

Southeastern Massachusetts Commuter Rail Task Force

Minutes of the April 15, 2009 meeting held at the Advanced Technology & Manufacturing Center in Fall River at 4:00 PM.

Present:

John Bullard, Vision2020, Chair
Kristina Egan, EOT
Lou Gitto, Stoughton
Heather Graf, Norton/CCATS
George Spatcher, United Regional Chamber
Jim Hartnett, City of Fall River
Bill Roth, Town of Fairhaven
Bob Overholtzer, OCPC
Priscilla Chapman, Mass Audubon
Linda Grubb, Lakeville
Bob Mitchell, EOHEd
Bob Moitozo, Rehoboth
Susan Peterson, SRPEDD
Alison Bowden, The Nature Conservancy
Joseph Laydon, Town of Stoughton
Richard O'Flaherty, Town of East
Bridgewater
Tim Doherty, EOT
Greg Guimond, SRPEDD
Nancy Durfee, SRPEDD

Karen Winger, OCPC
Jed Cornock, OCPC
Liz Gimson, TPL
Kelley Whitmore, The Trustees of
Reservations
Jennifer Holske, The Trustees of
Reservations
Jill Maclean, New Bedford
Jennifer Menard, SCDP
Lilia Cabral, SRPEDD
Adam Recchia, SRPEDD
Colleen Murray-Hackett, Sen. Joan
Menard
Melinda Ailes, MSBDC
Pat Ciaramella, OCPC
Ray Ledoux, BAT
Roland Hebert, SRTA
Lisa Stanley, VHB
Steve Smith, SRPEDD

1. Call to Order

Task Force Chair John Bullard called the meeting to order at 4:10 PM

2. Minutes of the meeting March 11, 2009

A comment was made that a question to Mr. Aloisi at the March 11 meeting was not included in the minutes and should be. Steve Smith agreed to make the correction.

3. Presentation of the State's Rail Plan by Tim Doherty

Mr. Doherty began by explaining that this is a new Freight and Rail Plan because the state has never had a freight plan and this is an update of 1989's rail plan. A freight and rail plan should be multi-modal, able to move people and goods. Freight and rail has a large role in the state's economy. Highways are the primary freight mode nationally and

this is even higher in New England, especially in Massachusetts. Trucking has fuel cost issues and causes traffic congestion.

Mr. Doherty displayed various maps displaying origins and destinations and the amounts of freight by tonnage (weight) in New England. Mr. Bullard questioned the small amount of freight leaving our area, especially on Route 140. Mr. Doherty suggested there was an opportunity for short sea shipping in this area. Mr. Hebert questioned the accuracy of the data on the map in terms of the tonnage, considering the amount of oil products coming into Fall River and the amount of seafood being harvested and leaving from New Bedford. Mr. Hebert stated that he thought the data was wrong. Mr. Doherty answered that it was possible that something was missing, but there had to be a million tons to actually show up on the map.

For the rail part, Mr. Doherty continued by explaining that there is growing demand for the existing rail lines so that these lines are being forced to share both freight and passengers. Massachusetts rail infrastructure has shrunk. 17.9 million rail tons are presently being shipped in the state annually.

The state's freight plan will make recommendations based on different potential scenarios. One is a multi-modal strategy for southeastern Massachusetts which includes access to seaports, rail, etc., for distribution improvements.

The next steps in this plan's process are to complete the modal assessment documents, to apply evaluation criteria to the various scenarios and look at funding and then hold public meetings.

4. Planning for Project Impacts

Kristina Egan began by explaining that these presentations will address how mitigation is going to happen and the overall legal basis for mitigation and how other mitigation money might be spent.

Lisa Stanley of VHB began by explaining how they are still evaluating the environmental impacts and in the meantime will explain the framework of the mitigation commitments. The first thing to try to do is to avoid impacts in the first place, then try to minimize the impacts, then mitigate when necessary. Mitigation requirements come from MEPA, need to describe and assess and are designed to limit environmental impacts and are fairly broad. NEPA, due to the Army Corps of Engineers, requires that the EIS discuss all of the means to mitigate adverse environmental impacts.

The mitigation sequence is avoid, minimize and mitigate. Mitigation is the third step, not the first. Wetlands are the resource most controlled by statutes and regulations. The Corps requires that you restore or replace wetlands. DEP requires that you replace lost wetlands at a 2 to 1 mitigation ratio. The Corps of Engineer could require a 3 to 1 ratio or even a 5 to 1 ratio depending on the quality and location of the wetland.

DEP and the Corp require a watershed based approach. This means to replace lost wetlands within the same watershed. This is based on a watershed level analysis of

wetland deficiencies and losses within a specific watershed and that means the Taunton River watershed. Wetland replacement can be done on a large scale with enough care, oversight and resources.

Water quality mitigation is another important process. The goals are to mitigate for infiltration, runoff and velocity. For endangered species there is mitigation for impacts to local species and this requires an overall net benefit throughout the state for that species. It reduces direct impacts; providing trestles, for instance.

Biodiversity is another issue and that includes both plants and animals. It is unregulated, but it is a concern under MEPA and NEPA. It has never before been required for a public project, so we are breaking new ground. Mitigation includes protection for wildlife crossings, fish passages and vernal pools.

Open space is protected and is mitigated through replacement of protected land.

Noise and vibration have guidelines and established thresholds and mitigation includes soundproofing and sound barriers. These will all have to be studied further and addressed.

Air quality is regulated and one of the purposes of this project is to reduce emissions and Vehicle Miles Traveled (VMTs).

Traffic mitigation goals are not to cause worsening of traffic and congestion on local roads.

There was a question asked concerning vibration and noise as related to turtles and salamanders and Ms. Stanley responded that noise and vibration guidelines are related to the human population only.

A question was asked concerning wetlands and mitigation for lost function and how to identify wetlands deficiency and how specific functions might be lost. Ms. Stanley responded that they will work with the regulatory agencies on how to interpret the guidelines and find a balance. Another question was asked concerning the project purpose including the reduction of VMTs and emissions, because it does not include this. The answer was that it is not a project purpose, but a project objective.

A request to elaborate on the wetlands creation was made. Ms. Stanley explained that wetlands creation was dependent on the hydrology at the start of the process and that preliminary grading was very important. Following that, the adjustment of the hydrology is very important for success.

Mr. Bullard posed a question on climate change and wetlands loss due to the rise in sea levels. Do we have an understanding of this? Ms. Stanley responded that we do have a very good idea of the loss of wetlands due to the rise of sea levels, but there is nothing that regulates it.

4. Planning for Projects Impacts (cont'd)

Erik Hove then continued with a discussion on growth management and discretionary mitigation. Mr. Hove stated that we know from past projects what hasn't worked for local land use planning and impacts. What might work is linking these growth management funds to advance regional development and protection areas.

He explained the proposing of the establishment of an advisory board to work with communities, called the SouthCoast Investment Fund, which would combine a variety of grant programs and pool these various funds from various agencies to help advance regional priorities, especially along the 31 city and town corridor. We could help flow these funds and investments to the local communities for land use changes and to redirect growth.

Ms. Peterson asked who the 31 communities are and who gets left out. And are these funds existing funds or are these new funds and how will these funds get distributed, and if it's based on the corridor, then Wareham will be left out.

Ms. Egan answered that there will be new money and that it will be distributed based on the work of this task force and Wareham will be included in that.

Kristina Egan then explained that a percentage of construction costs will go to mitigation and this will depend on the amount that is spent on initial mitigation, i.e. the cost of the trestle if the Stoughton alternative is chosen.

A question was asked concerning any funds being available to enhance regional transit service. Ms. Egan answered that there would probably not be mitigation funds available.

Ms. Egan emphasized the need to be cautious concerning mitigation funds. The SouthCoast Rail project should not be viewed as an ATM. The more add-ons, the more likely that it will not be built. She continued to explain that there were comments and suggestions for the portion of the rail through Stoughton to be depressed or a tunnel built. Ms. Egan said it was very unlikely that there would be a tunnel or depress the rail under Stoughton.

John Bullard explained that this project is a very large \$1.4 billion pill to swallow, so we need to be clear on what we need and what we want concerning priority protection and development and mitigation and we need to be ready.

Kristina Egan continued by explaining that when the region is organized and ready, it will be easier to access federal and state funds and there will be opportunities.

Ms. Peterson asked if we were already committed to a trestle. There needs to be analysis for an alternative to a trestle as the solution to the Hockomock Swamp.

Mr. Hebert asked if everything not part of the preliminary plan and the gross cost estimate is considered mitigation.

Ms Egan explained that there are some grade separations already included in the plan, but other requests, such as parking garages, are not part of the project. We will design the project the best we can from the beginning to be safe. We do have a sum of money put aside.

Mr. Hebert then asked if, during the course of developing the EIR, a town demands something after the EIR is complete, then wouldn't that be mitigation.

Ms. Egan replied that we don't want that. The goal is that all of the legally required mitigation be identified. Other mitigation will be dealt with and funds doled out over a number of years.

Erik Hove announced an affordable housing workshop for May 20 at the Dartmouth Town Hall from 6-8 pm.

5. Status Report

Ms. Egan reviewed that the station area workshops are complete and concept plan meetings with communities will be during May and June. We're working on developing state policy recommendations. We will be releasing the corridor plan in June or July and will be having an event. We will keep it a draft, it will remain a dynamic document and we will update it over time. The Massachusetts Environmental Policy Act Office issued its certificate to continue the study of the Stoughton alternatives, both diesel and electric, the Attleboro alternatives, both diesel and electric and the rapid bus alternative. We are down to three corridors and will be reviewing environmental consequences for all three. These reviews will not be released publicly, so we will be holding an environmental exchange. The Army Corps of Engineers will be preparing the EIS, but we will try to keep you informed. We are still expecting the draft EIR/EIS by Labor Day. We expect a preferred alternative in that document. This will include a full analysis of the alternatives, complete ridership numbers, etc. There will be public hearings held to comment.

A question was asked concerning the Army Corps' acceptance of the scope that was released in the MEPA certificate and Ms. Egan replied that she cannot answer for the Army Corps of Engineers.

A question was asked about an extended comment period for the draft EIR, to a 45-day comment period, due to the size.

Ms. Egan replied that she will commit to 45 days, but no more due to a tight schedule.

A question was asked concerning future environmental exchanges being subject based. Ms. Egan replied that they will be holding only one event.

John Bullard explained that we will possibly be skipping the May and June Meetings.

There is nothing new for May and there will be other events in June to get together. The June corridor review meeting will be announced.

Mr. Bullard adjourned the meeting @ 6 pm.