

2  
6-14-08



"Goodale, Geoffrey M."  
<GGoodale@foley.com>  
06/14/2008 08:14 AM

To <alexvamayor@aol.com>, <delpepper@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <timlovain@timlovain.com>, <paulcsmedberg@aol.com>, cc <jackie.henderson@alexandriava.gov>, <geoff.goodale@bsvca.net>

bcc

Subject City Council Hearing of June 14, 2008 -- Prepared Remarks Regarding the Norfolk Southern Matter

Dear Mayor Euille and Members of City Council:

Attached please find written text of remarks that I intend to provide on behalf of the Board of Directors of Brookville-Seminary Valley Civic Association, Inc. ("BSVCA") during the Public Discussion Period of today's hearing regarding issues relating to Norfolk Southern's ethanol transloading facility. Your consideration of these remarks is greatly appreciated.

Respectfully submitted,

Geoffrey M. Goodale  
President, Brookville-Seminary Valley Civic Association, Inc.

The preceding email message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this message in error, please (i) do not read it, (ii) reply to the sender that you received the message in error, and (iii) erase or destroy the message. Legal advice contained in the preceding message is solely for the benefit of the Foley & Lardner LLP client(s) represented by the Firm in the particular matter that is the subject of this message, and may not be relied upon by any other party.

Internal Revenue Service regulations require that certain types of written advice include a disclaimer. To the extent the preceding message contains advice relating to a Federal tax issue, unless expressly stated otherwise the advice is not intended or written to be used, and it cannot be used by the recipient or any other taxpayer, for the purpose of avoiding Federal tax penalties, and was not written to support the promotion or marketing of any transaction or matter discussed herein.



BSVCA Remarks on Norfolk Souther Matters.pdf

**BROOKVILLE-SEMINARY VALLEY CIVIC ASSOCIATION, INC.**  
**P.O. Box 23348**  
**Alexandria, VA 22304**

June 14, 2008

Mayor William D. Euille and Members of City Council  
301 King Street – City Hall  
Alexandria, VA 22314

Re: Remarks on Issues Relating to Norfolk Southern's Ethanol Transloading Facility

Dear Mayor Euille and Members of City Council:

The Board of Directors of Brookville-Seminary Valley Civic Association, Inc. ("BSVCA") respectfully submits these remarks to you regarding issues relating to Norfolk Southern's ethanol transloading facility ("Ethanol Facility"). As discussed below, we are concerned about the problems with process and communications that has led to the current situation, and we urge the City Council (the "Council") to take actions to ensure that such problems do not occur again in the future and to demonstrate to the community that the Council will work to protect public safety.

The BSVCA is a non-profit organization that seeks to promote the best interests of Alexandrians in general and those in the West End in particular. Individuals from several hundred households are included among the BSVCA's members. Significantly, the Ethanol Facility is in close proximity to the Brookville-Seminary Valley area, and it is for this reason that the issues associated with the Ethanol Facility are of considerable concern to the BSVCA's members.

1. Correcting Problems with Process and Communications

As we understand the chronology of events, Norfolk Southern first met with the Mayor, the City Manager, and other City staff in June 2006. Subsequently, Norfolk Southern communicated periodically with various City staff over the next 18-22 month, and on April 9, 2008, it began operations of the Ethanol Facility. However, during this time period, neither the Council nor the members of the public were informed of such communications, and it was not until the Ethanol Facility was fully operational that the Council and the public became aware of it.

In our view, this chronology of events reveals two fundamental problems. First, there was not a process in place that required City staff to report on developments relating to the Ethanol Facility to the Council or the public. Second, the actual communications between City staff and the Council and between the City and the community regarding this matter were dismal. The point of identifying these problems is not to engage in any sort of blame game, but rather it is to identify past problems that can, should, and must be corrected.

We believe that these problems can be addressed by putting a process in place whereby City staff notify the Council and the community about any proposal by any entity to commence or intensify heavy industrial activities that affect public health and safety, and that City staff keep the Council and the community informed of any developments relating to such proposals. Dissemination of such information to the public ideally could occur through the Alexandria eNews service. However, if this were not feasible or permissible, an alternative would be for the City Planning and Zoning staff to send

e-mails about such developments to the Presidents of affected civic associations, as is being contemplated under the proposed small business zoning changes with respect to public notification concerning administrative special use permit (“SUP”) applications.

2. Taking Actions to Protect Public Safety

We also feel that it is imperative for the City to take appropriate actions to protect public safety. Such actions entail working with federal and state officials on legislative and regulatory initiatives and designing viable disaster preparedness plans and providing necessary equipment and training to City rescue personnel.

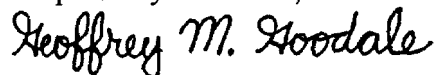
In order to ensure that a situation like the present one where Norfolk Southern obtained a special ruling from the federal Surface Transportation Board in order to avoid having to obtain a SUP from the City does not occur again, the Council must work closely with the members of Virginia’s Congressional delegation and state delegates and senators on relevant legislative initiatives. Ideally, it would be desirable for federal and/or state legislation to be crafted and enacted that would restore and augment the City’s ability to exercise proper oversight of health and safety issues in Alexandria.

It also is critical for the Council to mandate that effective disaster preparedness plans be developed, and that necessary equipment and training be provided to City rescue personnel. Several members of the BSVCA Board of Directors, including myself, attended a community meeting on matters relating to the Ethanol Facility that was held at Cameron Station last Monday. To be honest, I did not find Mr. Porter’s proposed evacuation plan for Tucker elementary school children that involved cutting holes through fences with “bolt cutters or a key of some sort” to be a very viable one. I also was disconcerted to learn that only a handful of Fire Department personnel have received training on the type of equipment necessary to fight ethanol-triggered fires, and it was not clear to me from Chief Thiel’s presentation that the City has sufficient equipment to deal with a large-scale ethanol disaster should one occur. The Council can and should take action to correct these deficiencies.

\* \* \* \* \*

We urge you to take the actions discussed above as soon as possible. In addition, we request that you hold a public meeting in the West End in the near future to inform the community of all of the actions that have been taken to address these issues and what the future strategy is. Finally, we ask that you keep the BSVCA and other civic associations in the West End apprised of developments relating to this matter.

Respectfully submitted,



Geoffrey M. Goodale

President, Brookville-Seminary Valley Civic Association, Inc.

RESOLUTION

*(Adopted by the Arlington County Transit Advisory Committee on May 13, 2008, by a vote of 4-1-1)*

Whereas, the Washington Metropolitan Area Transit Authority is planning to greatly reduce the number of Blue Line trains that provide direct access to downtown Washington from the Pentagon and plans to replace them with trains that will go to L'Enfant Plaza after leaving the Pentagon, forcing people to transfer to the Blue or Orange Lines at L'Enfant Plaza to get to back the downtown area; and

Whereas, this change will increase commuting time for those who wait for the remaining (and more crowded) Blue Line trains and for those choosing to transfer at L'Enfant Plaza; and

Whereas, Blue Line riders including the elderly and disabled will be required to walk additional distances to transfer at L'Enfant Plaza; and

Whereas, the main purpose of this proposed change is to improve Orange Line service, by removing Blue Line trains so that more Orange Line trains can be run through Rosslyn,

Whereas, the Blue Line is South Arlington's best link to downtown and it provides an effective link to the Ballston/Clarendon area; and

Whereas, the Columbia Pike corridor and the Potomac Yards area are undergoing redevelopment, with an associated population increase, many of whom may need direct access to downtown (and Rosslyn); and

Whereas, commuters from North Arlington going to Reagan National Airport, Crystal City and Alexandria will also face longer commutes and overcrowded trains;

Therefore, be it resolved that the Arlington County Transit Advisory Committee opposes plans to divert Blue Line Metro trains from downtown to L'Enfant Plaza.

Be it further resolved that the Arlington County Transit Advisory Committee supports creative ways to reduce Orange Line crowding to include express trains, 8-car trains, alternating stop trains, express buses, and capital improvements to allow Orange Line trains from Vienna to be diverted to the Blue Line to enhance service to Crystal City, National Airport, and points south.

2  
6-14-08

Statement of Mindy Lyle  
before the  
City Council  
on behalf of the  
Cameron Station Civic Association  
and the  
Cameron Station Homeowners Association  
June 14, 2008

Heavy Industrial Use Moratorium

I am here today testifying on behalf of the Cameron Station Civic Association and the Cameron Station Homeowners Association. Several years ago focus groups, community meetings, and public announcements from Mayor Euille, the City Council and General Growth Properties signaled what residents of the West End thought were "new beginnings" that would be brought about by the redevelopment of the Landmark Van Dorn area. After the formation of the Landmark/Van Dorn Advisory Group, there was renewed hope that the West End could actually become a vibrant part of the City.

However, the City has continued to award sup's for heavy industrial use and encourage the movement of heavy industrial use from one area of the City to the West End sending out the message to corporations that this is an appropriate use inside of the capital beltway. Our hopes have been dashed yet again by the opening of the Ethanol Transloading Facility by Norfolk Southern. In addition to yet another heavy industrial use on the West End, we now have one that presents a danger to Tucker School, Cameron Station, Summers Grove, numerous businesses, residents, Metro and the Capital Beltway. Perhaps this facility would not have been opened had the City been sending out signals that heavy industrial use adjacent to mixed use redevelopment areas was not appropriate.

Today, we are asking the City of Alexandria to declare a moratorium on new heavy industrial use, the intensification of heavy industrial use and the movement of heavy industrial use from one site in the City to another until such time as a study can be completed and analyzed showing appropriateness of such uses in a heavily populated urban area inside of the Capital Beltway, adjacent to a metro station and providing an answer to the question; does the city actually need heavy industrial use or is this use obsolete. We are not opposed to business, but we are in favor of appropriate businesses.

We look around at other jurisdictions inside of the beltway and find no such heavy industrial developments. Other jurisdictions don't have to allow these types of uses since the City of Alexandria provides for every one. Instead they have mixed use developments around metro stations that provide increased tax revenues to add to the bottom line in the jurisdictions budget.

We feel that the redevelopment of the Landmark/Van Dorn area will be impeded further by increased industrial use. We also feel that developers value a continuation of compatible uses and may be more likely to begin redevelopment of the area if their developments are not threatened by incompatible uses. Our visions of a pedestrian friendly area with a landscaped boulevard, fountains, small parks and mixed use developments can only be realized with the full cooperation of the City of Alexandria. Please declare a moratorium on heavy industrial use in the City until such time as consultants can be hired and studies completed to determine the appropriateness of such uses within the City limits. There are precedents for this type of action; first, a sunset clause was included in the VA Paving SUP giving them advance notice that the area would be redeveloped, in addition, while waiting on or developing small area plans, the City does not fully review or approve new developments for those areas; we are asking that you do the same. In addition, we are also asking all other Homeowners Associations, Civic Associations and the Federation of Civic Associations to join us in requesting this action from the City of Alexandria.

2  
6-14-08

Statement of Michael E. Hobbs  
before the  
City Council  
on behalf of the  
Alexandria Federation of Civic Associations  
June 14, 2008

Public Participation: Norfolk Southern and Beyond

Thank you, Mayor Euille, Vice Mayor Pepper, and members of Council; I am Michael Hobbs, Co-Chair of the Alexandria Federation of Civic Associations, speaking on behalf of the Federation.

The Federation is a coordinating group for our member associations all across Alexandria. As such, it is not our purpose to substitute our opinion on substantive issues for that of our member associations which may be most affected, but rather to reinforce and support their efforts. In keeping with that policy, we do not appear today to speak to the substance of the Norfolk Southern ethanol transloading case. We have no doubt that our member associations and citizens in the affected neighborhoods will have plenty to say on that.

Our purpose today, rather, is to reenforce our deep concern about the process by which this case has come to this point. We believe that process was deeply flawed, and that you should assign the highest priority to correcting it in this and in any similar cases going forward, if public confidence in the transparency and competence of our government are to be maintained.

Two years ago, residents in the Cameron Station and Summers Grove neighborhoods were surprised and dismayed to learn that the Virginia Paving plant next door had not been operating in accordance with the terms of their Special Use Permit for some time—and, indeed, that the company planned to substantially expand its operation; and that this expansion was apparently condoned or even tacitly encouraged by the City, which was one of the company's principal local customers. After extensive debate, a new SUP was granted which permitted the expanded operation, but conditioned it on new provisions designed to protect the public health and safety and to ameliorate the impacts on the community. Further, a community monitoring group was established to assure that the conditions of the new SUP would be fully complied with. This Council made every effort to reassure the public that its interest would be protected to the maximum extent possible.

Now, a little less than two years later, the community has learned once again that a significant new industrial operation, posing substantial questions about public safety, has begun without their prior knowledge or participation. This case is even more troubling, because of the proximity of the facility to the residential neighborhood and the Tucker School, and the scope of the impact were a catastrophic failure to occur.

Our purpose today is not to argue who is responsible for this failure of communication: that damage is already done, and fixing blame for it does not help to resolve the situation that you are now faced with. But we want to emphasize what you already know, which is that the lack of

public information about and participation in the process that led to the opening of this facility has damaged the credibility not only of Norfolk Southern, but of the City. Norfolk Southern's refusal to discuss its plans with the community, or even to consider Mayor Euille's request that it suspend this operation until the minimum safety measures could be put in place, has displayed an arrogant indifference to the public interest. But the City itself, by its own actions or omissions in this case, has impaired the community's trust and confidence in our city government's ability to protect that interest.

In other contexts, the euphemism for a debacle like this would be that it has been "a learning experience." You have now initiated vigorous efforts to protect the public health and safety to the maximum extent possible. Regardless of the outcome in this case, however, we should all have learned once again that failure to assure public information and participation in important decisions which may have significant impacts on our community—in this instance, failure even adequately to inform the public's elected representatives—can have damaging consequences that go well beyond the particulars of the case at hand.

We believe that it is imperative that the City, now and going forward, renew and restate its commitment to the principle of public awareness, information, and opportunity to participate in the process leading to such important decisions. The message that comes from the top—from the Mayor, the Council, and the City Manager—is key. The message to all parts of our government, and to all who wish to do business here, should be that in Alexandria, public participation is not regarded as an annoyance or an aggravation, something to be avoided or overlooked if it is inconvenient. It is not merely an occasionally useful means to a higher end, a means to be abbreviated or waived if desired. It is a central principle of our government, and as such, our elected and appointed officials should assure that it is honored both in principle and in practice, in the Norfolk Southern case and in any other matters of comparable public importance.

Thank you for your attention.



Gary Carr

2  
6-14-08

### When Is Six Better Than Eight?

Why do they call it Track and Field instead of Field and Track? If it followed the long standing norm, the preeminent subject comes first. Logically that would make track a priority, where a running track facility allows for year round usage from a larger range of the population. While a field serves team sports in limited seasons, with a limited number of participants. But field sports are well organized by definition, where a track activities at their core, are loosely affiliated or individual activities.

While a strong case could be made simply on the merits, that a track is a better investment for a community, fields organization inevitably hold political sway. But a track does not de-Track (*sic- detract*, pun intended) from a field, on every level it could be argued that a track enhances any field design. Yet here we are a community of 136,174 without a single competitive running track. The rueful irony is that this is a running, jogging and walking community. It has been is this woeful state for many years too long.

We can rightfully rejoice the running track and field finally being restored a the new T.C. Williams High School after a prolonged absence. While this is notable, it does not fully address the need of our community. It does not address the lack of a facility to the east end or west end of the city. It will not be available to the community during school hours or even after school in many cases because of organized activities. It does not have lights, so it can't be used after dark or in short days of winter.

So we have a silver lining, but are still left with the cloud.

We must restore the track at our middle schools for numerous reasons, many I have previously articulated. But more than that, we should build a 8-lane facility somewhere with in our city's limits that would serve a greater public good. If not for health and fitness, then simple economics. I thereby request that a study be instituted to measure the economic impact of hosting a regional or state wide track meet would have on the city. Not to prejudge the result, but I anticipate the return on investment would be considerable.

Opportunities are few in our city for such a complex, and the challenges are great. The proposed "All-City Sports" facility is not the answer, with its lack of a track and parking. A chance is being squandered at Potomac Yards, where the design precludes a track now or in the future. Looking at the landscape, it appears the land in conjunction with the Wilson Bridge Project might represent the best and perhaps last chance to construct a worthy facility. Hopefully, this chance is not ignored. For eight is better than six.

I have this vision that at the 2016 Olympics in Chicago, the announcer is saying "a hailing from Alexandria, Virginia" (insert you child or grandchild's name here)...

For if we build it, they will run.

at our middle schools for numerous reasons  
8 lane facility  
request that a study be instituted to measure the  
or state wide track meet would have on the city  
the return on investment would be considerable

city for such a complex, and the challenges are great.

# AN ALTERNATIVE AT POTOMAC YARD FIELDS BY GARY CARR

