

Citizens Against the SCMaglev

October 10, 2017

SCMaglev Project
c/o Suhair Al Khatib
Maryland Transit Administration
6 Saint Paul Street
Baltimore, MD 21202

Dear Mr. Al Khatib,

The Citizens Against the SCMaglev sent a letter in June 2017 requesting that the NEPA scoping process be reopened due to lack of public notice on the part of the Maryland Transit Administration. To date, we have not received any response from MTA.

As we will not have our concerns ignored, we are providing the following scoping comments. The project scoping report must be amended to include these issues, and they must be addressed in the EIS.

PURPOSE AND NEED

1. Provide the need for the SCMaglev project. While a purpose of the proposed project was provided at the April 2017 public meetings, the need for a SCMaglev train was not provided. The public has not been provided any information that leads to the conclusion that an SCMaglev is needed. We strongly believe that there is a need for regional transportation improvements in the Washington-Baltimore corridor that will serve all residents, visitors, and businesses in the region. However, we have seen no data that proves that a train that serves only Washington, BWI, and Baltimore is needed or will provide relief from the transportation challenges in the region.
2. The Notice of Intent, published on November 25, 2016 (the day after Thanksgiving), states that:

“The population in the Baltimore-Washington area makes up one of the largest and densest population centers in the United States. Over the next 30 years the population in the area is projected to increase by approximately 30 percent. Similarly, the demand on the transportation infrastructure between Baltimore and Washington will continue to increase along major roadways and railways including Interstate 95, the Baltimore-Washington Parkway (MD 295), US 29, US 1, and the Northeast Corridor (NEC) thereby decreasing the level of service, reliability, mobility, and potentially decreasing safety.”

This statement does not provide proof that there is a need for a transportation investment of this magnitude with significant environmental impacts that only serves DC, BWI, and Baltimore. Rather it demonstrates that there are transportation issues that extend throughout our region. Analysis of these needs will demonstrate that these issues will only be solved by intra-regional transportation investments like rapid bus transit, light rail, and roadway improvements that serve the entire traveling population.

Provide detailed analysis of transportation needs of the Baltimore-Washington area.

3. The Notice of Intent makes the following claims:

“Without additional transportation improvements and capacity within the Baltimore-Washington area, economic development and growth opportunities will be restricted. As congestion increases on the NEC and on the region's highways, the demand for continued economic development will be impacted, including, for example, tourism.”

Provide documentation of this hypothesis. Specifically, provide documentation that the “transportation improvements... *within the area*” would be served by a rail system that only stops in DC, BWI, and Baltimore. Provide documentation that tourism, which is fueled by the great historical and governmental significance of the Washington, DC area would decline without a train that ONLY brings people from Baltimore.

4. Further the Notice of Intent quotes the NEC Future Program:

“To address these issues, in 2012 FRA launched the NEC FUTURE program to consider the role of rail passenger service in the context of current and future transportation demands and to evaluate the appropriate level of capacity improvements to make across the NEC. Through NEC FUTURE, FRA will determine a long-term vision and investment program for the NEC documented in a Tier 1 EIS and Service Development Plan. FRA published a Tier 1 Draft EIS in November 2015; however, the Draft EIS evaluated steel-wheel technologies as a way to serve the passenger rail needs of the region. It left open the possibility and did not preclude the study of and investment in advanced guideway and other new technologies, such as SCMaglev, to meet the transportation needs of the Northeast, including the Baltimore-Washington area.”

We note that this statement says that the NEC future EIS leaves open the possibility of studying the SCMaglev. While we concur, this statement does not support the need for the SCMaglev and calls into serious question why alternatives other than SCMaglev are not being studied in this EIS. See comments on Alternatives below.

5. Independent Utility/Segmentation - Provide detailed analysis proving that the proposed project has independent utility. Provide financial data showing how a train from DC to Baltimore can sustain short-and long-term viability without government funding and **without an extension past Baltimore.**

As BWRR is a subsidiary of The Northeast Maglev, LLC (TNEM), and TNEM has announced plans to build the SCMaglev from Washington, DC to New York, the entire SCMaglev project is a connected action. Separation of the project into pieces violates the prohibition on segmentation per the Council on Environmental Quality (CEQ) NEPA implementing regulations.

The CEQ NEPA regulations state that:

§1502.4 Major Federal actions requiring the preparation of environmental impact statements: Proposals or parts of proposals which are related to each other closely

enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

§1508.25 Scope: To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include: 28 (a) Actions (other than unconnected single actions) which may be: (1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: (i) Automatically trigger other actions which may require environmental impact statements. (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously. (iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

6. Provide data demonstrating the following required for financial viability:

- Number of daily trains in each direction
- Number of cars per train
- Number of riders per train, per day, and per year
- Cost per ticket
- Cost to operate and maintain rail line
- Any financial incentives (funding, grants, tax breaks, loans, etc) needed from governmental sources (Federal, State, or local) for construction and operation in the short-term and long-term
- Provide information on foreign investment including required purchase of foreign-made rail components/trains
- Provide examples of where the SCMaglev is currently operating in the world and provide financial data on that operation demonstrating that it does not require continual or intermittent government subsidies.

7. Amtrak's annual ridership on the Northeast Corridor (from DC to Boston) for 2016 was 11.9 million. Further Amtrak estimates NexGen ridership in 2030 of 25 million for the ENTIRE Northeast Corridor (<https://www.amtrak.com/ccurl/214/393/A-Vision-for-High-Speed-Rail-in-the-Northeast-Corridor.pdf>).

In 2016, a total of 5,098,562 riders boarded Amtrak trains at the Union Station in Washington, DC, and a mere 1,030,161 riders boarded Amtrak trains in Baltimore <https://www.amtrak.com/national-facts>. Only 689,042 riders boarded/off-boarded at BWI in 2016. (<https://www.amtrak.com/ccurl/111/103/MARYLAND16,0.pdf>). It is inconceivable that most of these 6.8 million riders were solely traveling between Washington and Baltimore.

2016 ridership on the MARC Camden and Penn lines totaled approximately 1.3 million riders (<https://data.maryland.gov/Transportation/MTA-Average-Weekday-Ridership-by-Month/ub96-xxqw>), but MARC serves numerous stations and communities in between Baltimore and Washington – commuters that would not be served by the SCMaglev. In addition, in June 2016, MARC reported ridership DECLINES: “Currently, the MARC service is facing ridership declines, according to Erich Kolig, director, MARC train and commuter bus service. “They are rather slight, only about a percent down from last year,” he explains. “But we are not experiencing the 3% growth that we have been maintaining for the last 10 years.” (<http://www.metro-magazine.com/rail/article/713751/maryland-s-marc-railroad-upgrades-fleet-service-to-bolster-ridership>)

In its filing with the State of Maryland, BWRR claimed that “Annual ridership on the SCMaglev system connecting Washington to Baltimore would be between 10.2 million and 15.4 million annual passengers in 2030 (42,200 one-way trips per day on average), while still assuming continued Amtrak and MARC service.”

Provide proof and solid data on how the SCMaglev will achieve 10 times the current Washington/Baltimore station onboard/offboard riders and 41 to 62% of the projected 2030 riders on the entire Amtrak Northeast Corridor in the short line from DC to Baltimore while “still assuming continued Amtrak and MARC service”! Include detailed origin and destination data for riders, type of riders (commuters, business travelers, tourists).

See **Environmental Impacts** for further issues regarding Amtrak.

8. If the need for an SCMaglev train from DC to Baltimore cannot be defined, and independent utility for this short segment of rail cannot be established and sustained over the short- and long-term, the EIS must be revised to include the entire corridor (whether to Philadelphia, New York, or Boston) needed to sustain the financial viability of the project in accordance with 40 CFR 1502.4a and 40 CFR 1508.25.

ALTERNATIVES

The structure of this EIS based solely on studies for the SCMaglev, **precludes all other possible decisions** including the decision to construct Amtrak NextGen trains. As such, an EIS that does not study these other alternatives is not in compliance with the National Environmental Policy Act.

As stated by the Council on Environmental Quality (40 Most Asked Questions):

Question 2a. Alternatives Outside the Capability of Applicant or Jurisdiction of Agency. If an EIS is prepared in connection with an application for a permit or other federal approval, must the EIS rigorously analyze and discuss alternatives that are outside the capability of the applicant or can it be limited to reasonable alternatives that can be carried out by the applicant?

A[nswer]. Section 1502.14 [of the CEQ regulations] requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.

2b. Must the EIS analyze alternatives outside the jurisdiction or capability of the agency or beyond what Congress has authorized?

A. An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered. Section 1506.2(d). Alternatives that are outside the scope of what Congress has approved or funded must still be evaluated in the EIS if they are reasonable, because the EIS may serve as the basis for modifying the Congressional approval or funding in light of NEPA's goals and policies. Section 1500.1(a).

In addition, Section 4(f) of the Department of Transportation Act prohibits the use of Section 4(f) property unless there is no feasible and prudent avoidance alternative to the use of land from the property. If the SCMaglev project uses public parkland, wildlife or waterfowl refuge land, or historic resources, it may not be constructed if there is a prudent and feasible alternative. It should be noted that the WB&A Trail is public parkland – NOT a railroad right-of-way, and as such is protected under Section 4(f).

Lastly, as noted in Amtrak's scoping comments for this EIS, the NEC Future EIS and Record of Decision, selected improvements to the existing rail alignments and "discarded the new alignment alternative."

1. NexGen – The Amtrak NexGen technology is a “reasonable” alternative to Maglev and therefore, in accordance with NEPA and the CEQ implementing regulations (40 CFR 1502.14), must be studied in the EIS. ADD INFORMATION ON NEXGEN – SPEED, TIMING, COST, ETC. While outside of the Congressional legislation, the NexGen technology is a “reasonable alternative as it is practical and feasible from the technical and economic standpoint and must be included using common sense, rather than simply desirable from the standpoint of” BWRR. In addition, as construction funding is not available at this time, it is prudent to provide Congress with an equal analysis of all alternatives to facilitate informed decision-making.

Lastly, the Amtrak NexGen is a prudent and feasible alternative to the SCMaglev and would avoid the use of public parkland (including the WB&A Trail), wildlife and waterfowl refuges, and historic properties. Therefore, the Amtrak NexGen must be studied as an alternative to the SCMaglev.

2. Elon Musk and SpaceX have proposed constructing an underground Hyperloop railroad to travel between Washington, DC and New York. As with NexGen, this technology must be analyzed alongside the SCMaglev to provide decision makers with information on the environmental impacts of each technology prior to making a decision.
3. Detail on alternatives must include design details including but not limited to: limits of disturbance; right-of-way; staging areas; station areas and impact areas for these; connections between stations and existing transportation hubs (i.e. BWI); maintenance yards and impact areas for construction of these; utility connections; security features including fencing; haul routes for construction equipment, materials, construction debris, and mining spoils; and disposal areas for construction debris and fill materials.

Environmental Impacts

1. Environmental Justice – Provide a detailed analysis on the disproportionate impacts that low-income and minority populations in Washington, DC; Prince George’s County; and Baltimore City will suffer under the SCMaglev plan including but not limited to loss of property values and housing opportunities, loss of parkland and greenspace, increases in noise levels, and impacts to health and safety. Specifically, the above ground portion of the project will bisect Prince George’s County while not providing ridership opportunities to the citizens of the County. Provide analysis of the EPA EJScreen demonstrating the disproportionate impacts already suffered by the residents of the County and the impact that a SCMaglev train would have. A baseline EPA EJScreen along the WB&A Trail shows an EJ score of over 90% compared to 50 to 60% in communities in Montgomery and Howard counties.

2. Property Acquisition – Provide information on all properties to be acquired and displaced as a result of the proposed action including:
 - a. Number, types, and locations of all of acquisitions/displacement of residents, parks, businesses, schools, churches, etc;
 - b. Method by which properties will be acquired including information on eminent domain and what entity will exercise eminent domain;
 - c. How compliance with the uniform relocation act will occur including analysis of the availability of comparable housing of equal price, value, and setting
 - d. Impact to remaining homes including loss of home values, changes in setting, visual and noise impacts. Provide information on how close a residence can be from the rail line
 - e. Impacts to remaining businesses including change of access and resulting loss of business.
3. Economic Impacts – Provide thorough, quantitative analysis on the negative economic impacts associated with the proposed alternatives including:
 - a. Loss of property values (especially home values) from the proximity of a high-speed train where there is currently more compatible, highly valued land uses such as parks, trails, forested areas, and residential areas
 - b. Loss of tax base from the loss of properties and from the devaluation of remaining properties
 - c. Impacts to Amtrak ridership and revenues in the Washington/Baltimore corridor, the Northeast Corridor, and nationally as many of Amtrak’s lines outside urban areas count on revenues generated in areas like the Northeast Corridor
 - d. Impacts to viability of NexGen Acela as it is probable that there is not sufficient ridership/need for both technologies to operate in the same market
 - e. Impact to Marc ridership, revenues, and viability with the proposed loss of riders to the high-speed train; this assessment should include any additional State, local, or Federal funds that will need to be expended to keep the Marc system viable. If the Marc system is no longer viable or must raise fares to maintain viability, the impact to commuters that board the train at locations between Baltimore and Washington must also be analyzed
 - f. Analysis of permanent job creation with SCMaglev vs. job losses at Amtrak and Marc
4. Parks and Recreation/Section 4(f) – Provide impacts to parks and recreation areas in Prince George’s and Anne Arundel Counties including the loss of access to these critical community features. Impact analysis should include changes to these facilities including changes to park settings, park features, park noise levels, and the overall changes in the user’s experience. Note – the WB&A Trail is public

parkland; owned and operated by the Maryland National Capital Park and Planning Commission and the Anne Arundel Recreation and Parks Department. The trail is a critical component of the East Coast Greenway and the American Discovery Trail.

5. Historic Resources – Provide impacts, including visual, noise, and vibration impacts, to historic resources including archaeological features, historic sites such as the Glen Dale Hospital, the Marietta Mansion, the Bowie Racetrack, private historic residences and farms, and historic districts including the Odenton historic district.
6. Visual Resources - As the only renderings provided by MTA thus far show a train in the middle of a forest with no residences nearby, provide more accurate renderings of the train line. Specifically:
 - a. Provide before and after renderings of the proposed rail line and train in ACTUAL locations showing the view to and from historic properties, parks, and residential properties that will remain after construction of the train.
 - b. Renderings to and from historic properties, parks, and residential properties should include day and night views and views with and without leaf cover on trees.
 - c. Provide information on the visual intrusion of graffiti into neighborhoods that may occur on the elevated rail line.
7. Topography – Provide details on changes to topography including cut and fill; provide detail on whether the proposed train and track system will cut through hills (creating environmental impacts) or rise up over them creating visual impacts to large numbers of communities and citizens.
8. Water Quality – Provide quantitative data on the increases in impervious surface created by the track, stations, maintenance yards, and parking.

Provide quantitative data on the resulting stormwater runoff and impacts to erosion, sedimentation, and TMDLs in the already degraded Patuxent River and its tributaries including Horsepen Branch.

Provide information on the chemicals to be used for snow removal and deicing and the impact runoff of these chemicals will have on the Patuxent River and its tributaries.
9. Bird Strikes – Provide data and analysis on the impact of bird strikes and how they will be prevented from a train going over 300 mph. There are nesting bald eagles on the Patuxent Wildlife Refuge in close proximity to the WB&A Trail. Bald eagles also frequent the Patuxent River between Prince George’s and Anne Arundel counties. In addition, there are numerous other bird species including barred owls, pileated woodpeckers, and red-tailed hawks nesting along the WB&A Trail and along the river.
10. Bats - Provide data and analysis on the impact to bats and how strikes will be prevented from a train going over 300 mph. Provide detailed studies of bat habitat, bat populations, and presence of white-nose bat syndrome.

11. Wildlife Displacement – Provide data and analysis on wildlife displacement from construction of the proposed train. Habitats in the vicinity of the proposed alternatives are at capacity and any loss of habitat will force wildlife further into developed areas including residential areas. Detailed wildlife surveys must be conducted to document species, numbers, health of population (including over population), and capacity of habitat.
12. Vegetation – Provide data on number, species, size, and locations of all trees to be removed for construction of the rail line. Provide types of vegetation to be removed. Provide information on how the project will prevent invasive species from being introduced into areas where forest are bisected and native vegetation is removed. Provide mitigation including where and what types of vegetation will be replanted, how reforestation areas will be monitored, and how the rail line will be screened after vegetation is removed.
13. Noise – Provide 24-hour noise analysis for all types of properties in the vicinity of the proposed alternatives (residences, schools, churches, libraries, historic sites, parkland, etc.). Provide existing noise levels and noise modeling when the train is in operation. Noise models should take into account the loss of existing vegetation and buildings that would be removed and modeling should show day and night noise levels.
14. Electromagnetic Fields – Provide information on electromagnetic fields including health effects from long-term exposure to an SCMaglev train. Provide health information from populations currently exposed to SCMaglev trains.
15. Light – Provide information on how the rail line, parking areas, rail yards, stations, etc. will be illuminated at night. Provide analysis of light intrusion into residential areas, parkland, and historic sites.
16. Energy Usage – Provide information on the energy needed to operate the SCMaglev train including the source of the power. Provide locations of any new substations or other utility upgrades needed to power the SCMaglev. Provide information on how power interruptions would affect train operation.
17. Utilities – Provide information on temporary and permanent utility disruptions to residences, businesses, and other property owners. Provide information on the location and type of new utility lines needed to serve the proposed project. Provide information on impacts to the power grid and other utilities.
18. Community Cohesion – Provide information on impacts to neighborhoods that will be bisected or will be cut off from neighboring communities by the SCMaglev Train.

Provide information on the effects to communities such as Glenarden, Glen Dale, Bowie, Piney Orchard that will be bisected by the proposed train. Include analysis of the cumulative effects of bisection by transportation projects to communities such as Glenarden.

19. Land Use and Land Use Planning – Provide detailed analysis of changes in land use that will occur due to undesirable proximity to the train and from the economic development that BWRR claims will accompany the train. Provide detail on where this development will occur and how it will affect sprawl in the Baltimore-Washington Area
20. Community Services –
 - a. Provide analysis on effects to police, fire, and EMS services including responding stations, personnel levels, training (how much it will cost, who will provide it, and how often it will occur). Provide information on BWRR provided police services and a comparison of those services to those provided by Amtrak police. Provide information on how terrorist threats will be mitigated at stations and on the rails.
 - b. Provide information on how other community services will be impacted including schools, hospitals, churches, etc. Include analysis of cumulative impacts based on the economic growth projected to occur solely because of the SCMaglev construction (as based on BWRR claims).
21. Safety and Security – In addition to the police information requested above, provide information on how the SCMaglev rail line will be secured such that people cannot climb onto the line resulting in injury or death and/or vandalize the line. Provide renderings of any fences or other barriers that will be placed along the rail line, rail and maintenance yards, parking areas, etc. Provide information on the distance fence lines will be placed from the line, height of fences, and type of fencing.
22. Construction Impacts – Provide information on the construction related activities and impacts including but not limited to:
 - a. Limits of disturbance for construction of each of the alternatives – temporary and permanent land use
 - b. Areas of cut and fill
 - c. Staging areas
 - d. Tunneling/mining locations
 - e. Tunneling technology
 - f. Haul routes for construction equipment and disposal of tunneling spoils
23. Traffic – Provide impacts from:
 - a. Construction vehicles traffic
 - b. Temporary and permanent roadway closures including travel delay times, creation of land-locked properties, changes in access to properties

- c. Additional vehicular traffic, especially at Union Station, BWI, and in Baltimore generated from train riders accessing the rail line; analysis should include intersection level turning movements and delays
- d. Traffic from economic development that BWRR claims will accompany the SCMaglev; the Notice of Intent states that “The population in the Baltimore-Washington area makes up one of the largest and densest population centers in the United States. Over the next 30 years the population in the area is projected to increase by approximately 30 percent.” If this growth will occur without the SCMaglev, and the SCMaglev claims it will radically increase development in the region, the cumulative impact analysis must quantitatively analyze the traffic that will accompany this level of development and explain how the rest of the regional transportation network will handle this development or where levels of service will decrease to the point of complete gridlock.

24. Airline/Plane Traffic – As part of BWRR’s economic and ridership “promises” include increased use of BWI and development around BWI, increases in air traffic must be analyzed in the EIS.

This analysis must also include resulting increases in noise from increased air traffic. It should be noted, that Governor Larry Hogan recently instructed the State Attorney General to sue the FAA for noise violations at BWI.

25. Union Station –

- a. Provide information on the impacts to the historic Union Station in Washington, DC
- b. Provide information on how the SCMaglev Train will impact current renovations taking place at Union Station
- c. Provide analysis of how a SCMaglev Train will affect the Washington Union Station's 2nd Century Plan which is being developed to accommodate the Amtrak NexGen train.

26. Cumulative Impacts – A project of this magnitude requires a comprehensive analysis of cumulative impacts including quantitative analysis of the significant harmful impacts transportation projects have had and continue to have on communities in Prince George’s and Anne Arundel counties. Included in this cumulative impact analysis must be the impacts of the supposed development that SCMaglev claims it will generate. In addition, the cumulative impact analysis must analyze any track widening or realignments planned by Amtrak.

The Notice of Intent also provides grossly inaccurate information on the study area of the proposed project. The NOI states that the study area is bounded by the former Washington-Baltimore & Annapolis Electric Railroad alignment while in reality, the study area extends 3 miles to the east of this alignment. Maps of preliminary alternatives have been provided by MTA which MTA now states should not be relied on. BWRR CEO Wayne Rogers, as recently as September 14, 2017, stated in an interview with ABC 7 news that ““We're very early in the process. They're called initial preliminary screening alternatives. They're not even to the preliminary to the alternatives to the preferred alternatives, so

we're years away," when in fact alternatives have been submitted to FRA for approval. These examples of misinformation by the MTA project team along with abysmal public notice on the scoping process for the project, demonstrate that this project should be restarted to provide meaningful opportunity for public input and decision-making.

As MTA has not responded to repeated requests to reopen the scoping period for this project, we request that you provide a formal reply to this letter and an affirmation that the issues outlined herein will be thoroughly analyzed in the EIS.

You may reach us at:

Citizens Against the SCMaglev
PO Box 669
Bowie, MD 20715

Sincerely,

Citizens Against the SCMaglev



On behalf of:

Dennis Brady, Chair
Dawn Wampler, Vice-Chair
Aviva Nebesky, Vice-Chair
Breanne Reynolds, Secretary
Joan Glynn, Secretary

Cc:

EPA Region 3
US Senator Chris Van Hollen
US Senator Ben Cardin
Congressman Steny Hoyer
Governor Larry Hogan
State Senator Doug Peters
Delegate Geraldine Valentino-Smith
Delegate Marvin E. Holmes, Jr.
Delegate Del. Joseph F. Vallario, Jr.

Prince George's County Executive Rushern Baker
Prince George's County Councilman Todd Turner
Bowie City Mayor Fred Robinson
Bowie Councilman James Marcos (At Large)
Bowie Councilman Henri Gardner (At Large)
Bowie Councilman Michael Estève (District 1)
Bowie Councilwoman Diane Polangin (District 2)
Bowie Councilwoman Courtney Glass (District 3)
Bowie Councilman Ike Trough (District 4)