



Massachusetts Bay Transportation Authority

Mitt Romney
Governor

Kerry Healey
Lt. Governor

John Cogliano
Secretary and MBTA Chairman

Daniel A. Grabauskas
General Manager

August 31, 2005

Secretary Stephen R. Pritchard
Executive Office of Environmental Affairs
Attention: Richard Bourré, EOEA#12565
100 Cambridge Street, Suite 900
Boston, MA 02114

RECEIVED

AUG 31 2005

MEPA

Re: Circumferential Transit Improvements in the Urban Ring – Phase 2
EOEA #12565
Notice of Project Change to Special Review Procedure

Dear Secretary Pritchard:

On November 30, 2004, the Massachusetts Bay Transportation Authority (MBTA) filed a Draft Environmental Impact Report (DEIR) for the above referenced project. The DEIR went through substantial review, with the public provided with a nearly 150-day comment period. On May 20, 2005, MEPA issued a Certificate on the DEIR in which the Secretary determined that the "... DEIR submitted for this project adequately and properly complies with [MEPA]." The Certificate then went on to state, however, that this finding was conditioned on the MBTA submitting a Notice of Project Change (NPC) which describes proposed changes to the Special Review Procedure (SRP) proposing a process, including dates, for the MBTA to re-establish the coordinated federal/state review as well as to make proposed changes to the Citizen's Advisory Committee (CAC). This letter serves as that NPC.¹

1. Background

This project includes the development of non-radial transit service alternatives that would provide better access to key activity centers in a 15-mile long, one-mile wide corridor located just beyond the Boston central core through the municipalities of Chelsea, Everett, Medford, Somerville, Cambridge, Brookline and Boston. The project would ease congestion in the central subway system and increase the overall MBTA system ridership. These alternatives would provide access to existing and planned radial bus, transit and commuter rail lines and would generally follow the alignment of what had previously been a proposed inner belt highway. The alternatives include Transportation System Management (TSM) improvements to existing cross-town and express bus services, and new and overlapping Bus Rapid Transit (BRT) routes and light or heavy rail services. The alternatives would connect to new and current station stops on the existing and planned radial lines wherever they cross the Urban Ring Corridor.

The project has been approached in three additive phases, implemented over the course of many years. Those phases are as follows:

- Phase 1 adds a series of modifications to the existing bus service network, particularly improvements to the Cross-town and Express Bus services currently operated by the MBTA.
- Phase 2 adds a series of new BRT routes and new and improved commuter rail connections along these routes.

¹ In the Certificate dated 5/20/05, MEPA granted permission to submit the NPC using a letter format rather than the standard NPC form.

- Phase 3 adds a new light or heavy rail transit system in the most heavily traveled portion of the corridor (Sullivan Square to Dudley Square).

While several of the comments made on the DEIR indicate the merit of reconsidering these phases, the above vocabulary is retained for present purposes. A more detailed description of each of the three phases can be found in prior environmental documents filed for the project or on the MBTA website at: www.mbta.com/projects_underway/urbanring.asp.

2. MEPA History

The project was categorically included for an Environmental Notification Form (ENF) and mandatory Environmental Impact Report (EIR) because it consists of the construction of new rail or rapid transit along a new, unused or abandoned right of way for transportation of passengers. An Expanded ENF was filed on the project in August 2001. In November 2001, a Certificate was issued on the ENF and a Scope for the DEIR was developed as part of the Certificate. Additionally, the Certificate required the development of a SRP due to the complexity and phased implementation of the long-term project. A Certificate establishing this SRP was issued on November 9, 2001 (Attachment A). This Certificate established a process by which the MBTA would file four phased environmental review documents and deadlines for the first three of those documents. The SRP Certificate also established a CAC for the project and appointed 20 members to that CAC.

The Secretary's Certificate on the SRP was prepared in response to the MBTA's intention to coordinate the Massachusetts Environmental Protection Act (MEPA) review with the federal environmental review pursuant to National Environmental Protection Act (NEPA). In the Certificate, the Secretary wrote that "*the proponent may facilitate a coordinated review process by submitting a single set of documents that satisfies both state and federal requirements.*" (Emphasis added.)

The first filing date established in the SRP was for a combined DEIR/DEIS to be filed on or before August 31, 2003. This date was established to coincide with deadlines found in an Administrative Consent Order (ACO) between the Department of Environmental Protection (DEP) and the Executive Office of Transportation (EOT) that required, among several other elements, that a DEIR be filed with MEPA on or before this date. On two separate occasions, the MBTA, on behalf of EOT, sought and received extensions of this deadline until November 30, 2004. The delays were the result of certain requirements unique to the federal review process (e.g., the development of a Transportation System User Benefit and the need to identify a funding source for the non-federal share of the project) that were not yet resolved and therefore the federal document could not be completed. In the interest of complying with the mandates of the ACO, EOT and the MBTA decided to de-link the federal process from the state process and to file a separate DEIR on the new deadline of November 30, 2004.

3. Re-linking Environmental Documentation

In a letter dated May 18, 2005, the MBTA informed MEPA of its intent to re-link these two separate processes. In that letter, the MBTA explained that it is currently seeking the guidance of the Federal Transit Administration (FTA) in the development of the Draft Environmental Impact Statement (DEIS) for Phase 2 to comply with the requirements of NEPA. Additionally, the MBTA stated its intention to combine the DEIS with a Revised Draft Environmental Impact Report (RDEIR) in a joint document, which would respond to the comments received during the Draft EIR public review period.

4. Schedule

The MBTA and its consultant have evaluated the level of effort necessary to complete the combined RDEIR/DEIS. Based on that review, the MBTA estimates that it will take 18 to 24 months from the time MEPA issues a certificate on this Notice of Project Change to the Special Review Procedure and the MBTA then provides a Notice to Proceed to the consultant to complete this work. The MBTA's ability to meet this deadline is contingent upon the MBTA, in partnership with other entities, both public and private, securing adequate funding.

The MBTA therefore proposes the following chronology to re-link the MEPA and NEPA processes:

- File a combined RDEIR/DEIS for Urban Ring Phase 2 with both MEPA and the FTA no later than November 30, 2007.
- File a Final EIR/Final EIS for Urban Ring Phase 2 with both MEPA and FTA no later than December 31, 2008.
- File a Draft EIR/Draft EIS for Urban Ring Phase 3 with both MEPA and FTA no later than December 31, 2010.
- A Final EIR/Final EIS will be filed at a subsequent date, yet to be determined. As previously anticipated, the Scope for the Phase 3 EIR/EIS would be defined through a coordinated MEPA/FTA process at a later date. The Scope of this Final EIR for Phase 3 would be issued in the same time frame as the Certificate on the Phase 2 FEIR/FEIS.

It is important to note that in addition to confirming the availability of sufficient funding for the work outlined above, the MBTA's ability to meet these dates is contingent upon several factors, most importantly, the completion of all of the federal components to the FTA's satisfaction. Since the project now is (and hopefully will be) eligible to compete for federal New Starts funding, this coordination is expected to be quite important. Alternatives to the currently proposed project phasing could also result in changes to the above outlined schedule. To reasonably accommodate these important and realistic constraints, the MBTA asks that the Secretary establish, in the SRP Certificate, a mechanism by which the MBTA can request and obtain extensions of these dates. The MBTA suggests that it be allowed to notify the Secretary and the CAC no later than 90 days in advance of any due date of its inability to meet a filing deadline. In that notification, the MBTA will provide reasons for the delay, all steps being taken by the MBTA to rectify the matters, as well as a new filing deadline. Based upon this, the Secretary shall notify the MBTA within 20 days of receipt of the letter of its decision to accept the delay or not, or to accept the delay with reasonable conditions.

5. Citizens' Advisory Committee

In the November 9, 2001, SRP Certificate, the Secretary established a Citizens Advisory Committee (CAC) for the project composed of 20 individuals representing various project stakeholders. Over the course of the three and a half years, however, it has become apparent that several changes to the CAC are warranted. By way of this NPC, the MBTA requests that the Secretary reconstitute the CAC along several lines.

Initially, the original CAC had members from each of the original "Compact Communities," that is Chelsea, Everett, Somerville, Cambridge, Brookline and Boston. During the development of the project, it has become evident that the City of Medford is a significant stakeholder in the project and we ask that a

representative of that city be appointed to the CAC.

While the representatives of these municipalities have been extremely active in representing their respective communities, we also believe that the CAC would be well served if neighborhood organizations and other groups representing residents of the corridor were part of the CAC. During the project development and comment period on the DEIR, certain neighborhood organizations such as the Fenway Alliance and others raised significant issues and provided a certain perspective that was extremely helpful in framing the impacts. The MBTA asks that the CAC be opened up to these types of organizations if they so desire. In addition, major institutions and employers (e.g., Harvard University and Partners Health Care) along the corridor raised specific concerns and made contributions to the project. We ask that these types of institutions be part of the CAC.

Over the past several years, a number of advocacy groups representing the interests of transit riders have been formed. These organizations give voice to the MBTA's customers and have helped to forge transit policies and programs that respond to the real life needs of our riders. We request that one or more of these organizations be seated on the CAC.

Lastly, certain governmental agencies will be critically involved in any capital investments or service plans, and as such, they need to be part of the early development of the project. Several of the BRT routes are planned to use portions of parkways owned and operated by the Department of Conservation and Recreation (DCR) and certain intersection improvements are being considered to these roads to accommodate the project. Massport also plays a major role in the success of the service, both in terms of its role at Logan International Airport (a major origin and destination point for the project) as well as its role in the development of the East Boston Haul Road/Chelsea Truck Route. Additionally, the MBTA's use of the South Boston Bypass Road, which is under the control of the Massachusetts Turnpike Authority (MTA), was a major element in the public comments and in the Secretary's Certificate. In light of all of these issues, we ask that DCR, Massport and Massachusetts Turnpike Authority (MTA) be added to the CAC.

The MBTA recommends that the Secretary reconstitute the CAC to address the changes described above. The MBTA also recommends that as part of the public review of this NPC, stakeholders use the public comment period to notify the Secretary of their interest in serving on the CAC. We note, as well, that while most current CAC members are interested in continuing their role, several of the original members of the CAC have indicated an interest in leaving the CAC or are no longer part of the organization they represented on the CAC. Certain others have not participated in over two years. We therefore request that those current members who are interested in continuing their service also notify the Secretary. Through these notifications, the MBTA anticipates that you will be able to form a new CAC made up of both prior and new members.

While there are many stakeholders on a project of this size, a CAC that has representation from each of them would be unwieldy and difficult to manage. Due to this, we ask that membership on the CAC be limited to no more than 25 members.

6. Distribution and Public Review of the NPC

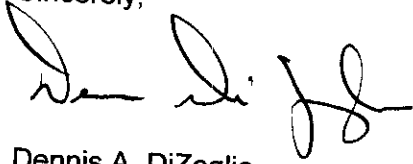
This NPC was developed in conformance with the guidelines found at 310 CMR 11.09 (3); that is, the document was provided to the CAC for thirty days of review and the CAC was provided with the opportunity to suggest changes and edits to the document. The CAC was also offered the opportunity to develop its own comment letter, which is attached as part of this NPC (Attachment B). The MBTA will circulate this NPC to all necessary parties, particularly all those agencies and other reviewers listed in

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310 CMR 11.16. The NPC will also be circulated to any person who commented on the DEIR, as well as members of the CAC and those who commented on the original SRP review. The document will also be posted on the MBTA website, www.mbta.com, for full public review. Additionally, the public will be able to obtain a hard copy of this NPC by contacting Becky Arsenault at 978-371-4141. Finally, the MBTA requests that the Secretary notice this NPC in the next edition of the *Environmental Monitor* and accept public comment on the NPC for twenty days, following which a Certificate is issued.

If you have any questions, please do not hesitate to contact Peter Calcaterra, the MBTA's project manager for the Urban Ring Project at 617-222-5200.

Sincerely,



Dennis A. DiZoglio
Assistant General Manager for Planning, Real Estate and Environmental Affairs

Attachments:

- Attachment A -- Special Review Procedure Certificate dated November 9, 2001
- Attachment B -- CAC Comment Letter, dated August 23, 2004.
- Attachment C -- Distribution List