



U.S. Department of Transportation  
**Federal Railroad Administration**

**Record of Decision:  
NEC FUTURE  
A Rail Investment Plan for the  
Northeast Corridor  
Washington, D.C., to Boston, Massachusetts  
July 2017**

**APPENDIX A: FEEDBACK SUBMISSIONS AND RESPONSES**

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**ATTACHMENT 1 – SUMMARY OF ELECTED OFFICIAL, AGENCY, AND RAILROAD OPERATOR FEEDBACK**

The following supplemental information is provided at [www.necfuture.com](http://www.necfuture.com):

**ATTACHMENT 2 – INDEX OF FEEDBACK RECEIVED ON THE TIER 1 FINAL EIS**

**ATTACHMENT 3 – FEEDBACK RECEIVED ON THE TIER 1 FINAL EIS**

## Acronyms

CAA.....	Connecticut Airport Authority
CEQ.....	Council on Environmental Quality
CRMC .....	Coast Resources Management Council
CZMA.....	Coastal Zone Management Act
DNR .....	Department of Natural Resources
DOI .....	(U.S.) Department of the Interior
DOT .....	Department of Transportation
DVRPC .....	Delaware Regional Planning Commission
EIS .....	environmental impact statement
EPA .....	(U.S.) Environmental Protection Agency
FAST Act .....	Fixing America’s Surface Transportation Act
FRA .....	Federal Railroad Administration
FTA .....	Federal Transit Administration
FWS .....	(U.S.) Fish & Wildlife Service
GIS.....	Geographic Information System
HPO .....	Historic Preservation Office
MPO .....	metropolitan planning organization
MSA.....	Metropolitan Statistical Area
NEC.....	Northeast Corridor
NEPA .....	National Environmental Policy Act
NHL.....	National Historic Landmark
NJDEP .....	New Jersey Department of Environmental Protection
NPS.....	National Park Service
NRTC .....	Newark Regional Transportation Center
NSRL .....	North/South Rail Link
RIHPHC.....	Rhode Island Historical Preservation and Heritage Commission
ROD .....	Record of Decision
SCCOG .....	Southeastern Connecticut Council of Governments
SDP .....	Service Development Plan
SHPO .....	State Historic Preservation Officers
U.S. DOT .....	U.S. Department of Transportation
WestCOG.....	Western Connecticut Council of Governments
WILMAPCO.....	Wilmington Area Planning Council



# 1. Introduction

This report summarizes feedback received from agencies, elected officials, stakeholders, and the public during the waiting period between publication of the NEC FUTURE Tier 1 Final Environmental Impact Statement (EIS) and issuance of the Tier 1 Record of Decision (ROD). The feedback is summarized on a topical basis. For each topic, this report provides a high-level summary of the feedback, and then provides the Federal Railroad Administration’s (FRA) response to the feedback received.<sup>1</sup>

## 1.1 OPPORTUNITY TO SUBMIT FEEDBACK ON THE TIER 1 FINAL EIS

While the National Environmental Policy Act (NEPA) and the Council on Environmental Quality’s Regulations for Implementing NEPA (40 C.F.R. Parts 1500-1508) do not require federal agencies to hold a public comment period for a Final EIS, the FRA committed to accept any feedback received during the waiting period between release of the Tier 1 Final EIS on December 16, 2016, noticed in the *Federal Register* on December 23, 2016, and issuance of the ROD. At the time the Tier 1 Final EIS was issued, the FRA announced that the waiting period would extend until January 31, 2017, allowing for more than the 30-day waiting period required by the Council on Environmental Quality (CEQ) regulations (40 C.F.R. § 1506.10(b)(2)). In light of the volume of feedback, and in response to inquiries received during the waiting period, on January 24, 2017, the FRA announced via updates to the NEC FUTURE program website that the ROD would be issued no earlier than March 1, 2017, and that the FRA would continue accepting feedback on the Tier 1 Final EIS as long as was practicable before ROD finalization and release.

## 1.2 CONSIDERATION OF FEEDBACK RECEIVED ON THE TIER 1 FINAL EIS

Between the release of the Tier 1 Final EIS and issuance of this ROD, the FRA received submissions from more than 1,300 individuals, agencies, and organizations. In issuing this ROD and identifying the Selected Alternative, the FRA considered feedback on the Tier 1 Final EIS received through May 12, 2017, in addition to the comments previously received on the Tier 1 Draft EIS. In addition, any feedback submitted on or before May 12, 2017, has been included in the ROD and is included in Attachment 2, Index of Feedback Received on the Tier 1 Final EIS, and Attachment 3, Feedback Received on the Tier 1 Final EIS.

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<sup>1</sup> This ROD considers all feedback received during the waiting period (December 16, 2016 – May 12, 2017). Appendix A was updated on July 17, 2017, to include submissions inadvertently omitted from the version of Appendix A released on July 12, 2017.

### 1.3 ORGANIZATION OF THIS REPORT

The main body of this report summarizes the feedback received from individuals, organizations, local governments, federal and state agencies, elected officials, and railroad operators on the Tier 1 Final EIS on a topic-by-topic basis. These topics reflect the broad themes raised in the feedback. Within a given topic, the summary provides examples illustrating feedback associated with that theme. Following the summary of the feedback on a topic, the FRA response is provided. While the waiting period was not a formal comment period, for purposes of this report, the feedback is referred to as comments and those providing comments are identified as commenters.

This report is not intended to address each individual issue or concern raised in the feedback received. Rather, it summarizes the feedback received on the Tier 1 Final EIS and explains how that feedback was considered by the FRA in reaching the decision in the Tier 1 ROD.

**Attachment 1** to this report highlights the feedback received from individual federal, tribal government, state, and regional officials, and from railroad operators in the corridor, by specifically summarizing those comments. This feedback also is summarized on a topical basis in the main body of this report. The FRA's responses to this feedback are provided as part of the responses in the main body of this report.

**Attachment 2** includes an index of feedback submissions received. Attachment 2 is available at [www.necfuture.com](http://www.necfuture.com).

**Attachment 3** includes feedback submissions received. Attachment 3 is available at [www.necfuture.com](http://www.necfuture.com).



## 2. Feedback on the Grow Vision for the NEC

The FRA received many comments that addressed the Grow Vision for the NEC, which includes both improvements to the existing NEC, such as curve modifications and chokepoint relief projects, as well as new track, new segments, and station improvements that will add capacity needed to accommodate future growth in passenger rail travel.

Many commenters expressed general support for the concept of improving rail service and performance on the NEC, and many noted that the NEC is an important part of the transportation system and is a key driver for economic growth in the region. Additionally, many commenters stated support for one or more of the goals reflected in the Purpose and Need statement for NEC FUTURE (upgrading aging infrastructure, improving reliability, capacity, connectivity, performance, and resiliency of passenger rail service, and promoting environmental sustainability and economic growth). In particular, stakeholder railroads and the NEC states emphasized the importance of making the near-term improvements necessary to bring the NEC to a state of good repair.

However, commenters diverged with regard to the priorities reflected in the Grow Vision. Many commenters strongly urged the FRA adopt an investment plan focused primarily on improving the existing NEC to a state of good repair, without making decisions on how to add capacity. Other commenters advocated that the FRA should adopt a plan with more extensive improvements that would achieve even greater improvements in passenger rail service with faster speeds and more markets served, potentially including a full “second spine.” Finally, some commenters were concerned that the Preferred Alternative was too prescriptive in specifying the types of improvements needed to achieve the Grow Vision. These comments are summarized in greater detail below.

### 2.1 FOCUS OF IMPROVEMENTS

#### 2.1.1 Summary of Feedback

**Commenters Advocating a Focus on Improving the Existing NEC.** Many commenters, especially in Connecticut and Rhode Island, stated that improving the existing NEC infrastructure should be the top priority, rather than adding new capacity outside of the existing right-of-way:

- ▶ Some comments stated that, while new capacity may be needed in the long term, priority should be given to improving the existing NEC rail line.
- ▶ Commenters often emphasized the need to provide additional funding for improvements to the existing NEC.

- ▶ Some commenters expressed concern that constructing new segments in addition to the existing NEC would relocate service to a different location away from existing NEC stations.
- ▶ Some commenters questioned the need for faster passenger rail service, questioning whether the time savings were warranted by the impacts and the cost. Many of these commenters stated that the potential time savings on trips between New York City and Boston would not significantly alter transportation options and are not worth the cost of the project.
- ▶ Some commenters recommended prioritizing lower fares and more frequent service, rather than reducing trip times. For example, one commenter stated that increasing convenience and affordability is more important than increasing average speeds through new infrastructure and changes in route alignment. The commenter stated that passenger rail service on the NEC should maximize ridership from mid-market riders who presently travel by car or bus instead of focusing on high-paying customers and competition with air travel.
- ▶ Some commenters suggested that the Selected Alternative in the ROD explicitly include implementation of the projects identified in the lists of “No Action Alternative” projects and “Universal First Phase projects” in the Tier 1 Draft EIS, in order to expedite implementation of high-priority and near-term improvements on the NEC.

**Commenters Advocating for More Extensive Improvements.** Some commenters urged the FRA to adopt or include an option for adoption of a larger set of improvements, with high-speed service and/or expansion of the NEC to better serve additional markets:

- ▶ One commenter stated that the Preferred Alternative provides insufficient infrastructure to meet the service frequencies and travel times proposed in the Tier 1 Final EIS and also that the Preferred Alternative would require several additional curve modifications and additional infrastructure improvements in order to achieve proposed travel time given the level of service and capacity constraints.
- ▶ One commenter expressed concern that the Preferred Alternative includes insufficient infrastructure to maintain operations on the NEC during construction.
- ▶ Some commenters stated that the Selected Alternative should include greater investment to achieve a high-speed system serving additional markets. These commenters stated that the Preferred Alternative is insufficient to meet the corridor’s needs.
- ▶ One commenter recommended that the FRA recognize uncertainties regarding the need for additional rail capacity at certain locations along the NEC and the need to create flexibility in the ROD to accommodate the uncertainty and potential need in the future for larger improvements.
- ▶ One commenter stated concern that the Tier 1 decision could be construed to preclude a “full second HSR spine” that extends the length of the NEC.

In addition, one commenter (on behalf of the City of New York) stated that the City continues to support consideration of “future options for transformative new alignments in the Northeast” but also believes that the “grow” concept embodied in the Preferred Alternative represents a solid investment strategy for the 2040 time horizon.

**2.1.2 FRA Response**

In addition to considering the views of stakeholders and users of the NEC, the FRA developed the Selected Alternative to be responsive to the Purpose and Need of the NEC FUTURE program. The purpose of NEC FUTURE includes the following: to upgrade aging infrastructure and to improve reliability, capacity, connectivity, performance (including travel frequency, travel times, and fare options), and resiliency of future passenger rail service on the NEC; the overall needs addressed by NEC FUTURE include aging infrastructure, insufficient capacity, compromised performance, and lack of resiliency. The FRA also wanted to achieve the goals of meeting market demand and expanding services to new markets as part of their consideration of a broader set of policy objectives to ensure that the Selected Alternative would be consistent with and supportive of U.S. Department of Transportation (U.S. DOT) and FRA policy goals.

Thus, in identifying the Selected Alternative, the FRA sought to balance the need to improve the infrastructure and service to markets on the existing NEC, with the goals of growing rail market share, improving performance, and extending the NEC to reach new markets.

The Selected Alternative achieves the commitment to the existing NEC by:

- ◆ Including corridor-wide repair, replacement, and rehabilitation of the existing NEC to bring the corridor into a state of good repair and increase reliability, as described in Section 3.3 of the ROD.
- ◆ Including several ongoing projects that advance efforts to repair, rehabilitate, replace or otherwise modernize infrastructure on the NEC. These projects were included either as part of the No Action Alternative or as Related Projects, as described in Section 3.3 of the ROD. These projects are foundational to the Selected Alternative and necessary to achieve the Grow Vision and can advance independent of and concurrent with the infrastructure elements included in the Selected Alternative.

The Selected Alternative also establishes service and performance objectives and approves infrastructure elements to achieve those objectives:

- ◆ Supporting passenger convenience and travel options by integrating and coordinating various NEC rail services. With the Selected Alternative, the FRA is encouraging the rail operators to adopt enhanced service concepts that more efficiently use existing and planned infrastructure, as described in Section 3.2.2 of the ROD.

- ◆ Including new segments capable of high-speed operations that reduce travel time and increase capacity. Specifically, the Selected Alternative reduces travel time between major markets on the NEC, some by 20 to 30 percent, and includes sufficient capacity to generally double Regional rail service across the NEC and expand Intercity service up to five times as many trains as today.

Therefore, the Selected Alternative establishes a plan for improved rail service that includes investment in the repair, replacement, rehabilitation of the NEC to bring it to a state of good repair, as well as cost-effective proposals to expand service and improve performance.

In terms of the FRA's consideration of infrastructure necessary for achieving the objectives of the Selected Alternative, the FRA used representative service plans and leaves decisions about the exact type and location of infrastructure required to future Tier 2 project studies by project proponents in cooperation with the FRA, other federal agencies as appropriate, and the NEC Commission.

The Selected Alternative does not restrict stakeholders from developing Tier 2 projects that expand capacity or improve service in excess of the level targeted for the Grow Vision, if additional capacity or service is needed and the improvements are consistent with the Selected Alternative. For example, while the Selected Alternative includes the addition of two tracks under the Hudson River, facilitating a doubling of Regional rail service to and from New York City, the ROD does not prohibit consideration of even more tracks if required to implement the Selected Alternative.

Although the Selected Alternative does not include a full second spine for high-speed rail, it includes over 150 miles of new segments that provide capacity and speed enhancements similar to a second spine. The Selected Alternative is not prescriptive about the phasing or sequencing of these or other infrastructure elements, and as such provides flexibility for the timing within which stakeholders advance portions of a second spine.

The FRA considered a full second spine in Alternative 3. In its analysis of travel demand and cost, the FRA found (a) that the cost of a full second spine was high relative to the travel-time savings and other benefits, and (b) that much of the benefits of a full second spine could be achieved at lower cost with the new segments and terminal and chokepoint relief projects incorporated into the Selected Alternative. Nonetheless, while the NEC FUTURE analysis did not demonstrate the need for a second spine, in future decades there may be heightened need for additional capacity and performance improvement that could justify adding additional segments of a second spine to the existing rail network.

## 2.2 CONCERN ABOUT THE ROD BEING TOO PRESCRIPTIVE

### 2.2.1 Summary of Feedback

Some commenters stated concerns that the Selected Alternative should not be overly prescriptive in approving infrastructure and service and performance objectives:

- ▶ One commenter stated concern that the Tier 1 decision may be too prescriptive (by specifying a construction type as part of a commitment).
- ▶ Some comments recommended that the FRA not include service and performance targets for the NEC in the Tier 1 ROD. These commenters stated that such decisions require prior consultation and agreement with all operators and owners of the railroad.
- ▶ Some commenters stated concerns that the ROD should focus on “overall NEC trip time benefits” when defining service goals for the NEC.
- ▶ Some comments stated that the Selected Alternative should not include Representative Routes for where off-corridor improvements were needed.
- ▶ One commenter stressed the importance and need to protect rail operators’ ability to maintain service to current customers and to make investments in their service to be more reliable, resilient, safe and secure.
- ▶ One commenter expressed concern that the Tier 1 Final EIS did not maximize profits for Intercity operations; in particular, that the Metropolitan service concept in the Preferred Alternative did not maximize revenue and supplants Amtrak’s current *Northeast Regional* service.

### 2.2.2 FRA Response

In approving the Selected Alternative, the FRA adopts an investment plan for the NEC. The FRA does not compel individual NEC states or railroad operators to make improvements to the NEC, but has set long-term objectives for investments that will achieve the Selected Alternative. The Selected Alternative’s service and performance objectives are intended to guide investment decisions, but the FRA understands that achieving these targets will take time and will be met through phases of investment over decades. Not every infrastructure project will meet the service and performance objectives independently, as investments will be constrained by geographic, operational, financial, and other resource constraints. NEC FUTURE’s incremental implementation approach allows stakeholders to prioritize immediate, critical needs along the NEC and to continue to plan for future investment in those areas where needs are less immediate or where there is need for further study.

Also, the Selected Alternative does not restrict stakeholders from expanding capacity or improving service in excess of the level targeted for the Grow Vision if additional capacity or service is needed and the improvement is consistent with the Selected Alternative.

The Selected Alternative does not include Representative Routes; however, the Selected Alternative approves infrastructure elements as presented in the Preferred Alternative to achieve a corridor-wide Grow Vision only between Washington, D.C., and New Haven, CT, and between Providence, RI, and Boston, MA. Within these portions of the corridor, the specifics of each infrastructure element (i.e., location, construction type, design elements, mitigation measures) will be determined as part of Tier 2 project studies.

In developing the Intercity passenger rail service types in NEC FUTURE, the FRA analyzed market demand for both premium and non-premium Intercity rail services. Technical analysis of these markets, informed by NEC FUTURE's travel demand survey data, indicated strong demand for each type of service. The premium market was represented by the Intercity-Express service type, and the non-premium market was represented by the Metropolitan service type in NEC FUTURE. The FRA combined Metropolitan service with another service type, Intercity-Corridor trains, to provide one-seat ride basic service on the NEC and connecting corridors. The Metropolitan service concept is thus one example of an improved Intercity service analyzed in NEC FUTURE, which could fill a similar role as Amtrak's current *Northeast Regional* service, but with important differences. The Metropolitan service concept envisions using high-performance train equipment that enables the operator to expand the Intercity market by conveniently linking Intercity and Regional rail services, and by serving additional Regional rail stations with trip times the same as or faster than today's service. The Metropolitan service concept also expands frequencies and operates with a repeating, regular clockface schedule throughout the day. The greater seating capacity of the train cars as well as the additional frequencies can enable the operator to offer greater convenience with unreserved seating that allows passengers to arrive at a station and catch the next train without having to pre-book and may allow for lower fares compared to current services. The FRA's analysis of the Metropolitan service concept shows that it would not require an operating subsidy.

The FRA believes that implementation of the Selected Alternative requires improvements to both the premium and non-premium Intercity passenger rail markets. Service improvements for the non-premium market could take the form of implementation of some or all of the features that define the Metropolitan service concept, but this is not prescriptive. Additionally, while NEC FUTURE's technical analysis indicated that the overall Metropolitan service concept demonstrated financial viability and promising ridership, careful additional analysis of market feasibility, revenue potential, and costs would be necessary prior to implementation of any individual Metropolitan feature or suite of features.

### **3. Feedback on Analysis in the Tier 1 Final EIS**

The FRA received a range of comments relating to the adequacy of the analysis in the Tier 1 Final EIS. These comments addressed issues such as the range of alternatives considered, assumptions used in ridership analyses, the level of detail provided for assessing environmental impacts, discussion of impacts on specific resources, and discussion of compliance with environmental statutes. Many of these comments related to potential impacts of a new segment proposed between Old Saybrook, CT, and Kenyon, RI. The Selected Alternative calls for the states of Connecticut and Rhode Island, in cooperation with the FRA, to complete a New Haven to Providence Capacity Planning Study to identify on- and off-corridor infrastructure elements required to meet the long-term service and performance objectives of the Selected Alternative. For additional information regarding that segment, refer to Section 6 of this Appendix.

#### **3.1 NO ACTION ALTERNATIVE**

##### **3.1.1 Summary of Feedback**

Some commenters questioned the definition of the No Action Alternative, stating that the No Action Alternative as defined in Tier 1 Final EIS falls short of NEPA requirements because it fails to include any highway projects in Connecticut or Rhode Island, while including many in other states.

##### **3.1.2 FRA Response**

The definition of the No Action Alternative was based on a methodology that considered planned improvements and related service changes reasonably expected to be implemented by 2040, for which sufficient progress toward implementation and funding has been made or is expected (see the Tier 1 Final EIS, Volume II, Appendix B, No Action Alternative Report). The FRA obtained information about highway projects from available state and regional planning documents. For additional information on the development of the No Action Alternative, see the Tier 1 Final EIS, Volume II, Appendix B.

#### **3.2 RANGE OF ALTERNATIVES**

##### **3.2.1 Summary of Feedback**

Several commenters suggested additional or more-detailed consideration of alternatives for inland routes connecting New York City or New Haven to Boston. For example, one commenter suggested considering a “direct route” from Middletown, CT, to Franklin, MA, as part of a connection from New York City to Boston. The commenter suggested that the goal should be to provide the fastest possible trip from New York City to Boston.

Some commenters also suggested a more-detailed comparison of alternatives offering comparison of alternative infrastructure elements—for example, breaking out the comparison of shoreline vs. inland routes for connecting New Haven to Providence—rather than the end-to-end alternative comparison that was prepared as part of the Tier 1 EIS analysis.

### **3.2.2 FRA Response**

Through NEC FUTURE, the FRA focused on corridor-wide solutions and not making decisions about final locations of new or expanded infrastructure or alignments in the Tier 1 ROD. Such decisions will be made as part of the Tier 2 project studies, which would include appropriate local stakeholder and public involvement.

The FRA's development of the NEC FUTURE investment program began in 2012 with nearly 100 initial alternatives for improving the NEC. These alternatives were consolidated to 15 Preliminary Alternatives that reflected a full spectrum of possibilities for the NEC. After extensive analysis and public dialogue on the Preliminary Alternatives, the FRA developed a No Action Alternative and three Action Alternatives for evaluation in the Tier 1 Draft EIS. Based on the evaluation presented in the Tier 1 Draft EIS, public comments received, and the U.S. DOT and FRA policy objectives, the FRA identified a Preferred Alternative described in the Tier 1 Final EIS, Volume 1, Chapter 4. Based on the feedback received on the Tier 1 Final EIS, the evaluation of alternatives presented in the Tier 1 Final EIS, and U.S. DOT and FRA policy objectives, the FRA has identified the Selected Alternative in the ROD.

The FRA recognizes the need for additional study to identify infrastructure elements between New Haven, CT, and Providence, RI. Between New Haven and Providence, the FRA found a fundamental need to expand capacity, improve performance, and increase resiliency, including some sections of new right-of-way. Due to physical constraints in the geography of the area, expanding largely within or along the existing NEC right-of-way is not possible and does not meet the NEC FUTURE Purpose and Need. Comments received during the Tier 1 Draft EIS comment period and feedback received on the Tier 1 Final EIS indicate that there is broad public concern regarding the impacts associated with the Old Saybrook to Kenyon new segment included in the Preferred Alternative. At this time, there is no consensus regarding the appropriate railroad infrastructure elements in this area. Accordingly, the Selected Alternative includes the requirement for a capacity planning study (the New Haven to Providence Capacity Planning Study) that will identify on- and off-corridor infrastructure elements necessary to achieve the Selected Alternative's service and performance objectives between New Haven to Providence (see the Record of Decision, Section 3.5). The New Haven to Providence Capacity Planning Study will encompass the geographic area within the following limits: along the Hartford/Springfield Line from New Haven to Hartford, from Hartford to Providence, and along the existing NEC from New Haven to Providence.



### 3.3 LEVEL OF DETAIL IN THE TIER 1 FINAL EIS

#### 3.3.1 Summary of Feedback

Several commenters, including some agency commenters, stated that the overall level of detail provided in the Tier 1 Final EIS was appropriate for a Tier 1 study. These commenters also noted that Tier 2 analyses will include more-detailed study of specific resources, and expressed an interest in continued coordination with the FRA in Tier 2 project studies.

Other comments expressed concerns with the level of detail provided in the Tier 1 Final EIS, particularly in areas of Connecticut and Rhode Island where new segments were included in the Preferred Alternative. These commenters stated that a more-detailed assessment was needed before a decision could be made on these new segments. Some of these commenters objected to relying upon “readily available” information as the basis for Tier 1 decision-making, rather than conducting fieldwork or other additional data collection.

Several commenters also expressed concern with the mapping provided in the Tier 1 Final EIS, including the following:

- ▶ Concern that mapping was not clear enough, was too small of a scale to be legible, or the scale of mapping precludes an understanding of proposed improvements
- ▶ Concern that mapping should have shown protected land in private, non-profit, and municipal ownership
- ▶ Critique that the NEC FUTURE Geographic Information System (GIS) database should have been provided to the public

#### 3.3.2 FRA Response

Under NEPA, there are various levels of environmental review that can be undertaken by an agency. NEPA provides the flexibility to assess projects in a staged approach known as tiering. Tiering addresses broad programs and issues in an initial (Tier 1) or programmatic level analysis, and analyzes site-specific, project-level (Tier 2) proposals and impacts in subsequent studies. The FRA determined a Tier 1 EIS was the appropriate level of NEPA documentation for NEC FUTURE due to the nature of the decision to be made, the complexity of the NEC, and the multi-jurisdictional nature of the passenger rail operations. This ROD documents the FRA’s decision on a Selected Alternative. The ROD serves as the closure of the Tier 1 NEPA process.

Consistent with a Tier 1 level of detail, the FRA obtained and analyzed readily available public data in 2012 for the latest year in which a complete year of data was available and did not conduct fieldwork. For consistency, the FRA focused on federal and state data, as data from local and private sources was found to be inconsistent in terms of availability and

type. The FRA used this data to develop the Mapping Atlas supporting the Tier 1 Final EIS. Federally and state-owned parks and other protected lands were included in the data used for Tier 1 Final EIS, but the data sources available to the FRA did not include records of local (e.g., town and city) parks and public or private land trusts. Tier 2 project studies will include additional data collection and field work, as is typical for project-level NEPA analysis. This more-detailed information will identify site-specific opportunities and constraints, which will inform location, design, and construction methods. Site-specific resource effects and mitigation will also be identified during Tier 2 project studies.

The FRA recognizes the need for additional study to identify infrastructure elements between New Haven, CT, and Providence, RI. Between New Haven and Providence, the FRA found a fundamental need to expand capacity, improve performance, and increase resiliency, including some sections of new right-of-way. Due to physical constraints in the geography of the area, expanding largely within or along the existing NEC right-of-way is not possible and does not meet the NEC FUTURE Purpose and Need. Comments received during the Tier 1 Draft EIS comment period and feedback received following issuance of the Tier 1 Final EIS indicate that there is broad public concern regarding the impacts associated with the Old Saybrook to Kenyon new segment included in the Preferred Alternative. At this time, there is no consensus regarding the appropriate railroad infrastructure elements in this area. Accordingly, the Selected Alternative includes the requirement for a capacity planning study (the New Haven to Providence Capacity Planning Study) that will identify on- and off-corridor infrastructure elements necessary to achieve the Selected Alternative's service and performance objectives between New Haven, CT and Providence, RI (see the Record of Decision, Section 3.5).

The FRA compiled environmental, transportation, and socio-economic data from federal agencies, state agencies, and railroad operators to use as the basis for a corridor-level analysis in the NEC FUTURE Tier 1 EIS. Once obtained, the FRA compiled and normalized the data to ensure it was appropriate for a Tier 1 level of analysis, and was consistent throughout the Study Area. Based on this compilation of data, the FRA developed an internal GIS database. The NEC FUTURE team used this GIS database to evaluate impacts of Representative Routes for the Tier 1 EIS alternatives. The FRA has provided mapping atlases that depict the resource information contained within the GIS database and used in the Tier 1 EIS analyses, and that also depict the Representative Routes of the Tier 1 Draft EIS Alternatives and Preferred Alternative. Appendix AA from the Tier 1 Final EIS (Mapping Atlas) provides a visual representation of the Preferred Alternative and the evaluated resource, and Appendix A from the Tier 1 Draft EIS provides the Mapping Atlas that depicts the Action Alternatives and the evaluated resources. The FRA has not made this GIS database available to the public because the GIS database includes sensitive data, because

of the representative nature of the data included in the database, and because the resource information used in the Tier 1 EIS analyses is available in the Mapping Atlases.

### 3.4 RIDERSHIP FORECASTS

#### 3.4.1 Summary of Feedback

Several commenters raised questions or concerns regarding the assumptions and methods used in the ridership forecasts in the Tier 1 Final EIS. These comments expressed concerns about the Tier 1 Final EIS ridership modeling, including the following:

- ▶ Concern that the ridership model substantially understates the benefits of providing higher speed rail service on the NEC
- ▶ Concern that the ridership modeling did not adequately consider benefits of reducing highway congestion
- ▶ Concern that the Tier 1 Final EIS overstates ridership numbers by including anyone who uses any portion of the line, and shows time savings that are minuscule
- ▶ Concern that ridership will not increase appreciably as a result of this plan
- ▶ Concern that ridership is growing more slowly than population growth in Northeast

#### 3.4.2 FRA Response

One of the key goals of NEC FUTURE, as articulated in the Purpose and Need, is to improve the NEC by providing sufficient capacity to accommodate future ridership demand from growth in regional population and employment. The NEC FUTURE ridership and revenue forecasting included two major components to address the full scope of travel markets relevant to the NEC: a new Interregional Model (which addressed travel *between* major regions in the NEC) and existing regional models (which addressed travel *within* major regions in the NEC).

The primary drivers impacting Intercity ridership results include 1) total demand of all modes (including demographic forecasts and induced demand assumptions based on rail service improvements), and 2) mode choice (incorporated through use of the NEC FUTURE Household Survey, travel time, travel cost, and frequency sensitivity). The Tier 1 Draft EIS alternatives considered provided a range of service frequencies and travel times between city-pairs. The variations in these characteristics allowed the FRA to model and evaluate market sensitivity to changes in service and the relative attractiveness of various service types.

Based on comments received from stakeholders regarding the interregional ridership forecasts in the Tier 1 Draft EIS, and in particular their reasonableness in forecasting

ridership with “transformational” change in passenger rail, the FRA conducted a benchmarking exercise comparing the NEC FUTURE Interregional Model to other intercity high-speed passenger rail forecasts within the U.S. and Europe. The findings of this benchmarking are summarized in Volume 1, Chapter 5, and detailed in Appendix BB of the Tier 1 Final EIS.

As a result of the FRA’s model review after the Tier 1 Draft EIS, and in collaboration with stakeholders, adjustments were made to the Interregional Model and updated forecasts for the Action Alternatives are presented in Volume 1, Appendix BB of the Tier 1 Final EIS. The revised ridership estimates did not change the relative attractiveness of the Action Alternatives when compared to the No Action Alternative and did not change the FRA's evaluation of the Action Alternatives and decision-making about a Preferred Alternative. In light of the concerns noted, service planning was reassessed. That reassessment confirmed the relative benefits of the Action Alternatives when compared to the No Action Alternative did not change the overall Tier 1 Draft EIS findings.

Based on the data from the NEC FUTURE Household Survey, people considering Intercity travel were most responsive to changes in rail service frequency and improved connectivity between stations; travel time was an important factor but did not influence mode choice to the same extent as frequency and connectivity. The NEC FUTURE Household Survey found a broad sensitivity to cost and therefore the ridership model reflects this sensitivity to travel cost in many market segments, particularly those with competing intercity bus service. In these markets, NEC FUTURE Household Survey data indicated large market segments with strong preferences for lower costs relative to shorter trip times. The Interregional Model reflected these preferences in its mode selection function, with mode choice for a substantial segment of the market correlating strongly to the cost of the modes, with Regional rail and Metropolitan services being the most preferred, next Auto, then Intercity Bus, Intercity-Corridor, and finally Intercity-Express. Another market segment focused on business travel was found to be more responsive to shorter trip times and less cost sensitive. The FRA found that offering a frequent, lower fare travel option expanded overall ridership more than further reductions in trip times. The FRA conducted sensitivity tests to understand the change in ridership with changes in fares to identify a reasonable assumption for the Tier 1 level of analysis. The FRA did not attempt to optimize revenue in the analysis but did require that operating costs were covered with revenues for Intercity services. Additional information on the methodology used to develop the ridership forecasts is included in the Volume 2, Appendix B, of the Tier 1 Final EIS.

Highway congestion was considered in the NEC FUTURE ridership model at the intraregional (e.g., metropolitan area) level with future year congestion factors applied to travel times on the highway network. For future year alternatives, the FRA applied additional highway congestion factors to the individual metropolitan areas based on information analyzed as

part of the Regional rail modeling effort. These factors ranged from 1 percent to 15 percent, with an average trip being 7 to 8 percent longer than the base year. The regional forecasting models used forecasts of region-specific increases in automobile travel times to account for the effects of additional regional highway system congestion. Those same regional forecasts of highway travel times were used as the basis for forecasts of highway travel times for the Interregional Model. Additional information on how the ridership forecasts considered highway congestion is included in Volume 2, Appendix B, of the Tier 1 Final EIS.

Through NEC FUTURE, the FRA analyzed the benefits of providing a variety of passenger rail services, including Intercity and Regional rail services across the entire NEC network. The FRA believed that integrated planning was required to assess the appropriate levels of infrastructure and service needed to satisfy the NEC FUTURE Purpose and Need. Accordingly, ridership analysis for NEC FUTURE included estimates of all Intercity and Regional rail trips that would rely on NEC infrastructure in order to complete their journeys. Passenger rail ridership increases substantially in the Preferred Alternative relative to the No Action Alternative. For example, Intercity ridership (annual Intercity rail one-way trips) increases 107 percent over the No Action Alternative and 169 percent over existing ridership. Regional rail ridership (annual Regional rail one-way trips) increases 20 percent over the No Action Alternative and 55 percent over existing ridership. Overall, growth in passenger rail ridership for the Preferred Alternative would outpace population growth in the Northeast. The FRA forecasts that passenger rail ridership would increase by 60 percent in 2040 with the Preferred Alternative, exceeding forecast population growth of 14 percent between now and 2040. Further details are provided in the Tier 1 Final EIS Volume 1, Appendix BB, Table 21.

### 3.5 ENVIRONMENTAL DATA

#### 3.5.1 Summary Feedback

Several commenters stated that data used in the Tier 1 Final EIS was incomplete or inaccurate. These comments expressed the following concerns:

- ▶ The Tier 1 Final EIS included an incomplete overview of architectural resources that may be impacted by the Preferred Alternative, because it only identified properties listed in the National Register of Historic Places, not those previously determined eligible or those that are potentially eligible. (Letter includes list of 15 historic properties that may be impacted.)
- ▶ “Green Acres”-encumbered land in New Jersey may not be accurately represented in the Tier 1 Final EIS; some state-owned lands may be impacted.
- ▶ The Tier 1 Draft EIS failed to list Florence Griswold Museum as a historic site (National Historic Landmark), even though it is only a few hundred yards from the new rail line.

- ▶ The “Historic Village of the Narragansetts” is listed in the National Register of Historic Places and should have been identified as a historic property in the Tier 1 Final EIS.
- ▶ The Tier 1 Final EIS does not reference the study the Wood-Pawcatuck Watershed Protection Act requires to assess whether rivers in this watershed qualify for Wild and Scenic Rivers status.
- ▶ The noise impact assessment does not fully reflect the potential for noise impacts to the town of Old Lyme.
- ▶ The Shortnose and Atlantic sturgeon should have been included on the list of federally listed species in Connecticut.
- ▶ The Tier 1 Final EIS failed to mention the Bald Eagle as a “threatened” or a state species of concern in Connecticut. Additionally, Bald Eagle nesting sites along the Connecticut River were not identified in the Tier 1 Final EIS.
- ▶ The Tier 1 Final EIS underestimates impacts on multiple resources in Charlestown, including protected lands, open space, historic properties, and other resources. (The letter includes an itemized list of information.)
- ▶ The Tier 1 Final EIS does not adequately study the impacts of the proposed tunnel under the Connecticut River near Old Lyme, CT.
- ▶ The boundaries given in the Tier 1 Final EIS for the Providence-Warwick Metropolitan Statistical Area (MSA) do not match the U.S. Census Bureau definition of this MSA.
- ▶ The characterization of the Hartford Viaduct project as an “in-kind replacement” (Tier 1 Final EIS (Volume 1, Section 4.7.7 of the Tier 1 Final EIS) is not necessarily correct (i.e., it may not be replaced in-kind).
- ▶ Figure 4-11 in the Tier 1 Final EIS is a duplicate of Figure 4-10.

### 3.5.2 FRA Response

Under NEPA, there are various levels of environmental review that can be undertaken by an agency. NEPA provides the flexibility to assess projects in a staged approach known as tiering. Tiering addresses broad programs and issues in an initial (Tier 1) or programmatic level analysis, and analyzes site-specific, project-level (Tier 2) proposals and impacts in subsequent studies. The FRA determined a Tier 1 EIS was the appropriate level of NEPA documentation for NEC FUTURE due to the nature of the decision to be made, the complexity of the NEC, and the multi-jurisdictional nature of the passenger rail operations. This ROD documents the FRA’s decision on a Selected Alternative to advance into subsequent Tier 2 project studies.

Within the context of the Tier 1 NEPA process, the FRA focused on corridor-wide solutions and did not make decisions about final locations of new or expanded infrastructure or alignments. For the Tier 1 analysis, the FRA considered future service on the NEC

programmatically, using Representative Routes and representative service plans to evaluate the capacity needs, performance attributes, ridership benefits, and environmental impacts of different service and infrastructure alternatives. The Tier 1 programmatic level of analysis allowed the FRA to consider the role that rail could play in the regional transportation system under different investment scenarios.

The FRA did not identify precise limits of disturbance for the Tier 1 EIS. Instead, the FRA developed Representative Routes (see Volume 1, Chapter 2 of the Tier 1 Final EIS) to conduct analysis and to provide estimates of potential impacts. The Representative Routes were not intended to identify right-of-way impacts or to define limits of disturbance. Volume 1, Appendix EE of the Tier 1 Final EIS provides cultural resources data collected by the FRA for each county within the preliminary Area of Potential Effect. The FRA acknowledges that not all historic resources were identified during the analysis for the Tier 1 EIS and that additional identification, evaluation, and determination of effects on historic resources will be required during Tier 2 project studies. This phased approach to historic resource identification and effects assessment will be carried out in accordance with a Programmatic Agreement executed under Section 106 of the National Historic Preservation Act, which was included in Appendix G of the Tier 1 Final EIS.

During Tier 2 project studies, future project sponsors will obtain site-specific information and conduct field surveys to identify resources, determine effects, appropriate mitigation, and permit requirements. Feedback provided on the Tier 1 Final EIS regarding data omissions or site-specific resources will be used to inform subsequent Tier 2 project studies.

With regard to specific resources or impacts raised in the comments regarding the Tier 1 Final EIS, the FRA provides the following responses:

- ◆ Green Acres: The FRA did not specifically evaluate effects to local resources such as public or private land trusts. Tier 2 will focus on site-specific opportunities and constraints to inform location, design, and construction methods. Site-specific resource effects and mitigation will also be identified during Tier 2 project studies.
- ◆ Florence Griswold Museum: Volume 2, Appendix E.09, Cultural Resources and Historic Properties Data of the Tier 1 Final EIS identified effects to the Florence Griswold Museum in New London County as a National Historic Landmark from Alternative 1. Resources identified, such as the Florence Griswold Museum, will be considered during subsequent Tier 2 project studies, where the lead agency will be responsible for Section 106 compliance which will include defining a project-specific area of potential effects.
- ◆ Historic Village of the Narragansetts: The FRA reviewed the cultural resources data and determined that the commenter is correct; the historic district was not included

in the data set used; however, contributing elements of the historic district were included. Tier 2 project studies within the area of the Narragansett Historic Village Historic District will verify the boundaries and consider impacts within them during project planning.

- ◆ Wood-Pawcatuck Watershed Protection Act: The Wood-Pawcatuck is a recently designated Wild and Scenic River. At the time of the NEC FUTURE data collection (2012), the study was ongoing and no designation had been made. Tier 2 project studies near the resource and designated boundaries will consider this in project planning and effects assessment.
- ◆ Noise impacts to Old Lyme: The noise impacts assessment in the Tier 1 Final EIS was a preliminary assessment, based on assumptions about the potential location of improvements to the NEC. Because noise impacts are highly dependent on the location of the improvements, and the location will not be determined until Tier 2, it is not possible at this stage to determine the noise impacts on specific locations or properties within Old Lyme. More-detailed noise analyses will be performed as part of future studies before project-level decisions are made.
- ◆ Shortnose and Atlantic Sturgeon: The FRA considered both the Shortnose and Atlantic Sturgeon in the evaluation of ecological resources (Volume 1, Chapter 7.6 of the Tier 1 Final EIS).
- ◆ Bald eagle nesting sites along Connecticut River: The FRA identified locations of bald eagle nesting sites based on feedback from federal and state agencies. During Tier 2 project studies, more coordination with the U.S. Fish and Wildlife Service (FWS), field surveys, assessments, and screenings will occur throughout the project corridor, as determined necessary, to ensure compliance with the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.
- ◆ Providence-Warwick MSA: For purposes of ridership forecasting, travel zones were established, which are not the same as the MSA boundaries cited. The boundaries in the Tier 1 EIS were drawn based on markets served and do not match up specifically to the MSA boundaries. (See Volume 1, Appendix BB of the Tier 1 Final EIS for more information.)
- ◆ Hartford Viaduct Project: For purposes of the Tier 1 EIS, the FRA the FRA assumed that the Hartford Viaduct project would be at least an “in-kind replacement”; however, the FRA understands that other approaches to replacing the existing Hartford Viaduct may need to be considered through the separate planning process being undertaken by the Connecticut DOT and Federal Highway Administration for that project.
- ◆ Duplicated figures in Chapter 4: The FRA reviewed the online, printed, and electronic versions of the Tier 1 Final EIS to identify the error. The online version mistakenly



duplicated the figure noted (i.e., Figure 4-11 is a duplicate of Figure 4-10); the online version has since been corrected.

### 3.6 SECTION 4(f)

#### 3.6.1 Summary of Feedback

The U.S. Department of the Interior (DOI) submitted comments addressing Section 4(f) documentation prepared as part of the Tier 1 EIS. The DOI's comments on Section 4(f) included the following:

- ▶ DOI recommends a Tier 1 “preliminary Section 4(f) determination”.
- ▶ DOI is currently unable to provide concurrence that there are no feasible/prudent avoidance alternatives and all possible planning to minimize harm to Section 4(f) resources.
- ▶ DOI agrees that the Programmatic Agreement executed under Section 106 of the National Historic Preservation Act has established an appropriate process to minimize harm and mitigate for adverse effects to Section 4(f) historic resources in Tier 2; requests opportunity to review any Memoranda of Agreement developed in Tier 2.
- ▶ DOI encourages continued coordination with National Park Service (NPS) on any park conversions pursuant to Section 6(f) of the Land and Water Conservation Fund Act.
- ▶ DOI supports the Preferred Alternative's avoidance of Patuxent Research Refuge and Stewart B. McKinney National Wildlife Refuge, and Pelham Bay Park and continued coordination to seek avoidance and minimization options for other Section 4(f) resources, including the John Heinz National Wildlife Refuge.

Several other commenters also addressed compliance with Section 4(f), particularly in connection with the potential impacts of new segments in Connecticut and Rhode Island on properties protected by Section 4(f). These comments included the following:

- ▶ Concern that while Section 4(f) may not apply to privately owned land trust lands, the intention of Section 4(f) is to protect these types of lands during the design of transportation infrastructure.
- ▶ Concern that the information in the Tier 1 Final EIS does not adequately convey the nature and magnitude of the potential adverse impacts to Section 4(f) properties.
- ▶ Concern that compliance with Section 4(f) in Tier 2 could be “precluded” by decisions being made at Tier 1, unless the new segments in Connecticut and Rhode Islands are removed from the Selected Alternative in the Tier 1 ROD.

### **3.6.2 FRA Response**

Section 4(f) resources include publicly owned parks, recreation areas, and wildlife and waterfowl refuges, and historic properties listed in or eligible for the National Register of Historic Place. The FRA considered known Section 4(f) resources in the identification of the Selected Alternative. Privately held land trusts were not identified as Section 4(f) resources as part of the Tier 1 EIS, because park, recreation, and refuge lands generally are not protected as Section 4(f) resources unless they are in public ownership. Additional research will be done as part of future Tier 2 project studies to identify potentially affected Section 4(f) resources.

Because of the representative nature of the routing and service options in the Selected Alternative, the FRA did not make a “preliminary Section 4(f) determination” for the Tier 1 EIS process. Instead, the FRA identified Section 4(f) resources that could be used under Section 4(f) based on representative routing and service assumptions. Future project sponsors will make Section 4(f) determination(s) as part of Tier 2 project studies when more-detailed and specific information is available regarding the project location and design (i.e., location of alignments, duration and extent of construction, specific construction methods, and staging areas) and more-detailed information regarding the location, boundaries, and significance of Section 4(f) resources is known. Tier 2 project studies will be coordinated with appropriate resource agencies and provide for public involvement.

## **3.7 RESPONSES TO COMMENTS ON THE TIER 1 DRAFT EIS**

### **3.7.1 Summary of Feedback**

A commenter expressed concern that Appendix JJ of the Tier 1 Final EIS did not incorporate all the text provided in a submission.

### **3.7.2 FRA Response**

The FRA published a comment summary report, date July 2016, on the website that included actual submissions ([www.necfuture.com](http://www.necfuture.com)). Volume 1, Appendix JJ of the Tier 1 Final EIS provides responses to comments received during the public comment period of the Tier 1 Draft EIS. The FRA undertook a process of reviewing each submission and identifying specific comments within each submission. Appendix JJ represents the comments identified by the FRA and does not include the full submission.

## 4. Feedback on Public Outreach for the Tier 1 Final EIS

Many comments addressed public involvement opportunities related to the Tier 1 Final EIS.

### 4.1 LENGTH OF TIER 1 FINAL EIS WAITING PERIOD

#### 4.1.1 Summary of Feedback

Many commenters, primarily in Connecticut and Rhode Island, stated that the waiting period on the Tier 1 Final EIS (which the FRA established to be at least 30 days as required by the CEQ regulations) should be extended by an additional 60 days to allow sufficient time for public comment. Those requesting this extension cited the size of the document and the release of the document over the Christmas and New Year's holidays, as well as concerns about the Preferred Alternative.

#### 4.1.2 FRA Response

The FRA released the Tier 1 Final EIS for NEC FUTURE on December 16, 2016, noticed in the *Federal Register* on December 23, 2016, and announced a waiting period that extended through January 31, 2017. After release of the Tier 1 Final EIS, the FRA received many comment letters requesting an extension of the waiting period to allow additional time for the public to provide feedback on the Tier 1 Final EIS. Most commenters requested an additional 30 to 60 days to submit feedback. On January 24, 2017, the FRA announced via email blast to NEC FUTURE contacts and through the NEC FUTURE website that the ROD would be issued no earlier than March 1, 2017. Additionally, on March 22, 2017, the FRA announced, that the FRA will continue to accept and consider feedback received, to the extent practicable, up until the actual issuance of the Tier 1 ROD; this announcement was posted to the project's public website (<http://www.necfuture.com/>).

### 4.2 PUBLIC NOTICE

#### 4.2.1 Summary of Feedback

Many commenters, primarily in Connecticut and Rhode Island, expressed concern with a lack of notice regarding opportunities to participate in process of choosing a Preferred Alternative, particularly in relation to the FRA's consideration of the new segment between Old Saybrook, CT, and Kenyon, RI (Old Saybrook-Kenyon new segment). Many commenters noted that they were not aware that the Old Saybrook-Kenyon new segment was being considered, or were not aware that it would be included in the Preferred Alternative, until mid-December 2016 when the Tier 1 Final EIS was released. Some comments also expressed concern about a lack of public notice during the scoping stage of the Tier 1 process, prior to publication of the Tier 1 Draft EIS.

#### 4.2.2 FRA Response

The FRA conducted extensive outreach throughout the entire Study Area as part of the Tier 1 process.

During a four-month period in 2012, the FRA invited the public to comment on the Purpose and Need for the rail investment program, the Study Area, the range of alternatives to be considered, and the types of environmental consequences to be evaluated in the Tier 1 EIS. Scoping was advertised in public notices in numerous newspapers and periodicals throughout the Northeast region. Scoping materials were provided for public review through public notices, the project website ([www.necfuture.com](http://www.necfuture.com)), written communications with federal, state, regional, and local agencies, rail and transit operators, tribal governments, and briefings with the NEC Commission members, state transportation agencies, and metropolitan planning organizations (MPO).

In August 2012, the FRA held agency and public scoping meetings in each of the NEC's eight states and Washington, D.C. The agency meetings included a presentation and informal discussion and were attended by over 100 federal, state, regional, and local agencies, rail and transit operators, and tribal governments. Over 500 people attended the public meetings, which included a presentation, open house, and opportunities for formal public and private testimony. The FRA received nearly 2,500 different comments from approximately 800 individuals and organizations. The FRA reviewed and considered all comments received from scoping in the development of the Tier 1 Draft EIS alternatives. Information on the scoping process and a summary of scoping comments can be found on the NEC FUTURE website.

Following completion of the public comment period on the Tier 1 Draft EIS, the FRA began a lengthy process of developing a Preferred Alternative. The Preferred Alternative was identified in the Tier 1 Final EIS, which described the process for developing and rationale for identifying the Preferred Alternative. Identifying the Preferred Alternative in the Tier 1 Final EIS is consistent with the CEQ regulations, which provide that federal agencies may identify a preferred alternative in the Draft EIS and must identify a preferred alternative in the Final EIS.

In November 2015, the FRA released the Tier 1 Draft EIS, along with a Draft Programmatic Agreement under Section 106 of the National Historic Preservation Act, for public review and comment. To encourage a robust dialogue on the Tier 1 Draft EIS, the FRA established a public comment period lasting over two months, from November 13, 2015, to January 30, 2016. In response to requests, the FRA subsequently extended the comment period to February 16, 2016. Eleven public hearings were held during this period across the Northeast in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, and Washington, D.C. All Tier 1 Draft EIS materials were placed on the

NEC FUTURE website, and hard copies were made available in libraries in each county along the Representative Routes of the alternatives. The FRA also sent information packets to local elected officials in each jurisdiction along these Representative Routes, as well as to environmental and transportation agencies in each state. During the comment period, the FRA received over 3,200 submissions on the Tier 1 Draft EIS from individuals, agencies, and organizations, as provided in the Comment Summary Report Appendix posted on the project website and referenced in Volume 1, Appendix JJ of the Tier 1 Final EIS.

The FRA conducted public outreach following publication of the Tier 1 Final EIS and provided an opportunity for feedback to be submitted between the release of the Tier 1 Final EIS and the ROD (more than a 90-day period). The FRA held two open houses in Springfield, MA, and Baltimore, MD, on January 25, 2017, and February 1, 2017, respectively; the two virtual meetings were held via webinar on February 13 and 16, 2017.

Between New Haven and Providence, the FRA found a fundamental need to expand capacity, improve performance, and increase resiliency, including some sections of new right-of-way. Due to physical constraints in the geography of the area, expanding infrastructure largely within or along the existing NEC right-of-way is not possible. The FRA considered new segment options along this portion of the NEC throughout the NEC FUTURE alternatives development process, including discussion of the Old Saybrook-Kenyon new segment during Public Dialogue workshops and in the Preliminary Alternatives Report issued in April 2013. Alternative 1 in the Tier 1 Draft EIS included the Old Saybrook-Kenyon new segment and was released in November 2015. The FRA recognized the concerns raised by the communities along the Old Saybrook-Kenyon new segment following the publication of the Tier 1 Draft EIS. Accordingly, because of the extensive level of concern from the public, local institutions and organizations, as well as local and state elected officials in Old Lyme, CT, the FRA met with the Town of Old Lyme in March 2016 and Old Lyme community stakeholders and elected officials in August 2016. In identifying the Preferred Alternative in the Tier 1 Final EIS, the FRA reviewed specific local concerns and subsequently refined Representative Routes and construction types to balance the concerns with broader regional travel needs.

### **4.3 PUBLIC OUTREACH AFTER ISSUANCE OF TIER 1 FINAL EIS**

#### **4.3.1 Summary of Feedback**

Many commenters, primarily in Connecticut and Rhode Island, stated that there had been insufficient public outreach in connection with the release of the Tier 1 Final EIS, particularly in relation to the FRA’s consideration of the Old Saybrook-Kenyon new segment. Generally, these commenters requested that the FRA hold additional public hearings or meetings in areas affected by the Old Saybrook-Kenyon new segment, including the Old Lyme, CT, and Charleston, RI, areas.

### **4.3.2 FRA Response**

In light of the substantial public interest in the NEC FUTURE process, the FRA held two in-person open houses following the release of the Tier 1 Final EIS as well as two virtual meetings. The FRA held the two open houses in Springfield, MA, and Baltimore, MD, on January 25, 2017, and February 1, 2017, respectively; the two virtual meetings were held via webinar on February 13 and 16, 2017. Collectively, these outreach efforts helped to ensure that affected communities and the public were aware of the Preferred Alternative and had the opportunity to submit feedback on that alternative. These efforts exceeded NEPA requirements; there is no requirement in the CEQ regulations to hold public hearings or public meetings during the waiting period between the Tier 1 Final EIS and ROD.

## **4.4 PROCESS FOR IDENTIFYING PREFERRED ALTERNATIVE**

### **4.4.1 Summary of Feedback**

Some commenters questioned the process used by the FRA for identifying the Preferred Alternative. They asserted that the FRA internally identified the Preferred Alternative shortly after the close of the comment period on the Tier 1 Draft EIS, long before the Tier 1 Final EIS was issued, and claimed that the process did not allow sufficient opportunity for public input before the Preferred Alternative was identified.

### **4.4.2 FRA Response**

The identification of the Preferred Alternative was an iterative process that occurred over a period of many months between the release of the Tier 1 Draft EIS and the Tier 1 Final EIS. This process included consideration of the voluminous public comments submitted during the comment period on the Tier 1 Draft EIS, including written comments as well as oral testimony at public hearings. In addition, the FRA considered the analysis included in the Tier 1 Draft EIS and U.S. DOT and FRA policy objectives. During this process, the FRA developed a deliberative Preferred Alternative and discussed it with federal and state regulatory and resource agencies as well as railroad operators during the spring and summer 2016 to seek technical assistance related to the agencies' respective expertise. In each discussion, the FRA clarified that the deliberative Preferred Alternative served only as an indication of the Preferred Alternative that would be identified in the Tier 1 Final EIS, and that even the Preferred Alternative in the Tier 1 Final EIS could be refined prior to final selection of the Selected Alternative in the ROD.

## 5. Feedback on Elements of the Preferred Alternative

Many comments on the Tier 1 Final EIS addressed infrastructure elements included in the Preferred Alternative such as new segments, new track, station improvements, and chokepoint relief projects, expressing either support or opposition to the potential location of infrastructure elements, feasibility or need for the improvement, and relationship of other projects to the proposed improvements. These comments are summarized below on a geographic basis, extending from south to north. Section 6 of this report summarizes the feedback on the Old Saybrook, CT, to Kenyon, RI, new segment, and includes the FRA response to that feedback.

### 5.1 SUMMARY OF FEEDBACK

#### 5.1.1 Washington, D.C.

The FRA did not receive any comments on the Tier 1 Final EIS specifically regarding the elements of the Preferred Alternative within Washington, D.C.

#### 5.1.2 Maryland

##### Elkton, MD

The FRA received comments on the new station located in Elkton, MD. One commenter stated that NEC FUTURE should use the existing rail station in downtown Elkton instead of constructing a new station outside the city limits. The commenter noted that this would maintain crucial regional connections, promote sustainable economic development, be consistent with Elkton’s smart growth policies, and preserve farmland and open space. Another commenter expressed general support for the new station in Elkton.

##### Harford County, MD

One commenter stated that bicycle and pedestrian access should be built on the new Perryville to Havre de Grace Bridge.

One commenter stated concern about the impact of new tracks in Abingdon on his home, property, and quality of life and opposed adding a high-speed track near his home.

#### 5.1.3 Delaware

##### Wilmington, DE

Several comments expressed concern that the Preferred Alternative bypasses the existing downtown Wilmington Station. Commenters stated that NEC FUTURE should use current track alignment through Wilmington and the existing Biden Amtrak Station, noting that the downtown Wilmington Station is a strong market for Acela service and important for the high-demand for Acela service between Washington, D.C., and New York City. The commenters recommended that

the downtown Wilmington Station continue to have access to high-speed train service to promote the economic growth of the Wilmington area.

Comments regarding the Wilmington area also requested the FRA to explain the feasibility of the proposed new segment bypassing Wilmington, including the impact of flooding and substantiate the projected travel-time savings for the new segment; and stated that NEC FUTURE should include a direct connection between the downtown Wilmington Station and the Newark Liberty International Airport Station.

### **Newark, DE**

Comments focused on the impacts of the Preferred Alternative on Newark, DE. One commenter expressed general support for the creation of a station in Newark. Commenters stated that the Preferred Alternative requires the relocation of the Newark Train Station and ignores the renovation project to begin in spring 2017 to make it the Newark Regional Transportation Center (NRTC), a multimodal hub. The commenter noted that plans for the NRTC have been in the works since 2005 and will relieve a chokepoint along the NEC, and that Amtrak will also be performing complementary work to improve train service nearby. Commenters requested ongoing collaboration to avoid negating this ongoing work.

## **5.1.4 Pennsylvania**

### **Philadelphia, PA**

Several comments expressed support for elements of the Preferred Alternative in the Philadelphia area, including the following:

- ▶ Support for maintaining 30th Street Station as the Hub for Intercity rail service in Philadelphia
- ▶ Support for extending Intercity rail service to the Philadelphia International Airport and the new alignment between Baldwin Station (Chester) and 30th Street Station
- ▶ Support for the realignment of tracks in North Philadelphia to eliminate the speed-restricting curve at Frankford Junction

Commenters also provided the following recommendations:

- ▶ Recommend considering potential revisions to Southeastern Pennsylvania Transportation Authority's regional rail infrastructure in the North Philadelphia/Wayne area, including the Swampoodle Connection, when planning and locating new tracks between 30th Street Station and North Philadelphia.
- ▶ Recommend designating the Cornwell Heights and Baldwin Stations as Hubs and increase service to Philadelphia suburbs.



- ▶ Recommend improving accessibility and increase parking availability at Cornwell Heights and Baldwin Stations and make station improvements at Cornwell Heights Station.

### **Keystone Corridor**

One commenter stated that the Tier 1 Final EIS does not address integrating service along the Keystone Corridor into the NEC, which would cause continued growth in rail ridership in eastern and central Pennsylvania. The commenter noted that current Keystone service does not adequately serve riders between Center City, Philadelphia, and New York City.

### **Harrisburg to Pittsburgh, PA**

One commenter stated that NEC FUTURE should increase service west of Harrisburg to Pittsburgh, PA, with at least three trains a day in each direction.

### **5.1.5 New Jersey/New York**

Several commenters addressed elements of the Preferred Alternative in New Jersey. Comments included the following:

- ▶ Recommendation to prioritize state of good repair and improving safety on the existing NEC in New Jersey, including implementation of Positive Train Control and elimination of curves
- ▶ Notification that the replacement of the Portal Bridge over Hackensack River is a critically important project because it is a bottleneck, conflicts with marine traffic, and limits operating speeds and reliability
- ▶ Support for a new station needed in North Brunswick and for the Midline Loop turnaround facility
- ▶ Support for the new two-track segment starting in North Brunswick adjacent to the NEC
- ▶ Recommendation that the FRA address the need for an inclusive approach, including coordination with MPOs and the Federal Transit Administration (FTA) to create a process for projects in the regional transportation plans
- ▶ Recommendation to designate the existing station at Secaucus Junction as a Hub station, and that the FRA examine the near-term feasibility of expanding Intercity rail service to Secaucus Junction

One commenter stated that increasing rail service in the New York metropolitan area is the single most needed capital investment and supported several of aspects of NEC FUTURE impacting the area, such as incorporating the “Greenway Project” into NEC FUTURE.

Several commenters stated that the new trans-Hudson tunnels are a critical part of the NEC and supported starting construction of those tunnels as soon as possible.

One commenter expressed strong opposition to Alternative 3 (which the FRA did not include as part of the Preferred Alternative), and asked that the FRA reject Alternative 3 in the ROD due to its impacts on the town of Oyster Bay, NY, and on Long Island Sound.

One commenter offered the following comments regarding elements of the Preferred Alternative in and near New York City:

- ▶ Urges the FRA to consider prioritizing the advancement of planning for additional tracks moving eastward from Penn Station New York to the Hell Gate Bridge to relieve the bottleneck within New York City boundaries.
- ▶ Recommends ensuring that any future right-of-way needs are identified so that future options are not precluded by development decisions.
- ▶ States that future planning for Intercity passenger rail services should not preclude the ability to accommodate additional commuter stations to support population growth, such as Long Island Rail Road's planned Sunnyside Station in Queens.
- ▶ States that plans for west-of-Penn Station improvements should be coordinated with future east-of-Penn improvements so that future options for through-running trains at Penn Station New York are not precluded.
- ▶ Encourages initiation of the next phases of project development "at the earliest possible juncture."

### **5.1.6 Connecticut**

#### **New Rochelle, NY, to Greens Farms, CT**

Some commenters stated that the FRA should further evaluate the New Rochelle to Greens Farms new segment prior to including that improvement in the Selected Alternative or advancing to a Tier 2 environmental review for that improvement. Specific concerns relating to this new segment included the following:

- ▶ Concern that the potential for cumulative impacts from both rail and highway projects, including Connecticut's plans for expansion of I-95 (known as "LET'S GO CT")
- ▶ Concern that the Tier 1 Final EIS did not provide enough details to justify the impact caused by the Preferred Alternative in this portion of the NEC
- ▶ Concern that potential impacts to the high density of historic, cultural, and environmental resources in Fairfield County
- ▶ Concern that existing divisions caused by presence of I-95 and the existing NEC, which would be compounded by the creation of an additional rail line further dividing communities

In particular, several commenters expressed concerns regarding the impacts in Greenwich, CT. These comments included the following:

- ▶ One commenter opposed the new segment through the town of Greenwich from the Cos Cob Station through the historic neighborhoods in Riverside and Old Greenwich and objected to the limited notice and opportunity to comment on the segment. The commenter stated that the segment would cause impacts on the dense historic and environmental resources in Greenwich.
- ▶ One commenter stated that, in conjunction with rail projects, officials are considering widening I-95 in areas from Norwalk to Greenwich, CT, which would encourage more driving and cause irreversible impact to the environment.
- ▶ One commenter expressed concern regarding the combined effects of the I-95 improvements and NEC FUTURE on the Bush-Holley House in Greenwich, which is a National Historic Landmark.

### **Bridgeport, CT**

One commentator stated that the FRA should adopt a route through the new Barnum Station Hub in Bridgeport, CT, which is currently under development, rather than creating a new Hub at Greens Farms. The commenter stated that doing so would advance the transit-oriented development plan the City of Bridgeport is advancing. The commenter reasoned that Greens Farms is not a significant population center and does not offer a significant economic development opportunity.

### **New Haven, CT**

One commenter expressed support for the Preferred Alternative because it improves the passenger experience and supports the “knowledge economy.” The commenter recommended setting a goal of one-hour service from New Haven to New York City. The commenter recommended going beyond state-of-good-repair improvements and fully exploring solutions to eliminate chokepoints on the NEC. The commenter also expressed support for the State of Connecticut’s efforts to improve the Hartford/Springfield Line.

### **Branford and Guilford, CT**

Several commenters (including a petition signed by more than 300 individuals) stated that the need for two additional tracks between Branford and Guilford has not been demonstrated, that the specific location of this expansion (e.g., inside or outside existing right-of-way) was not sufficiently defined, and that the potential impacts of this expansion (e.g., on historic properties and on protected lands held by land trusts) were not sufficiently disclosed in the Tier 1 Final EIS, and raised concerns about the potential impacts to historic properties in this area if the existing two-track section is expanded to four tracks. Some commenters requested that this proposed expansion be removed from the Preferred Alternative prior to the ROD, while noting that it could later be added back in during Tier 2.

Some commenters also expressed concern about construction impacts, including the impacts of blasting and the potential for adverse effects on water supply and septic systems and on the historic character of the community. Individual commenters also expressed concerns about adverse direct and indirect effects on private homes adjacent to the existing rail line.

One commenter stated that, because plans for additional tracks between Guilford and Branford expansion were not included in the “universal first phase” in the Tier 1 Draft EIS, it would not be an “undue burden” to conduct additional evaluation of potential improvements in this area before making a decision on the need for this expansion.

### **Old Saybrook, CT to Kenyon, RI**

Comments regarding the proposed new segment between Old Saybrook, CT, and Kenyon, RI, are summarized in Section 6 of this report. Those comments are presented in a separate section because of their volume.

### **Hartford/Springfield Line**

Several commenters expressed support for proposed enhancements and adding track between Hartford, CT, and Springfield, MA, and for engaging affected communities and groups in implementation of these improvements.

One commenter also recommended in-kind replacement of the Hartford Viaduct.

Comments recommended that the NEC should better address access to Bradley International Airport, and expressed concern that other airports will receive a disproportionate increase in access relative to Bradley International Airport.

### **5.1.7 Rhode Island**

Several commenters expressed support for designating Providence as a Major Hub on the NEC in the Preferred Alternative. Commenters stated that including Providence as a stop will help spur its economy, and expressed opposition to any high-speed rail route that does not route through Providence. One commenter recommended clarifying that inclusion of the Hartford/Springfield Line in the Preferred Alternative would not result in a competing spine or bypassing Providence.

### **5.1.8 Massachusetts**

#### **Boston**

Commenters expressed opposition to NEC FUTURE on the basis that it does not include the North/South Rail Link (NSRL) in Boston. Commenters stated that the NSRL in Boston is needed to extend the NEC through Boston and provide connectivity to eastern New England. One commenter encouraged the FRA to participate in the study of the NSRL that Massachusetts Department of Transportation intends to complete in late 2017.

## Springfield/Worcester/Boston, MA

Commenters stated support for improving rail service to Central and Western Massachusetts and restoring frequent passenger rail service between Boston and Worcester to Springfield. One commenter stated that NEC FUTURE should add a new station in Palmer, MA, to serve the suburban area between Worcester and Springfield.

### 5.2 FRA RESPONSE

The FRA noted support for improvements to the existing NEC and a need for state of good repair as well as service improvements for increased frequencies and additional service offerings at stations. This supportive feedback is reflected in the service and performance objectives and infrastructure elements included in the Selected Alternative between Washington, D.C., and New Haven, CT, and between Providence, RI, and Boston, MA, in the Selected Alternative. The Selected Alternative addresses aging infrastructure, chokepoints, and insufficient capacity to support more frequent, faster and more reliable service for both intercity and regional travelers.

The Selected Alternative calls for the states of Connecticut and Rhode Island, in cooperation with the FRA, to complete a New Haven to Providence Capacity Planning Study to identify on- and off-corridor infrastructure elements required to meet the long-term service and performance objectives of the Selected Alternative. The study area for the New Haven to Providence Capacity Planning Study should encompass the geographic area within the following approximate limits: along the Hartford/Springfield Line from New Haven to Hartford, from Hartford to Providence, and along the existing NEC from New Haven to Providence. This study area includes the areas considered for capacity expansion between Branford to Guilford, CT, and Old Saybrook, CT, to Kenyon, RI.

Within the context of the Tier 1 NEPA process, the FRA focused on corridor-wide solutions and did not make decisions about final locations of new or expanded infrastructure or alignments. For the Tier 1 analysis, the FRA considered future service on the NEC programmatically, using Representative Routes and representative service plans to evaluate the capacity needs, performance attributes, ridership benefits, and environmental impacts of different service and infrastructure alternatives. The Tier 1 programmatic level of analysis allowed the FRA to consider the role that rail could play in the regional transportation system under different investment scenarios. Potential impacts on the built and natural environment were identified in the Tier 1 EIS, and will be further considered in future Tier 2 project studies, building on the analysis performed in Tier 1. For ongoing or future projects in which the FRA is involved, the FRA will work with project sponsors to promote consistency with the Selected Alternative.

Tier 2 project studies will focus on the site-specific impacts on the built and natural environments, and include analysis of the location, type of construction and design of the improvement, impacts on historic, cultural and environmental resources, specific attributes, and appropriate mitigation to address any adverse impacts from implementation of the specific project. Consistent with any NEPA process, public and agency involvement will be an important element of the Tier 2 project studies.

## 6. Feedback on the Old Saybrook to Kenyon New Segment Included in the Preferred Alternative

### 6.1 SUMMARY OF FEEDBACK

The majority of comments regarding Preferred Alternative infrastructure elements expressed opposition to the Old Saybrook-Kenyon new segment, based on the expected impacts to shoreline communities, including impacts to historic resources, businesses, natural resources, and overall quality of life. These commenters strongly urged the FRA to exclude the Old Saybrook-Kenyon new segment altogether from the ROD and conduct further research and outreach before making any decision on the type or location of new capacity infrastructure elements in this section of the corridor. The feedback on the Old Saybrook-Kenyon new segment is summarized below on a geographic basis, from south to north.

#### 6.1.1 Old Lyme Area (CT)

The FRA received hundreds of comments from the Old Lyme area, including comments from local government, historic preservation groups, environmental groups, and residents. The comments expressed strong opposition to the Old Saybrook-Kenyon new segment generally. Some comments opposed any route that crossed the Connecticut River in the vicinity of Old Lyme, whether built as an aerial structure or in a tunnel. Comments cited the following:

- ▶ Concerns about potential harm to historic and cultural resources in Old Lyme, including its historic setting and artistic legacy. Several comments specifically noted the potential impacts to the Florence Griswold Museum in Old Lyme.
- ▶ Concerns about potential for a “chilling effect” on real estate values in and around Old Lyme.
- ▶ Concerns about potential effects on the Connecticut River, cited as the only major river in America without commercialization at its mouth and an important ecological resource.
- ▶ Concerns about creation of an additional linear transportation facility through in Old Lyme, which is already impacted by I-95 bisecting the town of Old Lyme, and by the existing NEC, which cuts off the town from the coastline.
- ▶ Concerns about potential to jeopardize the drinking water supply and have impacts to natural resources, including watersheds and open space.
- ▶ Concerns about potential to divert attention and resources away from improving existing rail infrastructure.

Many commenters also addressed the FRA’s proposed commitment in the Tier 1 Final EIS that any new route through the Old Lyme Historic District would be constructed as a tunnel rather than as an

aerial structure. While generally agreeing that a tunnel would be preferable to an aerial structure, many comments expressed concerns about the tunnel proposal, including the following:

- ▶ Concerns about whether such a tunnel is feasible from an engineering and cost standpoint
- ▶ Concerns that if the FRA ultimately were to select an aerial structure instead of a tunnel, the damage caused would be much greater
- ▶ Concerns that the tunnel concept requires further public review and input

Additionally, some commenters requested that the FRA state unequivocally that a tunnel will be used if the Preferred Alternative is implemented through Old Lyme.

Based on the concerns above, many commenters from the Old Lyme area requested that the Old Saybrook-Kenyon new segment not be included in the Selected Alternative. Some commenters also stated that Old Saybrook-Kenyon new segment could be omitted from the Selected Alternative now but restored in the future if needed.

### **6.1.2 New London/Groton Area (CT)**

The FRA received many comments from New London and Groton areas, generally opposing the Old Saybrook-Kenyon new segment due to environmental, economic, and community impacts, including relocation of the existing station to a new location outside of downtown New London. Objections raised in comments from this area included the following:

- ▶ Potential impact to tax generating property in New London, which already has a limited tax base due to its small size and large percentage of the land area being non-taxable. Reduces value of adjacent property.
- ▶ Replacement of the existing New London train station with a new station that is located outside downtown New London and is not within walkable distance of other means of transportation. Commenters noted that the existing station is an important regional transportation hub with connections to ferries and commuter rail. Reduction in access negatively impacts the planned \$100 million U.S. Coast Guard Museum.
- ▶ Potential to further divide towns that are bisected by I-95, compounding the negative effects of I-95, which creates a physical barrier.
- ▶ Potential to contribute to the environmental degradation of the Niantic River by crossing through its headwaters.
- ▶ Creating two parallel rail lines in close proximity to one another, dividing communities and impeding economic development.
- ▶ Impacts to Hodges Square Historic District and Winthrop Mill.



- ▶ Proximity to shipbuilding and naval facilities (Electric Boat and U.S. Navy Groton Submarine Base)/
- ▶ Impacts to downtown business owners and quality of life.

Based on these factors, commenters from the New London/Groton area urged the FRA to abandon the Old Saybrook-Kenyon new segment altogether and consider improvements to the existing NEC.

In addition to those opposed to the Old Saybrook-Kenyon new segment, other comments from the New London area included the following:

- ▶ Recommendation to convert the former rail line into a greenway if a new line constructed
- ▶ Recommendation to expand the possible routing around New London to go south of Uncasville but north of the Navy Base and Coast Guard Academy
- ▶ Question about whether the proposed “Gold Star Bridge” routing is feasible

### 6.1.3 Stonington/Mystic Area (CT)

Residents of Stonington and Mystic expressed opposition to the Old Saybrook-Kenyon new segment, citing the potential adverse economic, environmental impacts, and transportation of the Old Saybrook-Kenyon new segment on Mystic as a tourism destination and residential community. Comments cited the following:

- ▶ Concerns about adverse impacts to tourism at Mystic Seaport
- ▶ Concerns about delaying actions to address safety issues at grade crossings on the existing NEC
- ▶ Concerns about potential for noise impacts of trains on Olde Mystick Village commercial area
- ▶ Concerns about proximity of rail line to residential areas
- ▶ Concerns about noise impacts from train horns
- ▶ Concerns that the Mystic Station on the NEC, which provides walkable access to downtown Mystic, would be eliminated, and that the replacement stop would increase travel expenses to other transportation and tourist destinations

Based on these concerns, commenters in this area:

- ▶ Recommended that the FRA fix the existing NEC, including grade crossings in Stonington, instead of building the Old Saybrook-Kenyon new segment.
- ▶ Recommended that if new capacity is needed, the FRA build an inland route instead of trying to add capacity along the shoreline.

#### **6.1.4 Pawcatuck /Westerly/Hopkinton Area (CT-RI)**

Many comments received from the Pawcatuck, CT, and Westerly, RI area, generally opposed the Old Saybrook-Kenyon new segment due to environmental, economic, and community impacts, including relocation of the existing station to a new location outside of downtown Westerly. Objections raised in comments from this area included the following:

- ▶ Increased speeds and noise/vibration will negatively affect property values and tourism.
- ▶ Potential impacts to the town's main aquifer (White Rock); economic costs of replacing the aquifer with desalinization plant.
- ▶ Potential impact to economic redevelopment in Pawcatuck.
- ▶ Potential impacts to residential areas, including potential impacts to individual homes as well as proximity of rail line to backyards.
- ▶ Potential impacts on protected open space and recreation areas.
- ▶ Eliminating the existing Westerly Station on the NEC. Commenters stated that this station is vital to the economy of the town, and that removing this connection would reverse the town's recent renaissance.
- ▶ Potential impacts to two Westerly Land Trust preserves (Grills Preserve and Riverwood Preserve), which are privately owned but should be afforded the same protection as public parklands.
- ▶ Crossings of the Pawcatuck River, within the Wood-Pawcatuck watershed. The commenters noted that federal legislation requires the NPS to conduct a three-year study to assess whether rivers in watershed qualify for Wild and Scenic River status. Commenter concerns included the following:
  - Potential impact on anadromous fish restoration in Pawcatuck River.
  - Potential to jeopardize the designation of the Wood-Pawcatuck as a "Wild and Scenic River" by NPS.
- ▶ Potential impacts to family farms and neighborhoods.
- ▶ Potential impacts to tribal lands of the Narragansett Indian Tribe.

Based on these concerns, commenters in the Pawcatuck/Westerly area strongly urged the FRA to remove the Old Saybrook-Kenyon new segment from consideration and to focus improvements along the existing NEC.

#### **6.1.5 Charlestown/Richmond Area (RI)**

Many comments were received from the Charlestown, RI, area, generally opposing the Old Saybrook-Kenyon new segment due to environmental, economic, and community impacts. The

Town of Charlestown adopted a resolution opposing the Old Saybrook-Kenyon new segment, citing many of the same concerns raised in comments submitted by residents and groups in the area. Factors cited by commenters from this area in opposing the Old Saybrook-Kenyon new segment included the following:

- ▶ Concerns about a lack of direct engagement with Charlestown despite major impacts on Charlestown
- ▶ Potential impacts to critical aquifers that supply Charlestown water supply
- ▶ Potential construction issues because the town sits on glacial moraine
- ▶ Potential for direct and indirect impacts to individual homes and to family-owned farms, including Stoney Hill Farm
- ▶ Potential impacts to historic properties, including the following:
  - Amos Green Farm and other farms and protected agricultural land
  - Bradford Historic District
  - Columbia Heights Historic District
  - Kenyon Historic District
  - Shannock Village Historic District
  - East Greenwich Historic District
  - Areas sensitive for archaeological resources
- ▶ Impacts to natural resources and protected areas, including the following:
  - Frances Carter Preserve
  - The Riverwood Preserve
  - The Hidden Meadows Open Space, the Burlingame Estates Open Space, the Kings Factory Rd. and the Botka Woods Open Space
  - Conservation easements owned by Charlestown and the Narragansett Tribe
  - Shannock Road, a State Scenic Road
  - Biscuit City Fishing Area
  - The Pawcatuck and Wood-Pawcatuck Rivers, currently nominated for designation as Wild and Scenic Rivers
  - The Great Thicket Wildlife Refuge and land currently under consideration to be added to the refuge

- ▶ Magnitude of travel-time savings between New York City and Boston is too small to justify the impacts of the new segment
- ▶ Potential loss of property value and difficulty of selling and financing of existing homes, due to concerns about use of eminent domain
- ▶ Potential impacts on private wells near Charlestown
- ▶ Impacts on quality of life
- ▶ Potential to disturb area contaminated by radioactive spill at United Nuclear

Based on these concerns, the commenters from this area strongly urged the FRA to remove the Old Saybrook-Kenyon new segment from the ROD and improve the existing NEC.

## 6.2 FRA RESPONSE

Based on the Tier 1 Draft and Final EIS analysis, and consistent with the NEC FUTURE Purpose and Need, between New Haven, CT, and Providence, RI, the FRA found a fundamental need to expand capacity, improve performance, and increase resiliency, including some sections of new rights-of-way. Due to physical constraints in the geography of the area, expanding largely within or along the existing NEC right-of-way is not possible and does not meet the NEC FUTURE Purpose and Need. However, the Tier 1 Draft EIS analysis also indicated that the costs and environmental effects associated with off-corridor routing from Hartford, CT, to Providence, RI, included in Alternative 2 (from the Tier 1 Draft EIS) remained a concern. Comments received during the Tier 1 Draft EIS comment period and feedback received following issuance of the Tier 1 Final EIS indicate that there is broad public concern regarding the impacts associated with the Old Saybrook-Kenyon new segment included in the Preferred Alternative. At this time, there is no consensus regarding the appropriate railroad infrastructure elements in this area.

Accordingly, the Selected Alternative includes the requirement for a capacity planning study (the New Haven to Providence Capacity Planning Study), in partnership with Connecticut and Rhode Island, that will identify on- and off-corridor infrastructure elements to achieve the service and performance objectives of the Selected Alternative between New Haven and Providence. The New Haven to Providence Capacity Planning Study will encompass the geographic area within the following limits: along the Hartford/Springfield Line from New Haven to Hartford, from Hartford to Providence, and along the existing NEC from New Haven to Providence. This study area includes the areas considered for capacity expansion between Branford to Guilford, CT, and Old Saybrook, CT, to Kenyon, RI. Completion of a New Haven to Providence Capacity Planning Study for this area will be a pre-condition to any Tier 2 projects that are intended to increase capacity.

While the geographic focus of the New Haven to Providence Capacity Planning Study is in Connecticut and Rhode Island, outcomes from the study will necessarily influence passenger rail services north of Hartford to Springfield and north of Providence to Boston. As such, the FRA expects that Connecticut and Rhode Island will engage with Massachusetts and other appropriate stakeholders, to identify and address how the New Haven to Providence Capacity Planning Study may address future rail services to Springfield and/or physical changes to the Hartford/Springfield Line and improved service from Providence to Boston. A continuing partnership between the FRA and the NEC states and railroads is essential to sustain the collaboration required to implement the Selected Alternative. The New Haven to Providence Capacity Planning Study will include opportunities for stakeholder and public participation in the process. For additional information on the New Haven to Providence Capacity Planning Study, see Section 3.5 of the ROD.

## 7. Feedback on Plans for Tier 2 Project Studies

The FRA received comments regarding issues that the FRA should consider during Tier 2 project studies. These issues are described below.

### 7.1 PUBLIC INVOLVEMENT AND OUTREACH

#### 7.1.1 Summary of Feedback

Commenters requested to be included as stakeholders in the Tier 2 project studies in or affecting their communities, including suggestions that the FRA direct attention to protected lands in Tier 2 project studies and seek involvement from land trusts and conservation organizations.

#### 7.1.2 FRA Response

In accordance with standard public involvement procedures required under NEPA, when serving as the lead federal agency for a Tier 2 project, the FRA will provide public notice of the initiation of Tier 2 studies and will provide opportunities throughout the Tier 2 process for public involvement. The FRA's approach to public involvement in Tier 2 will build on the information developed and received from commenters in Tier 1, including information about resources and issues of concern to particular communities in the corridor. The FRA is committed to working with the states, railroads, and communities across the NEC to plan and advance the rail improvements necessary to grow the role of rail in Northeast region.

### 7.2 RANGE OF ALTERNATIVES

#### 7.2.1 Summary of Feedback

Many commenters urged the FRA to make specific commitments in the Tier 1 ROD regarding the range of alternatives to be considered in Tier 2 studies, including the following recommendations:

- ▶ Recommend that the Tier 1 ROD should expressly exclude the OSB-KEN Segment from being considered as part of Tier 2 studies.
- ▶ Recommend that the FRA should conduct a feasibility study of inland routes before commencing Tier 2 studies for new segments in Connecticut.
- ▶ Recommend that the Tier 2 studies should include consideration of inland alternatives as well as shoreline routes (or instead of shoreline routes) in Connecticut and Rhode Island.

Some commenters expressed concern that the Tier 1 ROD may be too prescriptive. These comments included the following:

- ▶ Suggestion that the Tier 1 ROD should not specify service and performance characteristics without prior consultation and agreement by the NEC states; the NEC states reserve judgment about ultimate performance outcomes and service standards.
- ▶ Suggestion that the Tier 1 ROD should not prescribe specific environmental commitments, such as the comment to avoid an aerial structure through Old Lyme; such commitments are not appropriate to include in a Tier 1 approval.

### 7.2.2 FRA Response

Between New Haven and Providence, the FRA found a fundamental need to expand capacity, improve performance, and increase resiliency, including some section of new right-of-way. Due to physical constraints in the geography of the area, expanding largely within or along the existing NEC right-of-way is not possible. As reflected in the feedback received on the Tier 1 Final EIS, there is currently no consensus regarding the infrastructure solution in this area. Accordingly, the Selected Alternative includes the requirement for a capacity planning study (the New Haven to Providence Capacity Planning Study), in partnership with Connecticut and Rhode Island, that will identify on- and off-corridor infrastructure elements necessary to achieve the Selected Alternative’s service and performance objectives from New Haven to Providence. The New Haven to Providence Capacity Planning Study will encompass the geographic area within the following limits: along the Hartford/Springfield Line from New Haven to Hartford, from Hartford to Providence, and along the existing NEC from New Haven to Providence. This study area covers the areas considered for capacity expansion from Branford to Guilford, CT, and Old Saybrook, CT, to Kenyon, RI. Completion of this New Haven to Providence Capacity Planning Study for this area will be a pre-condition to any Tier 2 projects that are intended to increase capacity in this area.

## 7.3 AGENCY COORDINATION AND REGULATORY COMPLIANCE

### 7.3.1 Summary of Feedback

Comments from federal and state agencies encouraged continued coordination with those agencies during Tier 2. Specific comments included the following:

- ▶ The NPS stated that the FRA should consult with the NPS related to the Connecticut and Rhode Island Wild and Scenic River segments that would be impacted.
- ▶ Several State Historic Preservation Officers (SHPO) noted that they have entered into a Section 106 Programmatic Agreement with the FRA and FTA and expressed an interest in continued coordination pursuant to Section 106 during Tier 2.

- ▶ One SHPO noted that the Tier 1 process only assessed impacts on National Register listed historic properties and noted that a more-detailed study (including identification of all listed and eligible properties) will be required in Tier 2 studies.
- ▶ The DOI recommended continued coordination in Tier 2 with the (FWS) regarding impacts on threatened and endangered species and other protected species.
- ▶ One state agency noted that Tier 2 projects will require individual wetlands permits as well as other permits under various laws, and noted the importance of considering the legal standards that need to be met by those permits, including mitigation requirements.
- ▶ One state agency noted that it exercises federal consistency review authority pursuant to the Coastal Zone Management Act (CZMA) and implementing regulations under the CZMA, and encouraged FRA to ensure that Tier 2 studies consider consistency with coastal zone management plans established under the CZMA.

### **7.3.2 FRA Response**

Like all site-specific, project-level NEPA studies, the Tier 2 project studies will include compliance with a wide range of federal and state environmental laws, including laws protecting historic properties, endangered species, wetlands and other aquatic resources, and air quality, among many other topics. When the FRA serves as lead federal agency for Tier 2 projects, it will build on the strong relationships developed with federal and state agencies during the Tier 1 process to ensure that all applicable regulatory requirements are addressed as part of Tier 2 studies. These efforts will include historic properties consultation in accordance with the Section 106 Programmatic Agreement for NEC FUTURE, which is included in the Tier 1 Final EIS (Appendix G), as well as compliance with Section 4(f) of the USDOT Act, Section 7 of the Endangered Species Act, Section 404 of the Clean Water Act, and other applicable laws.

## **7.4 EXPEDITING TIER 2 PROJECT STUDIES**

### **7.4.1 Summary of Feedback**

Several commenters recommended that the FRA take steps to streamline environmental reviews for Tier 2 projects, as well as other improvements to the existing NEC (including those identified as “No Action Alternative” projects and “Related Projects” in the Tier 1 Final EIS). Comments suggested the following:

- ▶ Suggest the Tier 1 ROD should establish a simplified NEPA process that prioritizes and expedites projects based on their characteristics, potential impacts, and costs, and identifies projects that can proceed with a lower level of NEPA review (i.e., a categorical exclusion or environmental assessment).



- ▶ Suggest the FRA include a list of specific projects that are authorized to proceed following approval of the Tier 1 ROD.
- ▶ Suggest the Tier 1 ROD incorporate specific references and recommendations regarding NEC connecting corridors.
- ▶ Suggest the Tier 1 ROD be adopted by all appropriate U.S. DOT agencies, not just the FRA, so that NEC states and operators have a clear path forward for Tier 2 projects.
- ▶ Suggest the Tier 1 ROD acknowledge the need for multi-state, network-based phases for implementing the NEC FUTURE vision going forward.
- ▶ Suggest the Tier 1 ROD confirm that the geographic boundaries of the Selected Alternative are “reserved for NEC FUTURE projects.”

#### 7.4.2 FRA Response

The Tier 1 environmental review for NEC FUTURE will streamline future environmental reviews for Tier 2 projects on the NEC by providing an over-arching vision that can be used to help focus and prioritize Tier 2 project studies. Specifically, the FRA anticipates that the Selected Alternative approved in the Tier 1 ROD can be used in Tier 2 to inform the project-specific Purpose and Need statement(s), and to determine the range of alternatives to be considered for specific proposed improvements on the NEC. In addition, the Tier 1 ROD includes a list of specific improvements on the NEC that are consistent with the Selected Alternative and are ready to be advanced into Tier 2 studies. Finally, the FRA has committed to an ongoing role in working with states, railroads, and other stakeholders to implement the Selected Alternative through a collaborative, phased approach, which will include development of the Service Development Plan (SDP) and implementation of Tier 2 studies for individual projects. Collectively, the FRA anticipates these efforts will support more efficient environmental reviews for Tier 2 projects. When the FRA serves as the lead federal agency for Tier 2 projects, the FRA will determine the class-of-action for each NEPA review on a case-by-case basis. Tier 2 project studies that involve preparation of an EIS would follow the streamlined environmental review process established in 23 U.S.C. § 139, Efficient Environmental Reviews for Project Decisionmaking, as specified in the Fixing America’s Surface Transportation (FAST) Act, or other applicable requirements as may be established in the future.

The Tier 1 ROD does not identify a specific footprint for future projects, and thus does not provide a basis for acquiring right-of-way for specific improvements. However, by providing an overall plan for the types of improvements needed on the NEC, the Tier 1 ROD will serve as a guide to stakeholders and decision-makers in developing future improvements consistent with the Selected Alternative to meet the NEC FUTURE Purpose and Need. Railroads have the discretion to reserve portions of their property for these future improvements. Governmental authorities should consider the Selected Alternative,

additional rail planning, and Tier 2 studies in making land use decisions where NEC improvements are needed.

## **7.5 AGENCY ROLES IN TIER 2**

### **7.5.1 Summary of Feedback**

Several comments addressed the roles and responsibilities of federal and state agencies and project sponsors in carrying out Tier 2 project studies. These comments included the following:

- ▶ Requests for clarification on the following statement: “The FRA or another federal agency providing funding for a particular project will evaluate specific locations for new segments as part of the Tier 2 project studies, prior to making any decision regarding new segment locations (Section 1.2.2, Footnote 1).”

### **7.5.2 FRA Response**

Section 5.2, Agency Roles, of the ROD identifies the roles and responsibilities of agencies in implementing the Selected Alternative.

Projects that involve use of federal funds or other federal approvals or permits will require federal environmental review under NEPA, Section 106 of the National Historic Preservation Act, and other applicable federal laws. Tier 2 project studies will be prepared for such projects, building on the environmental analysis and decision-making in the Tier 1 process for NEC FUTURE. The lead agency for a Tier 1 project study may be the FRA or another federal agency with a funding or approval role in that project – for example, the FTA. If the FRA is not serving as the lead agency, the FRA anticipates that it will serve as a cooperating or participating agency in the Tier 2 project study.<sup>2</sup>

Projects that do not involve the use of federal funds or other federal approvals or permits do not require federal environmental review under NEPA, Section 106 of the National Historic Preservation Act, and may not require compliance with other federal laws. Elements of the Selected Alternative advancing outside of the federal environmental review process will still require appropriate approvals under applicable state laws.

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<sup>2</sup> The FRA will encourage other federal agencies with NEPA responsibilities for projects on the NEC to adopt the FRA’s Tier 1 Final EIS as the basis for carrying out future project-level NEPA studies for projects on the NEC; however, the FRA cannot require them to do so. Therefore, it is possible that other federal agencies could decide to advance individual projects independently, without reliance on the analyses or decisions made by the FRA during the NEC FUTURE process. If so, those agencies would be fully responsible for NEPA compliance for those projects, and FRA would participate as appropriate (e.g., as cooperating or participating agency) in that process.

## 7.6 SERVICE DEVELOPMENT PLANNING

### 7.6.1 Summary of Feedback

Several comments addressed the development of the SDP for the NEC following completion of the Tier 1 process. Comments included the following:

- ▶ Suggest initiation of Tier 2 studies must not await completion of the SDP.
- ▶ Suggest the SDP process be led by the NEC Commission, and all NEC states and railroad operators be engaged in developing the SDP along with Amtrak, the FRA, and the FTA.
- ▶ Suggest the process for developing the SDP should include an extensive outreach plan that incorporates stakeholder and public input into any and all of the SDP recommendations.

### 7.6.2 FRA Response

Integral to advancing the Selected Alternative will be coordinated service and investment planning through the SDP. The SDP process will provide the forum for the NEC stakeholders to establish priorities and determine how to advance the improvements necessary to achieve the Selected Alternative. An SDP will provide a summary of the Selected Alternative, identify priority projects, and define additional planning to coordinate implementation of projects across the NEC. The FRA will work closely with the NEC Commission in developing the SDP and continued corridor-wide planning.

The FRA will work with states, railroads, and other stakeholders to initiate Tier 2 project studies for individual projects. The FRA expects that Tier 2 project studies for No Action Alternative projects, Related Projects, and many other projects on the existing NEC will be ready to proceed into Tier 2 in parallel with the development of the SDP.

Additional public participation will occur during Tier 2 project studies. Tier 2 project studies will require appropriate participation of the NEC states and affected communities. The FRA is committed to working with the states, railroads, and communities across the NEC to plan and advance the rail improvements necessary to grow the Northeast region. Each Tier 2 project study will involve engineering, design and environmental review with appropriate involvement of affected communities and the public.