gates" that would be installed. Similarly, the proposed use of approximately 200 fixed cameras mounted on 40-foot utility poles at 750-foot intervals and 30 pan/tilt/zoom cameras mounted at 1,500-foot intervals does not appear to be a concern, as long as these cameras are located in close proximity to the rail corridor and not in residents' neighborhoods. Lastly, the proposed use of high intensity lights mounted on 40-foot utility poles at 150 foot intervals also does not appear to pose a problem as long as these lights are also located along the rail corridor and do not disturb residents in their homes and neighborhoods.

Once again, my major concern regarding the NCCRPP is that it include the complete rerouting of toxic-by-inhalation gases out of the District. Short of this, any discussion of human and environmental impacts of the NCCRPP would almost be inconsequential.

Sincerely,



Carol Schwartz
Councilmember, At-Large
Chair, Committee on Public Works
and the Environment

cc: All Councilmembers
Mayor Anthony Williams
Congresswoman Eleanor Holmes Norton

CS/ag