



**MASSACHUSETTS GAMING COMMISSION  
WYNN SECTION 61 FINDINGS PUBLIC HEARING**

March 29, 2016  
5:00p.m.

**The Boston Convention & Exhibition Center**  
415 Summer Street, Room 104A/B  
Boston, MA



Massachusetts Gaming Commission



## **NOTICE OF A PUBLIC HEARING**

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

**Tuesday, March 29, 2016 @ 5 P.M. - 7 P.M. (longer if necessary)**  
**Boston Convention and Exhibition Center**  
**415 Summer Street, Room 104 A/B**  
**Boston, MA**

### **PUBLIC HEARING:**

The purpose of this hearing is to receive public comment on the Draft Section 61 Findings issued by the Massachusetts Gaming Commission for the proposed Wynn Casino project in Everett, MA (EEA No. 15060) following the Commission's March 22, 2016 meeting. In order to promote greater public input, a copy of the Draft Section 61 Findings prepared by the Commission's consultants prior to the March 22, 2016 Commission meeting ("Preview Draft") was posted on the Commission's website. Comments made during the public comment period and at the hearing will be reviewed and considered in the development of the final Section 61 Findings. Written comments on the Preview Draft or Draft Section 61 Findings are due to Massachusetts Gaming Commission on or before April 11, 2016 at 4:00 p.m. The Preview Draft and Draft Section 61 Findings for the Wynn Casino project in Everett are available on the Massachusetts Gaming Commission website: <http://massgaming.com/blog-post/request-for-public-comment-draft-section-61-findings-for-wynn-ma-llc-casino-project/>

Persons who wish to address the Commission at the hearing may place their name on the list of speakers by sending an email to [mgccomments@state.ma.us](mailto:mgccomments@state.ma.us) with "Request to address the Commission/Wynn Section 61 Findings" in the subject line or sign up to speak the night of the hearing. In order to use the available time most efficiently, the Commission reserves the right to limit the amount of time for speakers depending on attendance at the meeting.



Massachusetts Gaming Commission

Those who wish to submit written comments may do so by sending an email to [mgccomments@state.ma.us](mailto:mgccomments@state.ma.us) with “Wynn Section 61 Findings” in the subject line. All comments received via email will be made public and distributed to the Commission for their review. Written comments may also be sent by mail to Massachusetts Gaming Commission, 101 Federal Street, 12<sup>th</sup> Floor, Boston, MA 02110 Attn: Catherine Blue, General Counsel.

The following is the anticipated agenda for the public meeting:

1. Call to order and introductory remarks
2. Comments by members of the public
3. Other business reserved for matters not reasonably anticipated at the time of posting.

I certify that on this date, this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us).

3/22/16  
DATE

  
Enrique Zuniga, Commissioner

Date Posted to Website: March 22, 2016 at 5:00 p.m.

## MacLachlan, Amy (MGC)

**From:** Grafmeyer, James <JGrafmeyer@ddr.com>  
**Sent:** Tuesday, March 29, 2016 9:50 AM  
**To:** MGCcomments (MGC)  
**Subject:** Draft Section 61 - Wynn

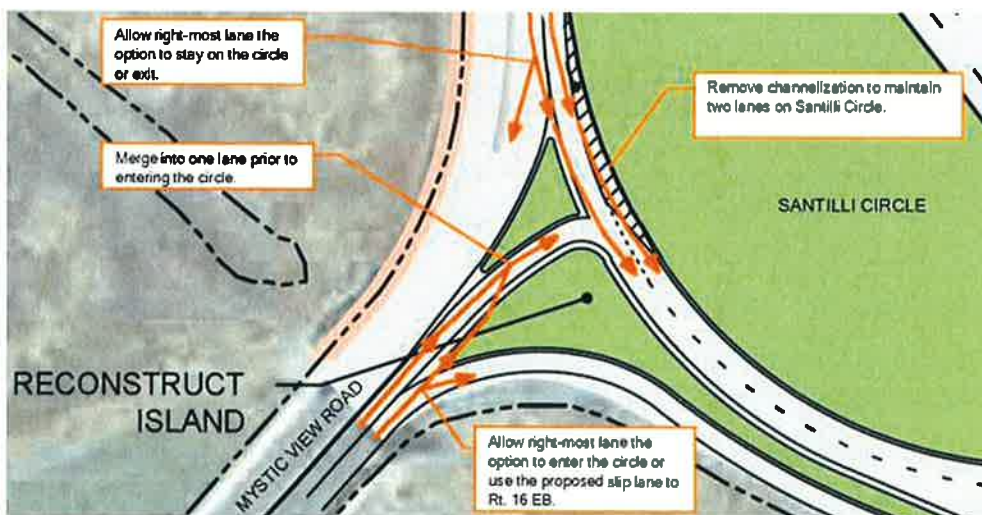
**Importance:** High

It is DDRC Gateway LLC's (i.e. DDR) understanding that the Massachusetts Gaming Commission is now considering Draft Section 61 Findings for the proposed Wynn Casino in Everett, MA. DDR is the owner of Gateway Center, a major shopping center located on Mystic View Road, just off Santilli Circle. We have been working with the developer, i.e. Wynn, and their traffic engineers during the past year to improve the mitigation plan that was proposed in the SSFEIR. Most recently, their new traffic consultant, AECOM, proposed modifications to Santilli Circle, Mystic View Road and Santilli Highway that both DDR and Wynn are in agreement with. These modifications, as shown below, were included in MassDOT's presentation of their Draft Section 61 Finding to the public on March 10, 2016. It was confirmed at this public meeting by MassDOT that the modifications would be adopted and included in their "Final" Section 61 Finding. It is important to point out that when the SSFEIR improvements were modeled using VISSIM for the Saturday condition (not included in the SSFEIR documentation), it was found that the improvements could not accommodate the existing or anticipated future Saturday volumes, causing significant failures in the circle. The modifications presented by MassDOT address these deficiencies.

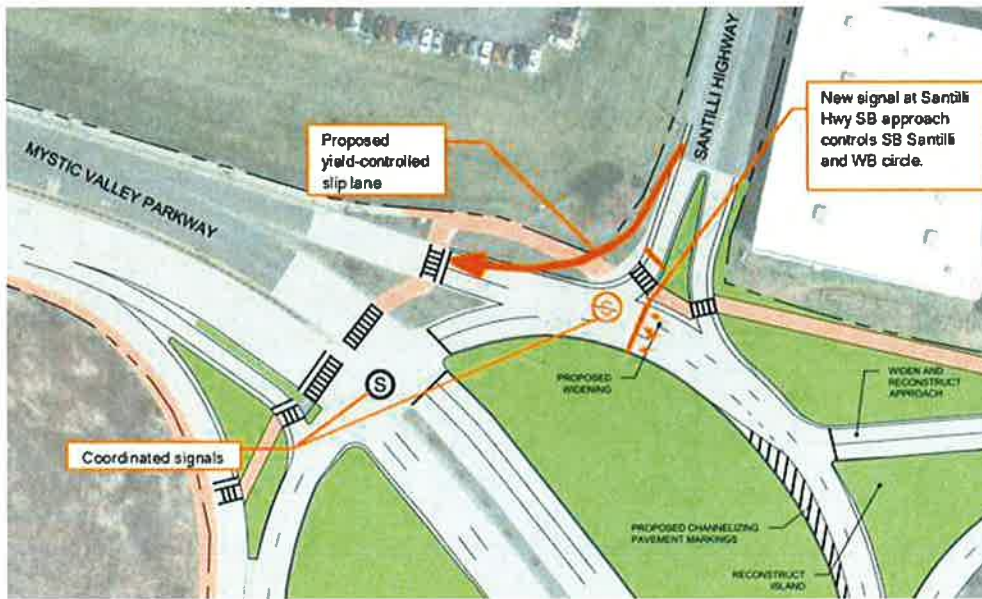
Based on the hard work by Wynn, DDR, VHB (DDR's traffic engineer), MassDOT and AECOM, we have mutually come to an agreement on a traffic mitigation plan at Santilli Circle that maintains, in the Build scenario, the same level of service that exists today. We trust that the Gaming Commission will also adopt the modifications reflected below when you develop your Final Section 61 Findings. If for some reason you reach a different conclusion from what is presented in this email, I would ask that you contact me prior to finalizing your recommendations.

Thank you for your serious consideration.

**Figure 1 – Proposed Modifications to SSFEIR 2023 Build Condition at Santilli Circle & Mystic View Road**



**Figure 2 – Proposed Modifications to SSFEIR 2023 Build Condition at Santilli Circle & Santilli Highway**



**Jim Grafmeyer**  
Vice President of Development

**DDR Corp.**  
3300 Enterprise Parkway  
Beachwood, Ohio 44122  
P: 216.755.5880 // F: 216.755.1880 // M: 216.577.3320  
W: ddr.com // NYSE: DDR

[Twitter](#) // [LinkedIn](#) // [Facebook](#)



**Thomas G. Ambrosino**  
City Manager

**City of Chelsea**  
EXECUTIVE OFFICE  
City Hall, 500 Broadway  
Chelsea, Massachusetts 02150  
tambrosino@chelseama.gov

Telephone: (617) 466-4100  
Fax: (617) 466-4175

March 22, 2016

Catherine Blue, General Counsel  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, Massachusetts 02110

Re: *Comments on Draft Section 61 Findings*

Dear Attorney Blue:

I am the City Manager in the City of Chelsea. Please accept these two comments in response to the Massachusetts Gaming Commission's Draft Section 61 Findings for the Wynn MA, LLC casino project in Everett.

First, the draft comments are a bit confusing as to what, if any, improvements Wynn will be required to complete at the Route 16/Everett Avenue intersection prior to opening of the casino. The body of the findings, reflecting the terms and conditions of the SSFEIR/MEPA Permit, seems to suggest that at both this intersection and the Route 16/Webster Avenue intersection (situated further away from the site), Wynn will be required to optimize traffic signal timing, phasing and coordination. According to the SSFEIR, the combined cost of optimizing these two intersections is nominal. But, footnote 22 suggests that Wynn will not necessarily be required to do any work at the Route 16/Everett Avenue intersection unless specifically required by MassDOT. Upon inspection of the Section 61 Findings released by MassDOT and referenced in the MGC Section 61 Findings footnote 22, the Route 16/Everett Ave. intersection is now evidently omitted as an intersection subject to improvements. MassDOT states that no feasible modifications exist to remedy the impacts that will occur here, yet provide no data or information to substantiate this claim.

The intersection of Route 16/Everett Avenue is a critical intersection for both Everett and Chelsea and one likely to be significantly impacted by casino related traffic. Failure to optimize this intersection, via the methods set forth in the SSFEIR, will exacerbate an already intractable congestion problem. The intersection, as illustrated throughout the MEPA process, is already inadequately designed to manage current traffic volume, operating at a level of service E (second worst) with poor signal timing that leads to back-ups far down Everett Ave and on Rt. 16. Casino traffic will most assuredly make this bad situation even worse.

Catherine Blue, General Counsel  
March 22, 2016  
Page 2

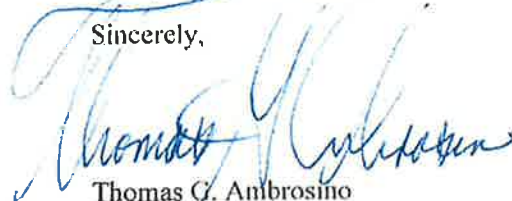
At the very least, the Gaming Commission should require the same improvements here that it is requiring Wynn to perform at the Route 16/Washington Avenue intersection. Specifically, Chelsea respectfully asks that Wynn be required, as part of its traffic mitigation, to improve the Route 16/Everett Avenue intersection by means of replacing traffic signal equipment, installing new signage and pavement markings and optimizing traffic signal timing phasing and coordination.

My second comment involves the intersection at Williams Street and Chestnut Street in Chelsea. The City of Chelsea strongly believes, and argued at its arbitration hearing, that Williams Street will be the subject of significant additional cut-through traffic from Logan Airport to the casino. This will be amplified by local taxi, livery, and on-demand services such as Uber and Lyft, which were nascent and not fully operable at the time of the MEPA process. Improvements at the Williams/Chestnut intersection would be extremely helpful to mitigate that additional traffic.

Unfortunately, the Commission's draft findings require nothing of Wynn at this location. Instead, the comments state that the determination of appropriate mitigation measures should be "made" between Wynn and the City of Chelsea, a specious request. While that would be nice in a perfect world, the reality is that the City has absolutely zero leverage over Wynn to facilitate such an agreement. The City has never even signed a mitigation agreement because it vehemently opposed Wynn's miserly Best and Final Offer, which the arbitrator imposed upon the City and which is now a condition of the Wynn License. I can assure the Commission that in the absence of some requirement in these Section 61 findings, Wynn will not make any improvements at this intersection. Accordingly, the City requests that the Commission impose here the same reasonable obligations upon Wynn that are in place at other intersections much further away from the site: namely, to replace traffic signal equipment; install new signage and pavement markings; and optimize traffic signal timing, phasing and coordination.

I thank you in advance for your consideration of these proposed changes.

Sincerely,



Thomas G. Ambrosino  
City Manager

Cc: Senator Sal DiDomenico  
Representative Dan Ryan  
Representative RoseLee Vincent  
The Honorable Chelsea City Council

## MacLachlan, Amy (MGC)

---

**From:** Tom Nally <tnally@abettercity.org>  
**Sent:** Tuesday, March 22, 2016 4:48 PM  
**To:** MGCcomments (MGC)  
**Cc:** Pollack, Stephanie (DOT); 'chris.osgood@boston.gov'  
**Subject:** Draft Section 61 - Wynn  
**Attachments:** ABC Section 61 Comments to Gaming Commission.pdf; MassDOT letter to MEPA 1.22.10.pdf; MEPA Letter to MassDOT 6.24.10.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Forwarded to the Commissioners, copied Catherine B. and Amy M.

Attached are comments on the Draft Section 61 Findings for the proposed Wynn Casino in Everett.

**Thomas J. Nally**  
Planning Director  
**A Better City**  
33 Broad Street, Suite 300  
Boston, Massachusetts 02109  
Phone: 617-502-6243  
Fax: 617-502-6236  
[tnally@abettercity.org](mailto:tnally@abettercity.org)  
[www.abettercity.org](http://www.abettercity.org)





33 Broad Street | Suite 300 | Boston, MA 02109  
Tel: 617-502-8240 | Fax: 617-502-8238  
[WWW.ABETTERCITY.ORG](http://WWW.ABETTERCITY.ORG)

**OFFICERS**

March 22, 2016  
Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Attn.: Catherine Blue, General Counsel

**EXECUTIVE  
COMMITTEE**

Re: Draft Section 61 Finding for Wynn Resort in Everett

Dear Commissioners:

A Better City has reviewed the draft Section 61 Finding for the Wynn Resort in Everett prepared by MassDOT and dated February 2, 2016, and has the following comments.

A Better City is a nonprofit membership organization that provides the business and institutional leadership essential for ensuring progress and tangible results on transportation, land development, and public realm infrastructure investments that are vital to sustaining and improving the Boston area's economy and quality of life. We have been active participants in the review of many transportation and land development projects in the Boston area, as well as monitoring implementation of the construction and associated traffic management and mitigation plans for several of these projects currently or previously underway, including the Central Artery/Tunnel Project. We are thoroughly familiar with the range of issues associated with such similar and complex projects.

We have been advocates for transportation improvements in the Urban Ring corridor for many years, and we believe that planning for and implementing improvements in this corridor in Everett will benefit the operations of proposed casino resort, mitigate its impacts on transportation facilities, and provide a much needed link in the region's transportation system.

There is an opportunity to provide dedicated bus lanes for current bus service, proposed shuttle service, and potential future Urban Ring Bus Rapid Transit service as part of the mitigation plans along Broadway and Alford Street (Route 99) in Everett and Boston in at least portions of that corridor. This improvement along with proposed signal prioritization for bus operations would benefit users of the proposed resort, other transit users, and drivers in the corridor by reducing congestion and conflicts with other vehicles. It will be a missed opportunity if the project proponent is not required to at least evaluate this option, and, if it is shown to be beneficial and cost effective, to incorporate this feature in improvements in the area.

Specifically, the access roadway and the truck access route proposed to serve the casino can be designed and configured to provide access to a future dedicated right of way along side the Newburyport/Rockport rail right of way to the North Shore that can be extended to connect to the Silver Line Extension now under construction serving Chelsea, East Boston, and Logan Airport. This link can provide service along a dedicated right of way between Logan Airport and the proposed resort.

The requirement to preserve and ultimately enhance the bus rapid transit corridor is described in the attached January 22, 2010 letter from the Massachusetts Secretary of Transportation to the Secretary of Energy and Environmental Affairs. The letter calls for “preserving alignments for potential future transit improvements” in segments such as that in Everett that are part of the Locally Preferred Alternative in the Urban Ring Revised Draft Environmental Impact Report / Draft Environmental Impact Statement issued on November 2008 as modified in the “Northern Tier First Implementation Stage” included in the June 2009 Notice of Project Change. At the time it was defined, the state indicated that the Northern Tier was to be the first stage of the Urban Ring project to be implemented.

The Secretary of Energy and Environmental Affairs responded to the January 22, 2010 letter in a letter dated June 22, 2010 that called for ensuring that implementation of the Urban Ring project is not precluded within the alignment, and that proponents of unrelated development projects should disclose impacts on the Urban Ring alignment.

Although the Notice of Project Change was later withdrawn by the Secretary of Transportation, the clear intent was to revise the Urban Ring alignment as shown in the notice submitted to MEPA.

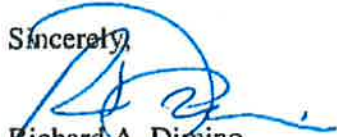
Improvements proposed in Sullivan Square for the roadway, sidewalk, and bus network can also contribute toward both local mitigation and a longer term enhancement of the bus and potential BRT networks. New traffic signals and improvements in existing signals, new interconnections, timing and phasing improvements, street widening, sidewalk improvements, signage and lighting improvements, and busway improvements at the Sullivan Square MBTA Station, as described in the SFEIR for this project can provide similar benefits and are worthwhile commitments that need to be enforced.

Other public transportation commitments including payments to support enhanced and extended MBTA Orange Line service; curb use and parking improvements at Wellington Station; and busway, bus shelter, and busway entrance and exit improvements proposed for Malden Station will all provide a worthwhile range of benefits.

Perhaps one of the most significant mitigation measures proposed by the proponents and supported in the Section 61 Finding is the project proponent’s commitment to participation and support of the Regional Working Group as part of the Sullivan Square / Rutherford Avenue Planning Process. The recommendations of the process may lead to identification of additional beneficial and necessary improvements for the area.

We look forward to monitoring the implementation of the mitigation measures and commitments cited in this Finding, and expect that their realization will provide benefits for a significant segment of the traveling public. Thank you for the opportunity to comment on this document.

Sincerely,



Richard A. Dimino  
President and CEO

cc: Secretary of Transportation Stephanie Pollack, MassDOT  
Chief of Streets Chris Osgood, City of Boston

6423/1 tcct6322



DEVAL L. PATRICK  
GOVERNOR  
TIMOTHY P. MURRAY  
LT. GOVERNOR  
JEFFREY B. MULLAN  
SECRETARY & CEO



January 22, 2010

The Honorable Ian A. Bowles, Secretary  
Executive Office of Energy and Environmental Affairs  
Attn: MEPA Office – Richard Bourre, Assistant Director  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: Urban Ring Phase 2, EOEEA #12565

Dear Secretary Bowles:

Thank you for your December 16, 2009 letter granting the Massachusetts Department of Transportation's (MassDOT's) request for an extension of the deadline for this letter. In the spirit of accountability, respect, and innovation that is a hallmark of the recently-launched MassDOT, this response will clearly state our capability and intent with respect to the Urban Ring Phase 2 project (the Project). Since the receipt of your letter, MassDOT has reached out to the impacted communities, the Urban Ring Citizens Advisory Committee (CAC), and other stakeholders who are involved in the Project. This letter reflects much of the input received as a result of those discussions.

MassDOT intends to proceed with aspects of the Project following a three-part strategy: (a) the implementation of bus rapid transit (BRT) service in high-value segments of the Urban Ring in a manner consistent with the recommendations of the November 2008 project proposal; (b) the pursuit of other BRT elements, such as the MBTA's ongoing Key Bus Routes initiative, as part of a coordinated strategy of achieving BRT levels of service on other routes in the corridor; and (c) continued planning, analysis, and civic engagement for the full Project as an integrated system. It will not surprise you, however, that given our current financial constraints and competing priorities, MassDOT cannot proceed with the implementation of the full Project at this time. These facts, when coupled with the detailed requirements of the MEPA process, require that I conclude that ongoing MEPA review is no longer appropriate for the Project at this time. Accordingly, this letter suspends any further MEPA review on the Project and withdraws the Project from the Special Review Procedure.

### Urban Ring Concept and Background

As you know, the concept of a circumferential rapid transit line in the Urban Ring corridor dates from at least as far back as the landmark Boston Transportation Planning Review of the early 1970s, when the Project was proposed as a means to increase the effectiveness of our entire transit system. It is a testament to its worthiness that the concept has endured over the last 40 years, and is continually pointed to by stakeholders and transportation advocates as an important project that has the potential to link dense neighborhoods, employment centers, and major educational and medical institutions with the existing MBTA radial transit system and with each other, while at the same time relieving congestion on the core of the transit system. Over time, the original concept has evolved into the Urban Ring circumferential transit system, which includes the Project.

[www.mass.gov/massdot](http://www.mass.gov/massdot)

We can also acknowledge that the Patrick Administration has made significant progress, and over the past three years has advanced the Project's planning, technical analysis, and stakeholder consensus to a point where a path to implementation can finally be seen. An alignment for this concept was proposed in a November, 2008 Revised Draft Environmental Impact Report/Draft Environmental Impact Statement (RDEIR/DEIS), and expanded upon in a June, 2009 Notice of Project Change (NPC) submitted to your office. While more work in this area is needed, significant consensus on important, discrete segments of the Project has been achieved.

Your November 6<sup>th</sup> letter asked that MassDOT clarify its intent with respect to the continued review by MEPA of the Project, and requested that MassDOT file an updated NPC not later than March 31, 2010. In preparing this response, we have taken time to carefully review the entire record, and we have met with the CAC (twice), the leaders of the "Compact Communities" of Boston, Cambridge, Brookline, Somerville, Everett and Chelsea (three times), the Federal Transit Administration, and with representatives from the Medical Academic and Scientific Community Organization, Inc. (MASCO), staff from A Better City (ABC), and representatives of business and institutional members of ABC.

### Current Status

As you noted in your letter, circumstances have changed in recent months. The Project was not included in the financially constrained long-range Regional Transportation Plan (RTP) that the Boston Region Metropolitan Planning Organization (MPO) recently released, and which the federal government has now approved. The RTP includes all transportation projects in the Boston Region that can be built with anticipated revenues between now and 2030, including a number of public transit expansion projects. We are pleased to now have an approved RTP for the region. Despite MassDOT's best efforts to accommodate at least some significant component of the Project, the Boston Region MPO was not able to include any portion of the Project in the document. The MPO did, however, signal its support for the Project by including it in a list of "Illustrative Projects" included in the RTP. Certainly, inclusion in the Illustrative Projects list demonstrates the Urban Ring's consistency with the Boston Region MPO's transportation planning principles. The Project is also consistent with Commonwealth transportation policy, which supports transit projects that are expected to have strong ridership and which promote sustainable development.

The status of the Project in the RTP can come as no surprise to anyone who is closely monitoring the pressures on the Commonwealth's transportation finances. Certainly, these pressures have been well documented in several reports issued over the past decade. These include the two reports of the non-partisan Transportation Finance Commission ([www.eot.state.ma.us/default.asp?pgid=content/tfc\\_contact&sid=contact](http://www.eot.state.ma.us/default.asp?pgid=content/tfc_contact&sid=contact)), and, most recently, in the "MBTA Review" report that was published on November 1, 2009 by David D'Alessandro and his team ([www.mbtareview.com/](http://www.mbtareview.com/)).

The so-called D'Alessandro report, prepared at the request and urging of Governor Patrick, provides a sobering update on the financial and physical state of the MBTA. It urges a high-level examination of safety and capital projects (a review that is now underway), a slowing of system expansion, and more oversight before any new MBTA debt obligations are undertaken. The conclusions of the report mandate that we focus on making significant progress on the MBTA's large backlog of "state of good repair" projects, estimated to cost nearly \$3 billion, and on stabilizing the operating deficit at the MBTA. MassDOT is committed to doing so.

### **Need to Continue to Move Forward**

Despite these challenges, MassDOT recognizes that continued transportation planning, civic engagement, and implementation of early action improvements within the Project corridor are essential for our transportation system. Too many people have worked too hard for too many years, the Project has too many potential benefits, and the needs are too great to simply put the Project on the shelf for another generation to dust off. Indeed, our analyses show that, if current trends are left unchecked, both the Green Line and the Red Line could be operating over capacity during the peak hour by the year 2030.

MassDOT is therefore committed to identifying and implementing BRT improvements or bus enhancements that provide valuable transit service and capacity within the corridor in the near term, and can be built in a way that is consistent with ultimate implementation of the Urban Ring vision. While the financial reality requires us to focus on near-term improvements, MassDOT is also committed to continue planning for the Urban Ring as a single, contiguous corridor and Project – a concept that has been strongly and unanimously endorsed by the Compact Communities and by the CAC. This planning is made all the more important given the Commonwealth's imminent purchase of important rail assets from CSX and the continued progress that MassDOT is making on the reconstruction of several of the vehicular bridges within the Charles River basin. Both of these investments have the potential to shape how we implement project-related improvements.

However, further meaningful environmental review of the high-cost elements of the Project as a whole is premature. Again, the Project is not in the Boston MPO list of projects anticipated to be built in the next 20 years, and the MBTA and the Commonwealth are facing the extreme financial challenges. We therefore cannot devote, and we cannot ask EOEEA to devote, scarce additional staff and financial resources to continual environmental review of a Project that is so far off in the horizon that meaningful assessment and evaluation of its environmental impacts are difficult, if not impossible, to fully ascertain.

For these reasons, this letter will confirm that MassDOT is suspending further MEPA review on the Project and is withdrawing the Project from the MEPA Special Review Procedure. Despite these actions, we acknowledge that the Project remains subject to MEPA jurisdiction. Because of the support we have for the concept and for the other reasons stated in this letter, MassDOT requests that MEPA and the Compact Communities consider the Project in their respective reviews of development in and around the Project area.

In addition, MassDOT intends to continue advancing the goals and specific elements of the Project according to the following plan:

1. With MEPA's consent, MassDOT will ask the members of the CAC to continue assisting us with planning for the improvements outlined in this letter specifically, and with the planning and implementation of transit improvements in the Project corridor more broadly. Assuming that they are willing to continue to serve, the CAC members will bring a deep understanding of the challenges and opportunities presented by transit investments in the corridor, and a demonstrated commitment to advocating for these investments. MassDOT plans to convene a meeting to develop a work plan for CAC participation and other civic engagement going forward.
2. Similarly, we intend to continue to work with the Compact Communities, both individually and as a group, on MassDOT initiatives within the Urban Ring corridor, including coordination on

preserving alignments for potential future transit improvements. MassDOT and its predecessors have had a long partnership with the Compact Communities on the Urban Ring, and MassDOT's expectation is that this relationship will continue. Given their jurisdiction over development and institutional master planning, the Compact Communities are best equipped to work with institutions and private developers to preserve right-of-way that may be required for eventual Project implementation. MassDOT will assist the Compact Communities in this effort, and, as noted above, we also urge your office to facilitate this through the MEPA process.

3. Consistent with the objectives of both the CAC and the Compact Communities, MassDOT recognizes that the Urban Ring is a concept that is worth preserving. Therefore, we intend to plan for it and conduct the public process for it as a single, integrated initiative. MassDOT will maintain a long-term project team for the Urban Ring, to be led by a designated Project Manager. Scott Hamwey in the Office of Transportation Planning has been assigned to this role. Even if the Project can only be accomplished over time, it is important to pursue discrete, worthy elements, each with their own independent utility and, to the extent required, subject to appropriate and necessary MEPA review in accordance with MEPA's guidelines and state law.
4. MassDOT will undertake planning that builds upon past Urban Ring analysis and current bus system initiatives (such as the Key Bus Route Initiative and the Silver Line Direct Connect service) in order to identify initiatives that will improve the efficiency and effectiveness of the MBTA's bus system within the corridor. By undertaking this strategy we will allow feasible early actions to move forward at as fast a rate as possible, and can avoid the slower rate of progress that may be necessary on other elements of the Project.
5. MassDOT will support Massport's design and construction of the East Boston Haul Road in a manner that supports BRT service. MassDOT will also work with Massport, the MBTA, the City of Boston, and the City of Chelsea to extend BRT service from Logan Airport and the Blue Line via the East Boston Haul Road to Chelsea as soon as possible, thereby providing early implementation of one of the Urban Ring's critical connections.
6. To the extent that our resources allow, MassDOT will support the advancement of other Urban Ring corridor BRT improvements aimed at increasing service in a similar manner, such as the City of Boston's Melnea Cass Boulevard project. Where appropriate, other elements of BRT service will be pursued on routes in the Project corridor, including signal prioritization, queue jump lanes, new and/or enhanced bus shelters, and improved customer information. Federal High Priority Project funds have been earmarked for some of these projects. MassDOT will submit notice to MEPA of advancement of Project elements, and will, at the appropriate times, work with MEPA with respect to whether any further environmental review is necessary, given the thresholds and impacts of the Project as a whole. MassDOT will also meet with the Compact Communities to establish a joint list of early actions by all state and municipal parties.
7. MassDOT will continue to engage with stakeholders and undertake coordinated planning on many of the longer-term, high-cost elements of the project, including, for example, the Fenway/LMA tunnel. The planning and conceptual engineering work completed on these Project elements is extensive; given the long-term nature of the implementation of these projects, any further engineering or design work would be of highly doubtful value. This fact, coupled with the extreme financial constraints we are facing, precludes any further expenditure on such engineering or design work at this time. We will, however, devote design and engineering

resources to issues that arise due to particular development concerns within the Project corridor as the need arises.

### **Conclusion**

The Urban Ring corridor continues to represent many of Greater Boston's greatest opportunities for economic growth, and is already home to several critical employment districts. As these areas continue to develop and in order for them to reach their full potential, improved access through public transportation must be advanced. Although MassDOT's current financial condition prevents it from building the Project in its entirety in the foreseeable future – and the MBTA's current financial condition makes it financially unable to operate it – should circumstances change, we are prepared to revisit this conclusion. Until such time as the environment for funding expansion projects improves, MassDOT will continue to focus on opportunities for making meaningful, achievable improvements in the Urban Ring corridor.

Thank you for your cooperation on this important project. We look forward to your response, and we will work with you and your staff to address any questions or issues that arise. If you have any questions, do not hesitate to contact me or David Mohler, Deputy Secretary for Planning, at 617-973-7844.

Sincerely,



Jeffrey B. Mullan  
Secretary and Chief Executive Officer

cc: Gregory Bialecki, Secretary, Housing and Economic Development  
William Mitchell, Acting Administrator  
David Mohler, Executive Director, Office of Transportation Planning  
Scott Hamwey, Office of Transportation Planning  
Urban Ring Citizens Advisory Committee Members





*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>

June 22, 2010

Secretary Jeffrey B. Mullan  
Massachusetts Department of Transportation  
10 Park Plaza  
Boston, MA 02116-3969

Re: Status of Urban Ring Phase 2 Project (EEA #12565)

Dear Secretary Mullan:

I am writing in response to your letter of January 22, 2010 regarding the current and future status of the Urban Ring Phase 2 project. In that letter, you stated that, due to financial constraints and competing priorities, review of the full Urban Ring project under the Massachusetts Environmental Policy Act (MEPA) is no longer appropriate at this time. As a result, your letter served as notice that MEPA review would be suspended and that MassDOT was withdrawing from the Special Review Procedure (SRP) that was established for the project.

Following receipt of your January 22 letter, I have also received correspondence from the Urban Ring Citizens Advisory Committee (CAC) concerning the status of this project under MEPA and members of my staff have met with their representatives. In addition, I understand that the Massachusetts Department of Transportation (MassDOT) has received similar inquiries from certain impacted communities concerning the treatment of the "locally preferred alternative" (LPA) that was previously identified during MEPA review in the context of other projects that may be proposed and reviewed under MEPA in the future. The purpose of this letter therefore is to address the questions that have been raised and to confirm my concurrence with the approach outlined in your January letter.

As outlined in your letter, MassDOT has elected to withdraw from the SRP and to suspend MEPA review of the Urban Ring project at this time. This action by MassDOT is understandable in light of the funding challenges outlined in your letter and is permissible under MEPA. The MEPA process allows project proponents to exercise their prerogative in determining whether to withdraw a project from environmental review. Moreover, I concur with MassDOT's assessment that continuing the review of this project which, according to the long-

range Regional Transportation Plan adopted by the Boston Region Metropolitan Planning Organization, is not slated for construction within the next twenty years makes meaningful environmental impact review difficult to achieve. Although MEPA review serves a useful purpose as a planning exercise, the detailed review of a project and whether it will meet current environmental permitting standards should take place within relative proximity to the time the project will be constructed. I therefore concur with MassDOT's decision to suspend MEPA review and the SRP at this time.

However, as you state in your letter, too many people have worked hard for many years and the project itself has too many potential benefits to simply place it on the shelf for the foreseeable future. In acknowledgement of these efforts, and the fact that consensus has been reached with stakeholders, including the Compact Communities and institutional members of the CAC on a preferred alignment for most of the proposed Urban Ring corridor, it is important to note that MassDOT is not formally withdrawing the project from MEPA review, but rather suspending review at this time. This distinction is critical in that it will allow MassDOT to restart the MEPA process where it left off at some future date when state funding resources permit it to move forward.


Your letter indicates that MassDOT intends to proceed with some aspects of the project, including the implementation of bus rapid transit (BRT) service in some segments of the designated Urban Ring corridor, achievement of BRT levels of service in other segments of the corridor, and continued planning, analysis and public engagement for the full project. I am heartened to hear that these efforts will proceed, especially in light of the Commonwealth's imminent purchase of important rail assets from CSX and the continued progress on the reconstruction of bridges in the Charles River Basin which, while important in and of themselves in the near term, are critical to the long-term implementation of the Urban Ring.

While I agree that detailed environmental impact review of the project as a whole under MEPA is premature, I strongly encourage MassDOT to continue to work with stakeholders to advance meaningful and achievable near-term improvements in the Urban Ring corridor, as outlined in your letter. It is possible that some of these improvements may require review under MEPA and, in each case, MassDOT should consult with the MEPA Office to ascertain whether such review would be required. I anticipate that if review is required, it can be accommodated by way of a Notice of Project Change (NPC) provided that the proposed improvements do not exceed thresholds requiring a mandatory Environmental Impact Report (EIR). However, it is possible that some discrete improvements may not require any MEPA review at all if they do not exceed thresholds requiring the submission of an Environmental Notification Form (ENF) and if they have independent utility-- in other words if they can be implemented as a stand-alone project. In that case I will still require submission of a Request for an Advisory Opinion to describe the proposed work and its relationship to the project, which I will publish for public review in the Environmental Monitor. While recognizing that it is important to facilitate early advancements of portions of this project or related service improvements as much as possible, it is imperative that the public be well-informed of all future developments related to the project and I encourage MassDOT to continue the significant outreach efforts it has conducted to date when these early action items are eventually put forward.

I also strongly urge the Compact Communities to make every effort to ensure that implementation of the project is not precluded within the alignment of the Locally Preferred Alternative (LPA), as it was identified in the Revised Draft EIR reviewed under MEPA by either public or private development projects. To the extent that unrelated development projects subject to review under MEPA propose work within or adjacent to those portions of the LPA that were identified in the Revised Draft Environmental Impact report (RDEIR), I believe that impacts to the Urban Ring project alignment should be fully disclosed by project proponents in their MEPA submissions. The MEPA Office will work with MassDOT and the Compact Communities to require disclosure and review of any impacts to the Urban Ring alignment that are proposed by other projects in the future. However, as the entities with direct authority over land use decisions within their boundaries, it is imperative that the Compact Communities also work to preserve the corridor for future implementation of the Urban Ring. As noted in your letter, the Compact Communities are best equipped to work proactively with institutions and private developers to avoid any potential conflicts between their development plans and the proposed Urban Ring alignment, particularly since not every project proposed in the Urban Ring corridor will necessarily require MEPA review.

Additionally, I realize that in some areas—the Longwood Medical Area, most notably—a LPA was not identified, and I acknowledge that preservation of the alignment alternatives may be challenging under those circumstances. Therefore, I strongly encourage MassDOT to continue to work with the CAC to make information available to project proponents that will highlight the potential for impact to the Urban Ring alignment in these areas so that all parties will be able to incorporate this information into their planning efforts.

Finally, I acknowledge your invitation to the members of the CAC to continue assisting MassDOT in its planning and implementation efforts for this project beyond the requirements of MEPA. I commend MassDOT for this commitment to public stakeholder engagement and I thank the members of the CAC for their service to this important project for the Commonwealth.

Sincerely,  
  
Ian A. Bowles  
Secretary

Cc: Thomas J. Nally, Chair of the Urban Ring Citizens Advisory Committee