



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT
GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

July 11, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE
MODIFYING
A SPECIAL REVIEW PROCEDURE

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
EOEA NUMBER : 12565
PROJECT PROPONENT : Executive Office of Transportation
DATE NOTICED IN MONITOR : June 11, 2007

Pursuant to Section 11.09 of the MEPA regulations, I hereby modify an existing Special Review Procedure (SRP), which was previously the subject of a Certificate Establishing a SRP dated November 9, 2001, a another Certificate Modifying a SRP issued on September 7, 2005, to guide the continuing MEPA review of this project.

Proposed Modifications to the Special Review Procedure

The NPC propose new filing dates for the Revised DEIR/DEIS and the Final EIR/Final EIS for Phase 2, as well as the DEIR/DEIS for Phase 3 based on the need to revise the horizon

year 2030 demographic assumptions that were officially accepted by the Boston Region Metropolitan Planning Organization (MPO). In the Urban Ring Corridor, the year 2030 projections for employment growth included in the MPO's current 2007 Regional Transportation Plan (RTP) are lower than the year 2025 projections included in the previous 2004 RTP. The use of the MPO's officially adopted projections is a pre-requisite for funding of the Urban Ring project under the Federal Transit Administration's (FTA) New Starts program. However, if the projections to be used indicate that the area to be served by the Urban Ring would not experience robust growth within the planning horizon, the project's chances of receiving this funding would be diminished. Additionally, there are a number of rapidly growing employment centers within the Urban Ring corridor that would experience only minor employment growth by 2030 under these current projections.

Meanwhile, the Metropolitan Area Planning Council (MAPC), the regional planning agency (RPA) for the Boston metropolitan area, has been working on a long-range plan called MetroFuture, that includes year 2030 population and employment projections that are different (higher) than the MPO's 2007 RTP, and indicate more robust population and employment growth in the Urban Ring corridor.

According to the NPC, and for the reasons stated above, the Executive Office of Transportation (EOT) wishes to use the MetroFuture demographic projections in its planning for the Urban Ring Phase 2 Revised Draft Environmental Impact Report (RDEIR)/Draft Environmental Impact Statement (DEIS). EOT submitted the NPC to enable the MPO to update the official demographic assumptions for its RTP. The six-month extension requested in the NPC for the submission of the RDEIR/DEIS and subsequent environmental documents for the project is intended to allow the Boston Region MPO to make its demographic assumptions consistent with the Metropolitan Area Planning Council's MetroFuture Plan, and with the latest development plans and proposals throughout the Urban Ring corridor.

I concur with the comment letters received, which expressed general support for the requested extensions, that it is important to ensure that the demographic assumptions used for ridership projections are suitably robust and reflect the strong growth that is realistically expected in many areas of the Urban Ring corridor. Therefore, I hereby revise the schedule for the submission of environmental review documents, as proposed in the NPC, to the following:

- Revised DEIR/DEIS for Phase 2 to be submitted no later than May 31, 2008;
- Final EIR (FEIR)/Final EIS (FEIS) for Phase 2 to be submitted no later than June 30, 2009;
- DEIR/DEIS for Phase 3 to be submitted no later than June 30, 2011; and
- FEIR/FEIS for Phase 3 to be submitted by a deadline to be determined jointly by this office and the Federal Transit Administration.

Again, I wish to stress the importance that the environmental review process remain on track in accordance with the revised schedule indicated above. I consider these deadlines to be

firm and direct EOT to expedite the environmental review process in order to ensure that the established deadlines are met. I note that the NPC provided a summary of progress made to date and commend EOT for its good faith effort to adhere to the schedule previously established. However, I continue to require that any additional proposed change to the newly established schedule be the subject of a Notice of Project Change (NPC).

I will continue to require the submission of bi-annual (twice yearly) progress reports. The purpose of these progress reports will be to provide reviewing agencies and the general public an understanding of any issues related to the timely submission of the environmental review documents. The progress reports should describe progress to date on the preparation of each document, indicate milestones achieved, and note any issues that would pose an obstacle to timely submission so that action can be taken towards their resolution. The progress reports will be posted on both the Environmental Monitor and the MBTA websites and should be submitted according to the following schedule:

- September 30, 2007
- March 31, 2008
- September 30, 2009
- March 31, 2009
- September 30, 2009
- March 31, 2010
- September 30, 2010
- March 31, 2011
- September 30, 2011

Beyond 2011, deadlines for progress reports related to the preparation of the FEIR/FEIS for Phase 3 of the project will be determined in the Certificate on the DEIR/DEIS for Phase 2.

Responses to Specific Comments on the NPC

While the comment letters received on the NPC generally expressed support for the proposed extensions of the deadlines for submissions of environmental review documents, I would like to address specific comments and suggestions raised by two of these letters.

In its comments, the Conservation Law Foundation (CLF) expresses its concern that the Urban Ring Phase 2 RDEIR/DEIS will limit the consideration of project alternatives to bus rapid transit (BRT) only. I note that the Major Investment Study (MIS) for the Urban Ring, completed in 2001, analyzed a wide range of system technology and routing alternatives and recommended a project with phased implementation, including earlier implementation of BRT in the full corridor (Phase 2) and later implementation of rail transit in a section of the corridor (Phase 3). This phasing strategy was designed to manage project costs and enable delivery of transit benefits in an attainable time frame and was accepted by the FTA and the Secretary of Environmental Affairs at that time. Additionally, CLF states that the Urban Ring should include

elements of Phase 3 as part of the Phase 2 alternatives analysis. After consultation with EOT, I am satisfied that EOT is working to ensure that the recommendations for Phase 2 do not preclude Phase 3 implementation, and, in fact, that they facilitate Phase 3 implementation, in accordance with the May 20, 2005 Certificate on the DEIR that established the scope for the RDEIR/DEIS. For example, EOT has informed me that the RDEIR/DEIS will include analyses of BRT tunnels and that all of the tunnels are being designed to enable future conversion to rail use in Phase 3.

Additionally, CLF suggests that the proportion of dedicated running way (busways and bus-only lanes) for Phase 2 is too low. Based on consultation with EOT, it is clear that the RDEIR/DEIS will identify significantly more dedicated running way than the DEIR. EOT is committed to identifying potential segments of the Urban Ring Phase 2 corridor where more dedicated running way could be provided by consulting with municipalities and other stakeholders to evaluate these proposals.

In its comments, Harvard University suggests that the RDEIR/DEIS include a “sensitivity analysis” of a range of different demographic scenarios to evaluate the potential benefits of the Urban Ring Phase 2. FTA guidance for its New Starts program, which will largely fund the Urban Ring, requires that the project proponent use the officially-recognized demographic assumptions from the MPO’s RTP to assess travel demand under all conditions (No-Build, Baseline, and all Build Alternatives) in order to provide a consistent basis for comparing benefits and costs. As a pure planning approach, and in the absence of a methodology specifically defined and required by EOT’s federal funding partner (FTA), I agree that a “sensitivity analysis” could provide a more enhanced analysis of alternatives. However, the ridership projections resulting from an alternate demographic scenario could not be used for a New Starts application, and any analyses of sub-areas within the corridor that would likely experience robust employment growth within the planning horizon would be based on institutional projections of growth. With each institution advocating for scenarios that project robust growth within their particular sub-area of the corridor, I believe that EOT would experience substantial difficulty in arriving at a common denominator for future ridership projections upon which all stakeholders could agree. Therefore, I will not require the inclusion of a “sensitivity analysis” in the RDEIR/DEIS.

Harvard also states that EOT should prepare for new federal criteria on the economic development impacts of transit projects. I note that the evaluation of projects applying for New Starts program funding has long included potential economic development impacts as a factor that can serve as a "tie-breaker" for a project that lies on the borderline between two ratings for project justification and that newly-released FTA guidance continues to encourage the reporting of information on a project's potential economic development impacts. Both the Urban Ring MIS and the Phase 2 DEIR included a discussion of anticipated economic development impacts resulting from the project, and I expect that the Phase 2 RDEIR/DEIS will do so as well. If FTA releases guidance with new economic development measures, and there is adequate time to respond before the Phase 2 RDEIR/DEIS is due, EOT should include these measures in the document.

Administrative Matters

Since the appointment of the Citizens Advisory Committee (CAC) for this project, several appointments for CAC representatives and their alternates have changed as specific participants have come and gone. Typically, these changes have arisen from participants assuming new job positions. Rather than issue formal letters or declarations of new appointments for the CAC, as my predecessors have done in the past, I am confident that EOT can manage this process going forward. The original appointments to the CAC, as specified in the Certificate Modifying a SRP issued on September 7, 2005, still apply to the specific institutions and other entities and organizations that currently comprise the CAC. Lastly, I would like to take this opportunity to thank these organizations and individuals for their continued commitment and participation.

The proponent's signature below indicates consent to the modification of this Special Review Procedure and the specific provisions outlined in this Certificate.

July 11, 2007

Date



Ian Bowles
Secretary of Energy and Environmental Affairs

July 16, 2007

Date



Bernard Cohen
Secretary of Transportation

Comments Received:

- 06/26/07 Arshag Mazmanian
- 06/26/07 Karen Wepsic
- 06/28/07 Conservation Law Foundation
- 07/02/07 A Better City
- 07/03/07 Dana-Farber Cancer Institute
- 07/05/07 Harvard University
- 07/09/07 Medical Academic and Scientific Community Organization, Inc.
- 07/11/07 Executive Office of Transportation

IAB/RAB/rab