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October 4, 2018

Jonathan Gulliver, Highway Administrator
Massachusetts Department of Transportation (MassDOT)
Ten Park Plaza, Suite 4160
Boston, MA 02116

Re: Request for Advisory Opinion
Central Artery/Tunnel Project
Third Harbor Tunnel - South Boston Haul Road (EEA #4325)

Dear Administrator Gulliver,

I am writing in response to your letter in which you request an Advisory Opinion (AO) pursuant to 301 CMR 11.01(6) as to whether additional review under the Massachusetts Environmental Policy Act (MEPA) would be required to conduct a pilot program on the South Boston Bypass Road (SBBR) (portions also referred to as the South Boston Haul Road (SBHR)) and portions of High Occupancy Vehicle (HOV) lanes associated with Interstate-90 (I-90). Your letter indicates that the 2018/2019 Pilot Re-Evaluation Program (Pilot Re-Evaluation) consists of a temporary lifting of the restrictions to the SBBR and components of the HOV system for a 12-month period. The purpose of the Pilot Re-Evaluation is to collect data over a longer time period to support additional evaluation of the feasibility and advisability of a permanent change to existing restrictions.

The Request for Advisory Opinion (RAO) indicates that the previous SBBR pilot program (2015/2016 Pilot Program) did not provide conclusive results on the benefits or impacts of a lifting of permanent restrictions. The Pilot Re-Evaluation is proposed to provide additional data in response to increasing traffic volumes and economic development since the 2015/2016 Pilot Program. The proposed changes to the 2015/2016 Pilot Program consist of extending the timeframe from 6 months to 12 months, lifting all restrictions on use of the SBBR eastbound

(inbound), and enhanced communication and advertisement of changes to the roadway restrictions.

The SBBR was proposed and constructed as part of the Central Artery/Tunnel (CA/T) Project (EEA #4325) and is an enforceable mitigation commitment. It was proposed to avoid, minimize and mitigate impacts during the construction period and upon completion of the project. It was designed to reduce impacts to air quality and to preserve commercial truck access to the South Boston waterfront and industrial users while minimizing impacts to South Boston neighborhoods. The South Boston Waterfront (SBW) Sustainable Transportation Plan (STP) (January 2015) identified several opportunities to enhance mobility and access and identified methods to alleviate congestion and provide additional access between the neighborhood and the waterfront. The STP included consideration of lifting restrictions on the SBBR on a permanent basis to alleviate congestion associated with the Seaport District.

The RAO includes a Technical Report to support the request. In conjunction with this request, the RAO was published in the August 22, 2018 Environmental Monitor for public comment. The comment period closed on September 11, 2018.

Upon completion of the Pilot Re-Evaluation and data collection, monitoring and analysis (as described herein), MassDOT may propose to permanently lift some or all restrictions. The RAO indicates that, if permanent lifting of restrictions is proposed, MassDOT will develop a Notice of Project Change (NPC) to evaluate impacts associated with the proposed changes, and to analyze and identify appropriate mitigation. The NPC will be submitted to MEPA for public review and comment. In addition, MassDOT will address its obligations under the National Environmental Policy Act (NEPA) and work with the Federal Highway Administration (FHWA) to identify and address implications of changes to commitments included in the SBHR Record of Decision and associated use of Congestion Mitigation and Air Quality (CMAQ) funding.

This AO is limited to the proposed temporary change; it does not extend to a proposal to re-classify the SBBR on a permanent basis. As noted below, your letter indicates that restrictions will be reinstated on the SBBR and HOV lanes upon completion of the 12-month Pilot Re-Evaluation.

South Boston Bypass Road

The SBBR is a 2-lane 1.3-mile long limited access route from the Interstate-93 (I-93) Frontage Road in the west to the I-90/Ted Williams Tunnel (TWT) portal in the east. The majority of the roadway was constructed within a depressed railroad right-of-way (ROW). The roadway consists of two 12-foot travel lanes (one in each direction) with two 6-foot shoulders dependent on location along the SBBR. Posted speed limit along the SBBR is 30 mph. The SBBR is currently maintained by MassDOT as a limited access highway, consistent with enforceable environmental commitments associated with the CA/T Project. Authorized use is limited to trucks and commercial vehicles. The SBBR has an alarm and spill collection system to address the potential for accidents involving hazardous cargo.

As noted previously, the SBBR was proposed and constructed as part of the CA/T Project (EEA #4325) to avoid, minimize and mitigate impacts during the construction period and upon project completion. It was proposed to reduce impacts to air quality and to preserve commercial truck access to the South Boston waterfront and industrial users while minimizing impacts to South Boston neighborhoods. It is also a public safety measure to separate commercial truck traffic, including trucks hauling heavy cargo or hazardous substances, from local roadways, general traffic, pedestrians and cyclists. Transportation of hazardous cargo is prohibited from using the I-90 tunnel under the Fort Point Channel to reach the industrial seaport.

The SBHR and HOV lanes were the subject of various MEPA filings and associated reviews on the CA/T Project. These include: the Draft Supplemental Environmental Impact Report (DSEIR) and the Final Supplemental Environmental Impact Report (FSEIR) for the CA/T Project and associated MEPA Certificates; CA/T Section 61 Findings (9/5/91); SBHR Section 61 Findings (11/12/91); FHWA ROD for the SBHR (12/21/90) and the CA/T Project (5/10/91). In addition, A Request for Determination for Clarification of Use of the SBBR (EOEA #4325 (9/15/95)) from the CA/T Project Director was submitted to MEPA and an AO was issued on the Request (9/19/95).

The majority of the SBBR within the study area is grade-separated and therefore does not intersect South Boston streets. Traffic control at intersections along the SBBR include:

- I-93 Frontage Road SB at SBBR – signalized
- I-93 Frontage Road NB at SBBR – signalized
- SBBR at Cypher Street/Richards Street – signalized
- SBBR at West Service Road – flash operation
- SBBR at Massport Haul Road/I-90 Ramps – signalized

MassDOT collected traffic data in March 2013. The roadway carries almost 4,000 vehicles per day; approximately 2,235 vehicles per day travel eastbound. Total (both directions) weekday morning and evening peak hour volumes are approximately 275 and 255 vehicles per hour, respectively. Approximately 160 and 110 vehicles per hour travel eastbound on the SBBR during the morning and evening peak hours, respectively. The remaining 115 and 145 vehicles per hour are travelling westbound on the SBBR during the morning and evening peak hours, respectively. The peak SBBR traffic volumes (310 vehicles per hour in both directions) occur from 1:00 to 2:00 PM.

High Occupancy Vehicle Lanes

The HOV lanes (the HOV system from I-93 northbound mainline, I-93 northbound Frontage Road, and Kneeland Street/Lincoln Street) were also constructed as a mitigation measure associated with the CA/T Project using CMAQ funding. MassDEP has indicated that the HOV lanes included in the 2015/2016 Pilot Program are not covered by the High Occupancy Vehicle Lanes Regulations (310 CMR Section 7.37).

The HOV lane from the I-93 northbound mainline to I-90 eastbound starts approximately at the Massachusetts Avenue connector. This is a limited access facility maintained by

MassDOT, separated from the unrestricted traffic by a concrete median. The roadway consists of an approximate 18-foot travel lane with two, approximately two-foot shoulders. In the vicinity of West Fourth Street/East Berkley Street, it splits into two lanes: the right one leading to South Station, while the left one leads to I-90 eastbound. A 45 mph speed limit sign is posted near Albany Street/Randolph Street.

Access to the HOV system from I-93 northbound Frontage Road originates at the Frontage Road/West Fourth Street/West Broadway signalized intersection. This is a limited access facility which merges with the mainline HOV lanes approximately 650 feet to the north. This roadway consists of an approximate 17-foot travel lane and two-foot shoulders.

Access to the HOV system from Kneeland Street/Lincoln Street starts at the signalized intersection of Kneeland Street at Lincoln Street and crosses the South Station connector at a signalized intersection, from which it can also be accessed. The roadway has two approximate 12-foot lanes with two approximately two-foot shoulders prior to its split, where one lane proceeds to I-93 southbound and one lane proceeds to I-90 eastbound. Approximately 375 feet after the split, the I-90 eastbound HOV lane merges with the I-93 northbound HOV lanes.

After the I-93 northbound and Kneeland Street/Lincoln Street HOV lanes merge, two approximately 12-foot lanes with two, approximately two-foot shoulders continue into the tunnel under the Fort Point channel and merge into one 12-foot lane with a two-foot shoulder on the right side and a seven-foot shoulder on the left side. The HOV lane is separated from the general traffic lane by a concrete median. These same characteristics are present along the remainder of the HOV lane until it merges with I-90 eastbound mainline traffic in South Boston. Posted speed limit on this section of the HOV is 35 mph.

Data available from traffic counts and the Central Transportation Planning Staff (CTPS) travel demand model was used to estimate traffic volumes in the I-90 eastbound/TWT HOV lane. Estimates range from approximately 150 vehicles during the morning peak hour to 350 during the evening peak hour. Capacity of the I-90/TWT HOV lane is estimated to be 1,800 vehicles per hour. MassDOT indicates that significant excess capacity exists within the system.

Prior Short-Term Lifting of Restrictions

Restrictions on the SBBR have been lifted, on a temporary basis, four times. Each time an AO was requested by MassDOT. The 1995 Request for Determination was limited to expansion of authorized commercial uses to include taxis with taxi license plates, commercial limos and buses. The change in use did not propose to allow general traffic on the SBBR. Restrictions were reinstated when the permanent connection between the TWT and I-90/I-93 was completed.

During the closure of the Callahan Tunnel in December 2013, temporary lifting of restrictions for a 2.5-month period was implemented as a construction period traffic mitigation measure. I issued an AO on December 23, 2013 indicating that additional MEPA review was not warranted for the temporary lifting of restrictions during construction of the Callahan Tunnel. The AO also indicated that any proposal to permanently lift restrictions would require the filing

of a NPC for the CA/T Project. The restrictions were lifted consistent with the schedule identified in the AO and were immediately reinstated in March 2014. During this time, MassDOT conducted a monitoring program and collected data on vehicle trips, travel times, noise and air quality.

MassDOT submitted an RAO to the MEPA office on June 15, 2015 requesting permission to implement the 2015/2016 Pilot Program. I issued an AO on August 10, 2015 authorizing the program. The 2015/2016 Pilot Program was monitored through a comprehensive data collection program conducted at identified milestones (1.5 months after implementation, program mid-point, post-program) which included temporary installation of radar, microwave, and Bluetooth devices. MassDOT collected traffic volumes, travel times, and noise measurements in September 2015/October 2015, December 2015 and in March/April 2016. Safety data was collected throughout the 2015/2016 Pilot Program and compared to data collected for six months upon completion. MassDOT issued a report in 2016 summarizing the results of the 2015/2016 Pilot Program.

Pilot Re-Evaluation Description

The SBBR is currently limited to commercial traffic only from the I-93 Frontage Road system to West Service Road. The Pilot Re-Evaluation is limited to the following:

- Morning Peak Period SBBR Eastbound (inbound) Access: Unrestricted access 24 hours per day/seven days a week on the SBBR eastbound (inbound) direction from the I-93 Frontage Road system to Cypher Street/Richards Street.
- Cypher Street/Richards Street to West Service Road Access: Travel will be unrestricted on the SBBR between Cypher Street/Richards Street and West Service Road during all time periods in both directions.

During the closure of the Callahan Tunnel, the SBBR was used by motorists that were not displaced by the closure to access the TWT and Logan Airport. To discourage use of the SBBR to access the TWT and Logan Airport, restrictions will be lifted on the following three components of the HOV system to I-90 eastbound/TWT:

- I-93 northbound mainline,
- I-93 northbound Frontage Road, and
- via Kneeland Street/Lincoln Street.

Lifting restrictions on these components will also require the unrestricted use on associated portions of the HOV system due to system connectivity and the inability to enforce HOV restrictions (i.e., once a single occupancy vehicle is in the system it will have access to all connected portions of the system). Two additional HOV lanes/movements would also be open to general traffic during the Pilot Re-Evaluation:

- I-93 northbound mainline to South Station and
- Kneeland Street/Lincoln Street to I-93 southbound mainline.

MassDOT will conduct outreach to raise awareness of the program and seek input on its implementation. Variable message boards, digital billboards, advertisements on commuter rail trains, website postings, and print media will be used to advertise the changes to the restrictions. In addition, written notices will be provided to neighborhood associations. MassDOT will implement a real time traffic management system during the program, including volume and speed sensors along the SBBR and portable message boards to convey restrictions and allowances for travel. To address safety concerns, MassDOT will implement a comprehensive police deployment and Incident Response Operations (IRO) plan during the program. Monitoring of speed limits will be closely observed as part of the police deployment plan.

The RAO identifies measures to avoid, minimize and mitigate potential impacts associated with the program and identifies performance measures and evaluation thresholds to assess the effect of the program on mobility, reliability, and safety. Data will be collected in the Fall (October) 2018, Spring (March/April) 2019, Summer (June) 2019 and upon conclusion of the Pilot Re-Evaluation. The proposed study area is consistent with the 2015/2016 Pilot Program (RAO, Figure 2-1). It consists of the SBBR roadway, the I-93 northbound/Frontage Road northbound/Kneeland Street HOV lanes, I-90 eastbound between I-93 and the TWT, and 21 intersections.

The following identifies the performance measures and evaluation thresholds:

Vehicular Traffic

Establish traffic volume shifts on key roadways including the SBBR, HOV lanes, I-93 and I-90 mainline, HOV and ramps, I-93 Frontage Roads, and select South Boston corridors.

Threshold: A comparison of volumes observed during the Pilot Re-Evaluation versus existing conditions indicates volumes in excess of the established roadway's capacity.

Travel Time

Identify travel time changes along key routes for general, commercial, and Silver Line traffic.

Threshold: A comparison of actual travel time during the Pilot Re-Evaluation versus existing conditions indicates a notable increase in travel time. MassDOT will coordinate and communicate with impacted users of these facilities to evaluate whether this increase represents a hardship to a degree that would lead to consideration of cancelling the program.

Operational Elements

Establish operational impacts (changes to delay, LOS and/or queuing) at critical intersections/ramps.

Threshold: A comparison of intersection delay, queuing and LOS during the Pilot Re-Evaluation Program versus existing conditions indicates a change in delay that results in a drop in LOS to overall LOS E (55 seconds per vehicle) or LOS F (80 seconds per

vehicle) and/or observed queuing that extends through adjacent locations. Existing locations that provide for LOS E or F during peak periods will be evaluated based on the queuing criteria detailed above.

Air Quality

Quantify air quality impacts (changes to CO) at critical intersections/ramps.

Threshold: Intersections that exceed the NAAQS standard for 1 hour and/or 8 hour CO and that degrade to LOS E or F during the Pilot Re-Evaluation. Vehicular traffic counts and travel times will be used to conduct a regional (mesoscale) air quality analysis post Pilot Re-Evaluation.

Noise

Quantify noise impacts (changes to hourly Leq) at sensitive receptor locations.

Threshold: An increase greater than 10 dB(A) (MassDOT noise impact criteria) in noise levels versus existing conditions.

Safety

Safety impacts (increases in crashes) at critical intersections/roadways.

Threshold: MassDOT will closely monitor the crash occurrence along the SBBR and the HOV system during the Pilot Re-Evaluation. If a marked increase in crash frequency and/or severity is noted MassDOT will evaluate potential mitigation measures and if these actions fail to address the situation MassDOT will consider canceling the program.

Upon completion of the Pilot Re-Evaluation and no later than twelve months after the actual commencement of the Pilot Re-Evaluation, MassDOT will return to the existing conditions with the SBBR and HOV systems maintaining restricted use. MassDOT will complete data collection and analysis and submit a report to the MEPA Office that evaluates the effect of the Pilot Re-Evaluation on meeting project goals.

I received many comments on the RAO, including comments from the City of Boston, Massport, A Better City (ABC), Boston Harbor Now, businesses and residents. Comments submitted in support of the Pilot Re-Evaluation highlight traffic congestion, identify the strong and rapid growth occurring in the Seaport, and identify the opportunity to compile and assess traffic data and information to enhance access and mobility. Comments from the City of Boston and residents, among others, identify the potential for this program to decrease detours through neighborhood streets. Comments from Massport request that delays to port traffic be analyzed, and that the impacts of future growth in commercial development and the working port are also evaluated and taken into account. Massport emphasizes its interest in ensuring that the competitive advantages for the port, including safe and efficient roadway access with minimal delay for the maritime businesses, and safe streets for the community are maintained throughout the Pilot Re-Evaluation and into the future. Comments from maritime and industrial businesses as well as Boston Harbor Now identify significant concerns with the lifting of restrictions. These commenters request data be collected and presented regarding existing and projected truck

traffic, and highlight the importance of monitoring and enforcement to ensure public safety and maintain the integrity of the SBBR as a dedicated truck and commercial route. Boston Harbor Now and several comments from residents express concern that this program could increase single occupancy vehicle (SOV) travel to a heavily congested area and encourage investment in alternative transportation.

Conclusion

Based on a review of the RAO, the RAO Technical Report, consultation with MassDOT, and review of comment letters, I have determined that implementation of the Pilot Re-Evaluation for a 12-month period does not require the filing of a NPC, subject to the conditions included below.

Traffic Analysis and Monitoring Program

The 2014 Technical Report included an assessment of traffic volumes and traffic operations for the study area. The 2018 Technical Report includes traffic volumes but does not provide an operational analysis of 2018 Conditions which is necessary to evaluate the effect increases in traffic volume on study area intersections. The monitoring program and resulting analysis should include an operational analysis of study area intersections for the 2014/2015 Pilot Program, 2018 Existing Conditions, Pilot Re-Evaluation Conditions, and 2019 Post Pilot Re-evaluation.

To address concerns of port users, the data collection and monitoring program should include additional information on existing and projected commercial truck traffic and capacity of truck routes to absorb growth. The study area should be expanded to include intersections along other truck routes in South Boston (e.g., Seaport Boulevard, Summer Street, Pappas Way) to ensure that conditions for and effects on commercial trucking are adequately captured, including effects on travel time. The 2018 Technical Report indicates that traffic counts will include vehicle classification; this should include counts for commercial truck traffic (i.e., distinct from other commercial traffic such as taxis).

Program Goals and Effects

The RAO identifies several objectives of the program including mitigating congestion, improving mobility and addressing safety. Many of the comment letters received, including those from the City of Boston, the Boston Transportation Department (BTD) and Massport, identify the opportunity to remove traffic from South Boston neighborhoods and, thereby, increase neighborhood safety. The RAO addresses how safety of the SBBR will be evaluated; it does not identify how the program's effect on neighborhood safety will be evaluated. Because the City of Boston and residents have identified neighborhood safety as a significant factor in support of the Pilot Re-Evaluation, I encourage MassDOT to consider how to evaluate the potential effect of the program and address whether any complementary measures will be implemented by the City of Boston and/or MassDOT as a part of or separate from the Pilot Re-Evaluation.

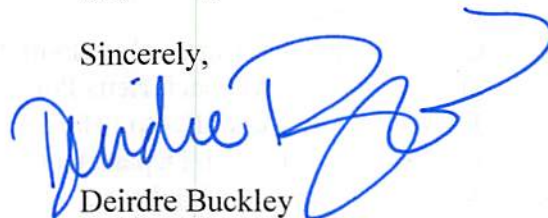
MassDOT has supported the need to include segments of the HOV system in the Pilot Re-Evaluation. Based on the information presented in the RAO, it appears that analysis to determine the independent utility of the lifting of restrictions on the HOV system (as identified in the Pilot Re-Evaluation) would be worthwhile and may be necessary to accurately evaluate program effects (i.e., lifting of HOV restrictions independent of SBBR could provide meaningful benefits as an independent measure even if the Pilot Re-Evaluation is not determined to be effective). I encourage MassDOT to consider a pilot limited to lifting of HOV lane restrictions, independent from the lifting of restrictions on the SBBR. This could occur prior to or upon completion of the Pilot Re-Evaluation. To the extent possible, the Pilot Re-Evaluation Report should provide an assessment of the extent to which the lifting of HOV lane restrictions are associated with benefits identified in the Pilot Re-Evaluation.

Notice of Project Change

If, based on the results of the Pilot Re-Evaluation Report, including monitoring as described herein, and further consultation with stakeholders, MassDOT proposes to revise restrictions or reclassify the road to a general purpose roadway, a NPC for the SBBR should be filed to identify a material change to the CA/T Project and its environmental commitments, to evaluate impacts associated with the change, and to analyze and identify appropriate mitigation. In addition, MassDOT must consult with the Federal Highway Administration (FHWA) regarding implications to the Record of Decision (ROD) issued for the Central/Artery Tunnel (CA/T) project as well as Congestion Mitigation and Air Quality (CMAQ) funding.

Please contact me if you have any questions or concerns regarding this AO. You can reach me at (617) 626-1044 or deirdre.buckley@mass.gov.

Sincerely,



Deirdre Buckley
Assistant Secretary for Environmental Review

Comments Received:

8/21/2018	Robin Bleheen
8/22/2018	Ann Kane
8/23/2018	Barry Ryan
8/23/2018	Julie Wikert
8/23/2018	Michael Bender
8/23/2018	Patrick Chatfield
8/23/2018	Sarah O'Brien
8/23/2018	Sean Burns
8/23/2018	Victoria Wallace and family
8/24/2018	Jillian MacIsaac
8/24/2018	Renita Reddy

8/27/2018 Sharon Donovan Hart, State Street Corporation
8/27/2018 Vivian Donnellan
8/27/2018 Bill Nixon, ADP Retirement Services
8/25/2018 Megan Flynn
8/27/2018 Jake Donnellan
8/27/2018 Amy Matthews
8/27/2018 Andrew Donnellan
8/27/2018 Christine Donnellan
8/27/2018 Donna Potember
8/27/2018 Maureen Sullivan
8/28/2018 Eric and Stephanie Skelly
8/28/2018 Jascha Franklin-Hodge
8/30/2018 Mary Beggan
8/31/2018 Patricia O'Connell
8/31/2018 Ryan Donnellan
8/31/2018 Ryan E. Hutchins, Gilbane Building Company
9/4/2018 Paul Swartz
9/6/2018 Robert Nagle, John Nagle Co.
9/7/2018 Neil Fitzpatrick, Boston Freight Terminals
9/8/2018 Ellen Duffley
9/10/2018 Richard Stavis, Stavis Seafoods
9/10/2018 Richard A. Dimino, A Better City
9/10/2018 Michael E. Mooney, Nutter McClennen & Fish LLP
9/10/2018 Minoshia Wright, Vertex Pharmaceuticals
9/10/2018 Anne M. Lynch, Trucking Association of Massachusetts
9/10/2018 Joshua Johnson
9/11/2018 Gina N. Fiandaca, Boston Transportation Department
9/11/2018 Stewart Dalzell, Massachusetts Port Authority
9/11/2018 Jill Valdes Horwood, Boston Harbor Now
9/11/2018 Boston Transportation Department
9/11/2018 Andrew Denkwerth, Pembroke
9/11/2018 Tom Caterino, Boston Marine Park Business Association
9/11/2018 Carole Charnow, Boston Children's Museum
9/11/2018 Greg Bialecki, Redgate Capital Partners
9/11/2018 John Cannistraro, JC Cannistraro
9/11/2018 John D. Farina, Jr., Price Waterhouse Coopers
9/11/2018 Patrick Sullivan, Seaport TMA
9/11/2018 Thomas J. Hynes Jr., Colliers International
9/11/2018 Young Park, Berkeley Investments
9/11/2018 Deb Suchman, Polkadog Bakery
9/13/2018 Charlie DiPesa, F.J. O'Hara
9/14/2018 Richard A. Galvin, CV Properties