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Estonian Green Movement–FoE

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Nature Protection Club of  
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National Society of  
Conservationists–FoE (NSC)

**Lithuania:**  
Atgaja

**Macedonia:**  
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**Poland:**  
Polish Green Network (PGN)  
Institute of Environmental  
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**Russia:**  
Sakhalin Environment Watch

**Slovakia:**  
Friends of the Earth – Center  
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**Ukraine:**  
National Ecological Centre of  
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CEE Bankwatch Network's  
mission is to prevent  
environmentally and socially  
harmful impacts of  
international development  
finance, and to promote  
alternative solutions and public  
participation.

To: Ms Sue Barrett  
Director for Transport, EBRD  
One Exchange Square,  
London, EC2A 2JN ,  
United Kingdom

CC: Mr. Alistair Clark, Corporate Director,  
Environment and Sustainability, EBRD

Ms. Elena Gordeeva, Operation Leader of the  
Tbilisi Railway Bypass Project, EBRD

March 8, 2010

Dear Directors,

We would like to thank you for forwarding us the response letter of the Georgian Railway Company in relation of our concerns raised in letter of January 18, 2010.

However, still few concerns remained unanswered, therefore those concerns needs to be addressed in appropriate way just prior to project approval. Below we would like once more stress those concerns:

### 1. Procedural comments on scoping stage

The scoping meeting for the project was conducted in July 21, 2009. According to the ESIA of the project, the local population that will be impacted by the project did not participate in the scoping process. The main reason cited for this was avoiding additional tensions within the local population. The same position was also confirmed by the project consultant during the public hearing, representing clear violation of the Environmental and Social Policy of the EBRD<sup>1</sup>.

The response letter of the Georgian Railway Company regarding the issue states that public hearing held in July 21, 2009, press conference, held in July 24, 2009 or broadcasting in radio in July 31 etc. can be considered as public engagement in scoping stage.

Thus we would like to ask you what the position of the EBRD towards the issue is, particularly how can public hearing, press conference or broadcasting in radio can be considered as public engagement in scoping stage when ESIA directly states that "Since no decision on the final routing had been made at that stage, it was decided not to contact General Public and avoid disturbing them"<sup>2</sup>.

### 2.The alternative Routes

1 EBRD Environmental and Social Policy (2008), PR10 "Information Disclosure and Stakeholder Engagement", Paragraph 10: "In the case of Category A projects the client will engage in a scoping process with identified stakeholders to ensure identification of all key issues to be investigated as part of the Environmental and Social Impact Assessment (ESIA) process";

<sup>2</sup> ESIA of the project; Paragraph 4.1.2 "Scoping Meeting";

The statement of the railway company that “Despite the fact that the tunnel alternative was not desirable for Georgian Railway for safety reasons, it was still envisaged as an alternative like the other ones”, and “More expensive but technically feasible alternatives were also published”, can not be considered as a work for development of suitable alternatives for the project.

The project alternatives described in the ESIA of the project are not adequate alternatives to the preferred option, as all of except of the preferred option were rejected earlier at the scoping stage by the project sponsor. The additional alternatives to the preferred option were not studied, which heavily impacts the EIA’s quality.

During the public hearings representatives of “Georgian Railway Ltd.” presented only the central variant and its impacts and did not even mention the existence of other alternative sites and their impacts. Failure to present alternative sites and their pros and cons during the public hearings cannot be considered as good practice of presenting ESIA on public hearing meetings. The response of the railway “The public hearings were conducted in three municipalities: Didube-Chughureti, Gldani-Nadzaladevi and Isani-Samgori. Also an additional public hearing was conducted for population and NGOs”, do not at all address our concerns.

Because of that we believe that the project was prepared without suitable alternative routes. In order to find better alternative routes additional study should be conducted by the project consultants.

### **3. Railway services**

Neither the project ESIA nor response of the Georgian Railway Company addresses the issues caused by dividing the passenger railway into two parts. After abolishing the direct link for travel from eastern Georgia to western and vice versa, people will need to use different means of transport to continue usage of railway services. In cities such as London where is currently the case, expensive projects are underway to reverse the situation and make the train network more functional, so it is unclear why Tbilisi is going in the other direction.

The ESIA does not address issue of mitigation of discomfort and increased expenses, nor the possible reduction in the number of people using the railway, increase in road traffic and decreasing railway incomes, especially in summer months.

### **4. Project’s economical feasibility**

The economic viability of the project together with the calculation of cost deviations that are so characteristic for infrastructural projects, are not determined in the ESIA.

According to the Georgian Railway Company “Issues of economic viability of the project, an evaluation of freed up lands, an evaluation of financial and organizational situation of Georgian Railway as well as legal issues were thoroughly assessed by the EBRD during the due diligence.”

It should be noted that the Georgian Regulations<sup>3</sup>, the Environmental Impact Assessment report should include: E. Assessment of ecological, social and economic results of planned activity and T. Implementation of project’s ecologic and economic assessment<sup>4</sup>.

### **5. Safety of residents**

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<sup>3</sup>“On the Environmental Impact Assessment” Minister of Environment, March 9, 2009

<sup>4</sup> Regulation “Regarding the Environmental Impact Assessment”, approved by the Ministry of Environment, paragraph 5; March 9 2009;

While the project goal is to ensure increased safety of Tbilisi population, the very same project envisages construction of the new railway through the densely populated Avchala district, which fully undermines the idea of the project. During the public hearings the local population expressed their concerns regarding the fact that the project does not include any safeguard measures in case of accidents involving trains running on high embankments (18-20 metres height). In addition, the EIA study does not assess the leakage of hazardous goods such as oil carried by the trains and brake fluid, which will also negatively impact living conditions in the area.

The issues are also omitted in the response letter of the Georgian Railway Company.

## **6. Protected areas**

The projected railway route will cross the visitors' zone of the Tbilisi National Park. According to national legislation construction of railways is not on the list of activities that is permitted in National Parks.

Despite the assurance of the Georgian Railway that "In order to interpret the law on the basis of the consultations with the appropriate Legal Service under the Ministry of Environment it has been determined that construction of Railway is included in the category of Road construction.. " there is no legal basis for that statement and no relevant documentation has been presented to support it.

The continuation of the project in a National Park requires specific legislative changes (as transfer of the designated area to the Georgian Railway Company) and includes an obligation for a biodiversity mitigation and compensation plan under the environmental permit.

## **7. Potential for Drinking Water Pollution**

It is welcome that our comments were taken into account and additional arrangements were conducted in order to ensure security of the most sensitive place – Kvirikobiskhevi.

However, taking into account the importance of safety of Tbilisi reservoir we are underlining that before the project approval modeling of the flow of surface water needs to be conducted and positive decision should be taken only if research shows that even a single stream is inclined towards the Tbilisi reservoir otherwise the project needs to be corrected.

## **8. Waste management**

The EIA does not address properly the issue of waste management, including the rehabilitation of the existing railway route. While the project sponsor commits to adhere to EU directives and use the guidance of best international practice, a detailed waste management plan is not available, and Tbilisi has no sanitary landfill to dispose of project-related waste.

Sincerely yours,

Manana Kochladze  
Chairwoman of Green Alternative,  
Regional coordinator for Caucasus  
of CEE Bankwatch Network