CSX Comments to the
District of Columbia's Proposed Stormwater Rule

CSX Transportation ("CSX") appreciates the opportunity to provide comments to the District Department of the Environment's ("DDOE's") proposed rule on stormwater management, soil erosion and sediment control (the "Proposed Rule"). CSX notes that the Proposed Rule does not account for the particular conditions and circumstances encountered with stormwater management, soil erosion and sediment control as it relates to rail lines.

In particular, Section 521 of the Proposed Rule contains provisions that address issues specific to stormwater management, soil erosion and sediment control in public right of ways ("PROW"). The Proposed Rule defines PROW as "the surface, air space above the surface (including air space immediately adjacent to a private structure located on public space or in a public right of way), and the area below the surface of any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or boulevard." Therefore, it does not appear that rail lines fit within the definition of PROW, so rail lines would remain subject to the standard provisions of the Proposed Rule, even though it may not be feasible or practicable for rail lines to meet those requirements.

Rail lines, although not public, are located within very narrow corridors and share many of the same issues that PROW encounter, including extremely limited areas for on-site stormwater retention and/or treatment. Furthermore, construction and repair activities on rail lines and the utility lines located along railroad right of ways (or corridors) are also conducted in these very narrow corridors, limiting feasible and practicable options for soil and sediment erosion control. Therefore, CSX requests that the definition of PROW be expanded to include rail line corridors, or in the alternative, that DDOE insert an additional provision that specifically relates to rail lines. This inclusion or addition will allow freight and passenger railway carriers to meet the intent of the Proposed Rule without imposing undue hardship and expense on these carriers, which provide a valuable public service to the District of Columbia and the surrounding region.

Moreover, expanding the PROW definition to include rail lines would not impair or alter the purpose of the Proposed Rule since ballasted railroad track[1] is appropriately considered pervious area. Railroad ballast distributes the rail load, resists plant growth and provides for drainage around and under the tracks. The track drainage system allows for rapid percolation of the surface water through the ballast and away from the track. To prevent clogging of the ballast, it is periodically cleaned or replaced to preserve its drainage capacity. The track design is the same regardless of how many tracks are laid side by side and the design's purpose is the same in every instance—drainage.

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[1] Railroad track is made up of a fifteen inch deep layer of ballast and pre-ballast (typically stones less than 1-1/2" in diameter) and a six inch deep layer of sub-ballast (typically small crushed stones). Ballast sits on top of the sub grade (road bed) to support the track and prevent horizontal or vertical movement of the track, and is packed between, below and around the railroad ties so that a six inch "shoulder" is created on either side of the tracks.

As such, the drainage characteristics of ballasted tracks and rail yards are in marked contrast to those of the surfaces that are specifically identified as "Impervious cover" in the Proposed Rule, e.g., streets, parking lots, rooftops, sidewalks. Unlike ballasted tracks and rail yards, these surfaces clearly create sheet flow and are thought to have runoff coefficients above what is generally considered "impervious."[2]

CSX appreciates DDOE's consideration of the factors that relate specifically to rail lines in the adoption of the Proposed Rule, and would welcome further discussion on the public policy and technical rationales for either categorically excluding rail lines in the Proposed Rule or, at a minimum, incorporating rail lines into the PROW category.

Respectfully submitted,

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[2] Traditionally, Rational Method runoff coefficient "C" values for rail ballast are between 0.2 and 0.4. *See* U.S. Dep't of Transp., Fed. Hwy Admin., Publication No. FHWA-NHI-02-001, October 2002, Table 5.7, available at http://isddc.dot.gov/OLPFiles/FHWA/013248.pdf. This is below what is generally considered "impervious." *See, e.g.*, Oregon Department of Transportation Hydraulics Manual, 2011, Ch. 7, Appendix F, at 7-F-2 and 7-5-3 and Table 1, "Impervious surfaces have runoff coefficients greater than 0.80. ...", available at: ftp://ftp.odot.or.us/techserv/geo-environment/Hydraulics/Hydraulics%20Manual/Table_of_Contents_rev_Nav.pdf.