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March 6, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
REVISED DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Circumferential Transportation
Improvements in the Urban Ring
Corridor – Phase 2

PROJECT MUNICIPALITIES : Boston, Brookline, Cambridge,
Chelsea, Everett, Medford and
Somerville

PROJECT WATERSHEDS : Charles, Boston Harbor (Mystic), and
North Coastal

EEA NUMBER : 12565

PROJECT PROPONENT : Executive Office of Transportation

DATE NOTICED IN MONITOR : December 10, 2008

As Secretary of Environmental Affairs, I hereby determine that the Phase 2 Revised Draft Environmental Impact Report (RDEIR) submitted for this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62I) and its implementing regulations (301 CMR 11.00). However, as further detailed below, I am directing the proponent (EOT) to submit a Notice of Project Change to identify early action items and address issues pertaining to the phasing, financing, timing of construction, and implementation of the overall project.

Project Description

As described in the RDEIR, the Urban Ring is a proposed Bus Rapid Transit (BRT) system that would run in an approximately circular ring through densely developed portions of Boston, Brookline, Cambridge, Chelsea, Everett, Medford and Somerville. The project is

intended to provide more direct transit service to accommodate the high volume of trips that occur within the Urban Ring corridor and provide better connections between points in the corridor and the Massachusetts Bay Transportation Authority's (MBTA) existing radial-oriented rapid transit and commuter rail systems. According to the RDEIR, the Urban Ring would improve transit access and capacity within the corridor, reduce overcrowding in the central subway system that leads to service delays, and support future transit-oriented development.

The RDEIR presents a "locally preferred alternative" (LPA) for the Urban Ring project that is the culmination of an extensive technical evaluation and broad-based process of public outreach and participation with a wide variety of project stakeholders. I note that the RDEIR acknowledges that a number of issues presented by the LPA remain unresolved and may be subject to change and refinement during the preliminary engineering and environmental review processes. These issues include the acquisition of railroad right-of-way in Chelsea and Everett that is currently owned by CSX Transportation; a potential BRT connection to Allston; the preferred alignment for the proposed 1.5-mile-long tunnel that would be constructed under the Fenway and Longwood Medical Area (LMA) that would be dedicated for use by buses only; and the proposed connection to the MBTA's Orange Line and impacts associated with crossing the Malden River.

According to the RDEIR, the proposed circumferential BRT system entails the use of a mixture of dedicated bus-only roadways (busways) that would be constructed primarily along active and inactive rail corridors and other transportation easements, and designated bus lanes on existing roadways. BRT service would be frequent during peak periods and employ 60-foot articulated buses powered by diesel-electric hybrid engines, with low floors to ease boarding of the vehicles. Transit stations would be spaced more widely than traditional bus stops.

Ridership forecasts for the Urban Ring Phase 2 presented in the RDEIR were based on the Boston Region Metropolitan Planning Organization's regional travel demand model, the same model used to analyze other proposed transportation infrastructure projects in the Boston Region. For the year 2030, the Urban Ring is projected to serve 184,000 weekday trips on approximately 73 buses served by 36 stations throughout the 25-mile corridor. It would consist of five BRT routes, which would overlap in areas with heaviest travel demand.

While the RDEIR demonstrates that the Urban Ring would result in tangible benefits to the metropolitan transportation system, construction of the project will be costly, with the proposed Fenway/LMA Tunnel projected to cost \$1.7 billion, or approximately two-thirds of the total project's \$2.4 billion capital cost (in 2007 dollars). Capital costs would also be concentrated in a few other discrete infrastructure investments along the corridor, such as the proposed Chelsea-Everett busway, and the reconstruction of the Grand Junction Railroad Bridge over the Charles River. It is widely recognized that the Urban Ring would be competing with other planned transportation infrastructure projects for limited state and federal funds, including the Green Line Extension, Phase 3 of the Silver Line, and the South Coast Rail project.

As originally conceived, the Urban Ring project would be implemented in three phases. Phase 1, which received a Phase 1 Waiver from environmental review under MEPA, entailed improvements to bus service in the Urban Ring corridor and the implementation of three Crosstown (CT) bus routes. Phase 2 entails the construction and implementation of new BRT routes and new and improved stations along the route of the Urban Ring. The RDEIR laid out an approximate timeframe for advancement of Phase 2, with commencement of construction anticipated around 2015. The RDEIR did not propose a completion date for Phase 2, nor did it anticipate when construction would commence on Phase 3, in which rail service would be implemented along the most heavily traveled portions of the Urban Ring corridor.

MEPA Jurisdiction and History

The project is subject to MEPA review and mandatory submission of an EIR pursuant to Section 11.03(6)(a)(5) of the MEPA regulations because it is being undertaken by an agency of the Commonwealth and entails the construction of a new rapid transit line along new, unused or abandoned rights-of-way for the transportation of passengers. Additionally, the project will require Chapter 91 Licenses for proposed crossings of filled and flowed tidelands from the Department of Environmental Protection (MassDEP), a transfer of land owned by the Department of Conservation and Recreation (DCR) that is subject to Article 97 of the Amendments to the Constitution of the Commonwealth, and multiple Section 8(m) permits from the Massachusetts Water Resources Authority (MWRA). The project may also be subject to Federal Consistency Review by the Office of Coastal Zone Management (CZM).

Because the proponent is an agency of the Commonwealth and the project will be constructed with state funding, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment, as defined in the MEPA regulations, including those issues related to stormwater, traffic and transportation, air quality, noise and vibration, open space, historic resources, hazardous waste/contaminated soils, and construction period impacts.

The project has been under MEPA review since 2001 and is subject to a Special Review Procedure (SRP), which established a Citizens Advisory Committee (CAC) to assist EOT in its preparation of environmental review documents for the project and was most recently modified on May 30, 2008 to re-establish the schedule for submission of these documents. Under the current SRP, the Final EIR (FEIR) for Phase 2 is to be submitted by the end of 2009.

Response to the Revised DEIR

I commend EOT's diligent efforts in preparing the Revised DEIR, which ably makes the case that the proposed Urban Ring is critical to the future operations of the existing transit system, which can no longer accommodate new riders without the decongestion of the central subway that the Urban Ring would be designed to accomplish. Additionally, the Urban Ring would significantly increase system ridership, decrease automobile reliance and usage, and

contribute to a reduction in greenhouse gas emissions. I also commend EOT for conducting an extensive public outreach process in preparing the RDEIR and note that the CAC has expressed its enthusiastic support for the project.

The comments submitted in response to the Revised DEIR generally point to the benefits of the project to the communities and neighborhoods through which it will pass, both in terms of enhancing quality of life for residents and serving as a catalyst for economic growth and development. The RDEIR established a "locally preferred alternative" that resolves many of the issues raised in the DEIR, most notably the proposed tunnel between Ruggles and Yawkey Stations as the preferred means of achieving reliable service through the Fenway and LMA (the areas projected to generate the highest rates of ridership for the project), and the identification of the Grand Junction Railroad Bridge - and not the Boston University Bridge - as the preferred route for crossing the Charles River. However, the RDEIR did not resolve all routing issues and identifies three alternative alignments for the tunnel and a series of alternative routes through the City of Cambridge to Boston University and Allston.

The lack of a preferred alignment for these important segments raises the question of whether EOT can adhere to the schedule for the environmental review of the project as a whole, as currently prescribed in the SRP. I note that under NEPA, the Federal Transit Administration (FTA) requires that the Final Environmental Impact Statement (FEIS) reflect preliminary engineering for the project. Because federal and state environmental review are coordinated under the SRP - meaning that the FEIS and FEIR documents are the same - the requirement for the FEIS would extend to the FEIR to be reviewed under MEPA. Given that the SRP currently requires the submission of the FEIR/FEIS by December 31, 2009, this would appear to dictate that EOT undertake and complete the work necessary to select preferred alignments as soon as practicable during 2009.

Additionally, the commencement of preliminary engineering will require approval from the FTA, through the submission of a New Start application. In the Certificate on the NPC issued on May 30, 2008, I strongly encouraged EOT to submit a New Start Application within a time frame that would allow FTA to grant approval and then complete and submit an FEIR/FEIS by December 31, 2009, that would be based on and informed by preliminary engineering. Although FTA will accept 2009 New Start applications up to September of this year, a fully reviewed FEIR/FEIS based on preliminary engineering would seem to require that the New Start application be submitted well before that date. To complicate matters further, I note that the New Start application must also include project funding and implementation plans, and that no significant progress was made on these plans during the development of the RDEIR.

Planning and implementation of the Urban Ring Phase 2 project is clearly a large and complicated undertaking under any scenario. Moreover, the current fiscal circumstances at both the federal and state levels present significant constraints to funding the construction of the locally preferred alternative in its entirety. With that in mind, the RDEIR makes a compelling case for phasing the implementation of the project. While a large share of its capital costs would

be concentrated in a few discrete locations along the corridor, there are other locations where the BRT vehicles would operate in mixed traffic or in designated bus lanes where capital costs are expected to be much more modest in comparison.

Additionally, I note that although the comments submitted on the RDEIR express a wide range of viewpoints with respect to project routing and design, there appears to be a consensus among commenters, including CAC members, that EOT should identify early action items that could result in the implementation of some components of the Urban Ring would yield tangible benefits to the entire transit system. Once identified, EOT could initiate engineering studies and permitting processes by taking advantage of resources in the recently enacted transportation bond bills and anticipated federal surface transportation funding reauthorization. Indeed, the RDEIR acknowledges that such an approach is both possible and desirable.

Notice of Project Change

In light of the discussion above and the acknowledgement that EOT is not likely to meet the current schedule for submission of the FEIR, I believe that a realistic assessment of the schedule for both the remaining environmental review and implementation of the Urban Ring is in order. If, as indicated in the RDEIR, it is not likely that the project as a whole would commence construction prior to 2015, I am reluctant to issue a scope for the full build-out of the project at this time, particularly because several key elements of the project remain in flux and would likely be refined as planning for the project proceeds. Recognizing that the full build-out of the project could take many years, with some components likely to commence construction well after 2015, I do not believe that it is possible to issue a meaningful scope at this time. In fact, to do so would undermine the express requirements of the MEPA regulations mandating that environmental review occurs within a timeframe that is proximate to the commencement of construction of a project. For these reasons, and based on consultations with EOT and an assessment of the comments submitted in response to the RDEIR, I believe that it would be more constructive to advance those components of the project that could be implemented in the short term, especially those elements that could proceed prior to the anticipated 2015 commencement for the entire project, than to issue a scope for the full build-out of Phase 2 that may ultimately be too far-reaching to adequately address changed conditions on the ground at the time of construction.

In order to issue a scope that advances those components of the Urban Ring Phase 2 project that could be implemented sooner rather than later, it is imperative that EOT identify these early action items and provide some specificity regarding their financing, construction schedule, and implementation. I note that several commenters have suggested that I require EOT to provide this information in the bi-annual monitoring reports that are required to be submitted at the end of March and September of this year. However, because the monitoring reports would not be subject to a full public review under MEPA, but rather published in the Environmental Monitor for informational purposes only, I am directing EOT to submit a NPC by June 30, 2009, that provides this information. These early action items could entail actual implementation of

BRT service along a section of the Urban Ring corridor, or operational improvements to existing bus routes that would advance the goals of the project, such as those listed on page 1-16 of the RDEIR. Additionally, the NPC should also address the status of measures that can be undertaken in the near term to lay the groundwork for the project, with the acquisition of the CSX right-of-way in Chelsea and Everett as but one notable example identified by A Better City (ABC) in its comments.

As recommended by the CAC, ABC, the Boston Redevelopment Authority (BRA) and others in their comments, I strongly encourage EOT to identify engineering tasks that can be accomplished in the near term to advance these early action items and begin undertaking this work immediately to bring these items closer to realization. ABC states that it is preparing a report that will suggest how to use funds made available for the Urban Ring and related projects through the 2008 state transportation bond bill and anticipated federal surface transportation funding reauthorization for design, phased construction, and operations. I encourage EOT to consider the recommendations in this report, which may provide realistic timelines and costs to plan, design, permit, implement and operate the Urban Ring Phase 2 project in manageable stages.

In directing EOT to identify these early action items, I do not wish to minimize the importance of maintaining progress in resolving the remaining issues related to the larger project. As noted above, the project as a whole is of critical significance to the effective functioning of the existing transit network and to the economic development plans of the affected communities. Therefore, the NPC should also provide an overview of overall project phasing and implementation, including a schedule for resolving the key remaining technical, routing and implementation issues. This will facilitate the establishment of a realistic schedule for the remaining environmental review. Generally, the information presented in the NPC should be based on a comprehensive assessment of the comments submitted in response to the RDEIR, as well as continued consensus-building with the CAC. Based on the information presented in the NPC, I will issue a scope for the remaining environmental review of this project under MEPA.

In acknowledgement of the time and effort spent by commenters in reviewing the RDEIR, and in view of the thorough and thoughtful feedback provided in the comments, the NPC should include a copy of each comment letter (with the exception of the many form letters received on behalf of the Winsor School) and thoroughly respond to each substantive comment received. In addition, I expect EOT to continue working with the CAC and other stakeholders to resolve outstanding issues related to the final identification of a locally preferred alternative for the entire project corridor. This is particularly important in areas of the corridor, such as Melnea Cass Boulevard in Boston, where the City is engaged in redevelopment efforts that presume the right-of-way modifications presented as part of the locally preferred alternative in the RDEIR.

I note that the SRP currently requires that EOT submit a progress report by March 31, 2009. Given the extended timeframe for review of the RDEIR and the date of issuance of this Certificate, I will not enforce this requirement, but rather, urge EOT to complete the work required in order to submit the NPC in a timely fashion, which shall be no later than June 30, 2009.

March 6, 2009

Date



Ian A. Bowles

Comments Received:

12/24/08	Senator Anthony D. Galluccio
1/2/09	WalkBoston
1/9/09	Bike to the Sea, Inc.
1/9/09	Urban Ring Phase 2 Citizens Advisory Committee (CAC)
1/9/09	Winsor School
1/20/09	Kaitliln K. Yaremchuk
1/27/09	Joseph A. Curtatone, Mayor of Somerville
1/27/09	Fenway Civic Association
1/29/09	Winsor School
1/30/09	Medical Academic and Scientific Organization, Inc. (MASCO)
2/2/09	Office of Coastal Zone Management (CZM)
2/4/09	Arshag A. Mazmanian
2/5/09	Boston University
2/9/09	Association for Public Transportation
2/9/09	Brookline Board of Selectmen
2/9/09	Brookline Preservation Commission
2/9/09	Isabella Stewart Gardner Museum
2/9/09	Massachusetts Historical Commission
2/9/09	U.S. Environmental Protection Agency (EPA)
2/9/09	University of Massachusetts Boston
2/9/09	John F. Burckardt, PE
2/9/09	Anne Deane
2/9/09	Carol G. Deane
2/9/09	Michael S. Dukakis
2/9/09	Christiana Fischer
2/10/09	Rob Kassel
2/9/09	Craig A. Kelley
2/9/09	Arshag A. Mazmanian

2/9/09 Patricia Murray
2/10/09 Alan Moore
2/9/09 Senator Anthony Petrucci
2/9/09 Sasha E. Polonsky
2/9/09 Ellin Reisner, PhD.
2/9/09 Mark Sutherland
2/9/09 Robert J. La Tremouille
2/9/09 Joel N. Weber II
2/9/09 Karen Wepsic
2/9/09 John M. Westcott, Jr.
2/10/09 Alternatives for Community and Environment
2/10/09 Cambridge Redevelopment Authority
2/10/09 Charles River Watershed Association (CRWA)
2/10/09 Chelsea Dept. of Planning/Development
2/10/09 Executive Office of Health and Human Services Department of Public
Heath (DPH)
2/10/09 The Fenway Alliance
2/10/09 Massachusetts Institute of Technology (MIT)
2/10/09 Massachusetts Port Authority (MassPort)
2/10/09 Massachusetts Water Resources Authority (MWRA)
2/10/09 Partners Health Care
2/10/09 Wentworth Institute of Technology
2/10/09 Kenneth J. Krause
2/10/09 Representative Frank I. Smizik
2/11/09 Boston Redevelopment Authority
2/11/09 Emerald Necklace Conservancy
2/11/09 Harvard University
2/12/09 Cambridge Executive Department
2/12/09 Metropolitan Area Planning Council (MAPC)
2/12/09 Sierra Club
2/12/09 Wheelock College
2/12/09 Department of Environmental Protection (MassDEP) Northeast Regional
Office
2/13/09 Beth Israel Deaconess Medical Center
2/13/09 Boston Parks and Recreation Department
2/17/09 Audubon Circle Neighborhood association
2/17/09 Children's Hospital Boston
2/17/09 Department of Conservation and Recreation (DCR)
2/17/09 Fenway Community Development Corporation
2/20/09 A Better City (ABC)
2/23/09 Boston Environment Department
2/25/09 Fred Salvucci

EEA #12565

RDEIR Certificate

03/06/09

2/26/09	Senator Jack Hart
3/3/09	Shirley Kressel (late comment)
Undated	Marilyn Wellons
Undated	Wig Zamore

65 form letters on behalf of the Winsor School

IAB/RAB/rab