

ROUGH DRAFT**CITY COUNCIL OF ALEXANDRIA, VIRGINIA
Regular Meeting — February 12, 2002
Partial Verbatim – Oral Presentation (k)**

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Oral Presentation (k)

Speck: Next item is that in the past three weeks there have been at least four instances in which coal trains have been crossing Washington Street, the GW Parkway, prior to 7 p.m. as part of the Mirant Coal Plant. It's not clear to me what our agreements are on what the time frame is that they are encouraged to bring their trains across, but I know at least the folks that I've talked to they backed up traffic pretty good on the parkway by bringing those trains across in what is arguably still the rush hour. I need to know from staff just what the deal is there in terms of our agreement with Mirant, if any?

Baier: Mr. Mayor and Council. We had last summer just a whole flurry of complaints regarding noise that primarily the Rivergate Townhouse complex was having with regard to some evening deliveries. We went to Mirant, Bill Skrabak and I, and we talked with Norfolk/Southern regarding their delivery schedule. They were scheduling deliveries in the late evening coming in with, you know, twenty, twenty-five, thirty, thirty-five, forty cars. Each car is about fifty feet in length with a locomotive pulling it or two that are each seventy-five feet in length. So, what we had done was, we sat down with the power plant and the railroad and we had said that we'd like you to stay within these parameters. Realizing that we don't have a sup condition, a special use permit condition that covers this, it was 11 a.m. to noon, from 1 to 3 p.m. being that they are kind of an off-peak on either side of the lunch hour, and then after 7:30 at night up until 11 p.m. In the past, there were deliveries coming in as late as 10 to 10:30 p.m. They were disturbing some of the residents. We had four different incidences as you mentioned from January 15 to January 31 according to the train log for Norfolk/Southern where they did come during rush hour. As soon as we had each of those occurrences, we contacted Norfolk/Southern and as of February 1, we have not had which is just about two weeks any deliveries during the p.m. rush hour. The key to this is really the number of cars and keeping the cars at twenty-two or less, preferably less than twenty. When we get upwards of thirty, twenty-eight, twenty-five cars, we begin to impact not only GW Parkway, but also other streets like Montgomery, Madison and First Street. So...

Speck: Do we have any regulatory authority on when they are able to bring or is it just a matter of negotiating an agreement?

- Ignacio: Mr. Mayor, what regulatory authority traditionally cities have has largely been preempted by federal law. So, the short answer is, we do not.
- Speck: So, whatever we do is what they're willing to agree to, and if they decide for whatever reasons it's not convenient to bring the trains in that schedule, we're sort of stuck?
- Baier: We're trying to balance really a couple of issues here. Number one, you know, there's an issue of just getting coal to the plant. Number two, there's the residents that don't like the noise in the evening. Certainly in the evening would actually be the most desirable time because traffic is the lowest, and then you have the issue of, you know, the Parkway and then Canal Center kind of balancing the aspects there. We've had some complaints that even during the off-peak that some of the businesses were actually impacted because some of those streets are blocked.
- Donley: Well, and that's an important consideration, I mean, Canal Center for example, I've spoken with the owners at Canal Center not too long ago and you know, yes, it's a convenience problem because that train will back up and block that intersection. But, more importantly, it's a public safety problem because if we need to get emergency apparatus into Canal Center and the train is blocking it, we got a problem. And, my understanding is that much of that is due to the length of the train.
- Baier: That was the length of the train that we had actually an issue with regard to the blockage that occurred when the new President/CEO was touring the facility. However, I think we've dealt pretty well, at least the last couple of weeks, with the train length. The best of all worlds which is not the best of worlds for the residents is to have these deliveries made in the early evening after the dinner hour, after the p.m. rush hour. But because there is not a reliability in so far as the delivery, when they're finished with their drop right before Alexandria coming to the Mirant, you know the former Pepco plant, they just keep coming, and so they would get here at 9:30, 10, and 10:30 p.m. and what would happen would be, of course, you know a number of noise complaints in the evening. So, you know, we've stayed on them the last couple, I'm sorry...
- Speck: No, if there is no particular consequence to them doing this when it's not convenient or safe for the City, you know, it's just a matter of, you know, it's fine until it happens again. I mean what puzzles me is the apparent complete absence of any real authority that we are able to impose on this, and I'd like us to explore this a little bit. Not necessarily tonight, but determine whether there is or there is some willingness to sit down and develop a voluntary agreement that everyone at least signs off on so that you can say to the public if not to the affected businesses that there are some parameters that we've tried to establish so that everybody knows what's going to happen. I wouldn't have even thought of it except for the

fact that people called and said you know they have traffic backed on the GW Parkway, you know, at twenty of seven on a work night which doesn't really seem to make a lot of sense. It would be like raising the Wilson Bridge at twenty of seven.

Donley: That's true.

Sunderland: Well, I think that like dealing with most railroads, it's usually more effective not dealing with the railroad with those who do business with the railroads. So, let us sit down with our friends at Mirant and have some discussions with them.

Donley: I guess when you have those discussions, the one thing that I would like to add is that either after those discussions we contact the business owners, primarily the folks at Canal Center, Rivergate and maybe the Old Town North Civic Association, because those folks are impacted as well. We might reach an agreement that sounds hunkie-dory, but in going out and talking with folks we might find out that there are problems. Or, you know, maybe we need to get their bind if we're talking about evening deliveries. I mean it's important to have the citizens understand that for all concern a little bit of disruption at 7:30 or 8:00 is a whole heck of a lot better than at 11 o'clock at night, but a whole heck of a lot better than 6:30 at night. Ms. Woodson.

Woodson: Thank you, Mr. Mayor. I don't know the history of this site but it seems to me that we have some environmental issues here because it's no longer an industrial area. I mean certainly there was a period when there were primarily industrial uses in that general vicinity and now we've got high intensity business use in that vicinity. We have much more residential use in that vicinity. I have been contacted as I'm sure all of my colleagues have over the years since they, you know, proceed me from the residents in Marina Towers about some of the problems that they had with the coal dust. So, I'm really questioning not just what are we doing about imposing some penalties or at least trying to extract some agreement from the Mirant and/or the railroad that they behave themselves and arrive at a reasonable time and stop arriving at a reasonable time, but that they be there at all. And so, what is, at what point are we going to be pursuing better use for that site? Or has that already been discussed because again, you know, I beg ignorance to history here, I don't know.

Donley: The bottom line is, you know, we've tried to get it out for a long time, and you know, we don't have the, unless we're going to go buy it, we don't have the authority to force it out even if we were to use our powers under the zoning code. We did look when it recently changed hands striking an agreement regarding a future reuse of the property; however, that did not bear fruit and that would have probably gotten rid of the power plant sometime in the next ten to fifteen years, but we're not able to do that largely because Pepco required under their divestiture of the plant that it be part of a larger block of plants and did not separate that plant

from the bidding process. You know the other irony is not one kilowatt of electricity that's generated at that plant ever finds its way here. But it is part of the, and we've had this discussion with former Pepco on numerous occasions, but it is part of essential power grid for Washington, D.C.

Woodson: But everything else find its way here. And would I be incorrect in assuming the value of that land because I would presume that it is brown field or would be a brown field, that the value is limited to its current use or something similarly industrial.

Donley: It's a complicating factor, no doubt.

Speck: It would be a heck of a cleanup project, that's for sure.

Woodson: Yeah, I think so. Okay.

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