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December 23, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Fitchburg Commuter Rail Extension
PROJECT MUNICIPALITY : Fitchburg, Westminister and Gardner
PROJECT WATERSHED : Nashua
EEA NUMBER : 14516
PROJECT PROPONENT : Montachusett Regional Transit Authority (MART)
DATE NOTICED IN MONITOR : November 23, 2009

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of the re-establishment of Massachusetts Bay Transportation Authority (MBTA) commuter rail passenger service approximately 4.5 miles to the west of the present terminus of the MBTA's existing Fitchburg Commuter Rail line. The extension is proposed along an active freight corridor owned and operated by PanAm Southern, LLC. The project involves construction of a new passenger station, platform, and 286-space parking area near Authority Drive in Fitchburg, located largely within the limits of PanAm Southern's existing right-of-way (ROW). The project also includes the construction of a new layover facility on Batherick Road in Westminister (within the Westminister Business Park (WBP), EEA No. 8074) for storage of up to six sets of locomotives and passenger cars. Finally, the project will include the re-establishment of a section of double track in the City of Gardner to accommodate the staging of freight trains due to

the conversion of one of the two existing mainline freight tracks owned by PanAm Southern to passenger service between the existing Fitchburg Station and the proposed Wachusett Station.

The overall project area is estimated at 57.56 acres and the project collectively will alter 22.4 acres of land and create 4.1 acres of new impervious area. Direct wetland impacts are limited to 2,300 square feet (sf) of alteration to Bordering Vegetated Wetlands (BVW), 400 linear feet of Inland Bank, and 0.42 acres of partially developed Riverfront Area associated with the reconfiguration of tracks and station construction in Fitchburg. The project is estimated to generate a total of 765 new vehicle trips per day, 715 at Wachusett Station in Fitchburg and 50 at the layover facility in Westminster. The portion of the project site in Gardner is located within *Priority Habitat* as indicated in the *Massachusetts Natural Heritage Atlas* (13th Edition) issued by the Natural Heritage and Endangered Species Program (NHESP).

Jurisdiction

The project does not exceed any MEPA thresholds as outlined in Section 11.03 of the MEPA regulations. Because the project is proposed by and will be constructed by the MART, the project is not being directly undertaken by a State Agency, nor will it receive State funding. Funding is anticipated from Federal stimulus sources through the United States Department of Transportation and privately from Pan Am Southern. However, construction of the project will result in re-establishment of service by the MBTA, and the project will therefore be operated by a State Agency. The project will require an Order of Conditions from the Fitchburg Conservation Commission for work within jurisdictional wetland resource areas, or in the case of an appeal, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP). The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (U.S. EPA). The project may require review under the Programmatic General Permit issued by the United States Army Corps of Engineers.

While I acknowledge that this project does not exceed an established MEPA threshold, given the location of the proposed layover facility within a project area previously reviewed and approved by MEPA (EEA No. 8074, Westminster Business Park (WBP)), I requested that the Proponent submit an ENF for the entire Fitchburg Commuter Rail Extension project. The Proponent distributed the ENF to a broad list of interested parties, including those who had previously commented on the extensive MEPA review of WBP, to facilitate public comment on the changes proposed as part of the Fitchburg Commuter Rail Extension project.

Transportation

The project is comprised of three distinct parts: a new station platform and parking area, a layover facility, and the re-establishment of double tracks to allow for freight staging. As noted in the ENF and by several commenters, the project seeks to: intercept commuters from the Route 2 corridor with enhanced access to commuter rail service, reduce traffic congestion and vehicle miles traveled (VMT), reduce greenhouse gas emissions, and provide direct and indirect

economic benefits to the region. Under existing conditions, PanAm Southern currently runs approximately ten freight trains per day, some of which are up to 7,000 feet in length.

Wachusett Station

Wachusett Station will become the new terminal station along the Fitchburg Commuter Rail line. As described in the ENF, the station will be largely located within the limits of PanAm Southern's existing ROW in the City of Fitchburg, immediately adjacent to the existing mainline, and will consist of a full-length, high-level platform, equipped with an unheated passenger shelter, benches, lighting, and bicycle storage facilities. The station will be fully accessible per the standards of the Americans with Disabilities Act (ADA). The station will also include an at-grade parking area capable of accommodating 286 cars, with easy access to Route 2, via Authority Drive. Grading and clearing activities will be required to establish the parking facilities. The Montachusett Regional Transit Authority has committed to provide bus service from its service area to the new Wachusett Station. In combination with passenger drop-off areas (kiss and ride), pedestrian and bicycle connections and accommodations, this project has an opportunity to provide a truly intermodal commuting experience.

The interrelationship of freight and commuter rail service is important to the region as a whole, and this project should be designed and operated in a manner that does not impede existing freight service nor preclude freight connections to the existing industrial parks in Fitchburg and Westminster. The project has proposed separate station tracks to access the passenger platform to allow freight service to continue on the mainline unimpeded by passenger rail operations. Furthermore, according to the ENF, the station will be located approximately 15 feet below the grade of residential properties located on Fifth Massachusetts Turnpike (the nearest home being located approximately 280 feet from the proposed station track, 20 feet closer than the existing freight mainline), providing topographic shielding of noise from the existing freight and new commuter trains.

I note that the ENF considers the establishment of a cul-de-sac, with breakaway bollards for emergency access, along Fifth Massachusetts Turnpike to reduce cut-through traffic from the parking area through the adjacent residential area. The Proponent should continue to work with the City of Fitchburg and the neighborhood around the proposed station to determine how traffic patterns and parking can be managed effectively, particularly during peak periods.

Layover Facility

Under existing conditions, the commuter rail terminates in downtown Fitchburg. The MBTA currently utilizes a layover facility east of Fitchburg Station that is inefficient, undersized, and results in operational deficiencies along the rail line. The proposed new layover facility would resolve existing inefficiencies by placing the facility beyond the terminal station (approximately two miles west) in the WBP. The proposed facility will be owned and operated by the MBTA and will allow for the storage of six full length (850-foot) train sets. The layover facility will also include a small, 2,400 square foot building, an electrical substation, and parking for staff. No maintenance or washing of the train cars will be performed at the layover facility, as on-site

activities will be limited to crew changes and overnight storage. Train speeds within the facility will be under ten miles per hour. Trains stored overnight at the facility will initiate inbound runs to Boston from the facility, and the last outbound trains of the evening (up to six, given storage capabilities) will terminate at the layover facility. Each train that travels along the Fitchburg Commuter Rail Line will not terminate at the layover facility. During the day, with the exception of trains that need to perform a crew change, trains will terminate at Wachusett Station. If all six trains are in use, an estimated total of 18 daily train trips can be anticipated to the layover facility. The facility has been designed to allow exiting trains to make both an eastbound (towards Boston) movement and a westbound (towards Gardner) movement in an effort to allow for future expansion of the commuter rail line.

The Proponent evaluated several alternatives for the location of the facility, guided by rail operations and facility criteria, with an emphasis on avoiding environmental resources. The MBTA's requirements for a new layover facility include storage for up to six train sets, a relatively flat area for train storage, parking for train crews, and the ability to access any train set with minimal shifting of train cars in order to maximize operating efficiencies. Westminster Business Park is an industrially zoned property immediately adjacent to existing rail lines and located west of the proposed Wachusett Station. The Proponent evaluated and dismissed an alternative that would have occupied a narrower property on the opposite side of the rail tracks from WBP, as this alternative would have been configured as a two-head rail set for layover and would have impacted wetland resource areas. The Proponent also evaluated two locations within the WBP, the "proposed layover located in the southern portion of the WBP, and an "alternative" layover located in the northeastern portion of the WBP on lot I-8.

The "proposed" layover facility as identified in the ENF remains a possible location for the facility and has been evaluated for environmental impacts as part of the ENF. This alternative would require less land clearing as the development lots (I-2, I-3 and part of I-4C) have already been cleared as part of the WBP project and the layover facility would have the same or lesser impacts than those already approved under the existing MEPA certificate (EEA No. 8074). However, based upon information shared at the MEPA consultation session, the "alternative" layover location appears to be preferred by the current WBP owner, as it would not require taking existing buildings, trains crossing the existing subdivision roadway, or relocation of sewer mains. The "alternative" layover will require the clearing and grading of an existing forested area, albeit an area less than that currently approved under the existing MEPA certificate (EEA No. 8074). The easternmost end of the "alternative" layover location is also located approximately 1,500 feet from the public beach and recreational area located at Crocker Pond, separated by the existing freight rail lines.

Generally, comments submitted for the project have been supportive of the re-introduction of rail service west of downtown Fitchburg and the general location for Wachusett Station. However, I have received comments expressing concern about the potential for noise, vibration, and air pollution associated with the layover facility proposed in Westminster. The ENF and subsequent MEPA consultation session provided ample discussion of the deficiencies of the existing layover facility in Fitchburg and the need for a new layover facility beyond the terminal station. Furthermore, use of the existing Fitchburg MBTA facility or the PanAm

staging facility in Gardner would not allow the project to effectively capitalize on the improved operational efficiencies afforded by a new facility in Westminster.

The MBTA's commuter rail service is operated by the Massachusetts Bay Commuter Rail (MBCR) company. MBCR has a policy and standard operating procedure pertaining to locomotive idling at outlying layover facilities. The MBCR policy, in conjunction with the MBTA's own standard operating procedures, are aimed at ensuring compliance with State and federal idling regulations. Diesel train idling is specifically addressed in 310 CMR 7.11(2), as regulated by MassDEP. State law stipulates that diesel trains may idle for periods of up to 30 minutes, however best management practices would likely result in idling durations less than 30 minutes. Existing programs and policies include training of mechanical personnel, documentation of engine start up, departures, logging of fuel usage, and daily reporting of idling times. Under extreme cold conditions (defined as 0 degrees Fahrenheit or below), State law allows trains to idle for longer periods. Under such circumstances, layover personnel are required to contact local police departments, as well as various MBTA departments, and additional documentation and temperature monitoring are required. In accordance with the idling regulations, local police, fire departments, boards of health, and building inspectors, acting within their jurisdictional areas are authorized by MassDEP to enforce the State's idling laws.

Additionally, the layover facility will include an electric substation to power the staff/crew building and facility lighting, to heat the track switches to prevent freezing in the wintertime, and to heat train engines to reduce idling times. When trains are stored at the layover facility, they will be connected to the yard power to allow for the train systems to run without use of power from the locomotive. These policies, standard operating procedures, and facility design components, seek to mitigate potential noise or air quality impacts associated with the startup and shutdown of train sets at the layover facility. I strongly encourage the Proponent to continue to work with the Town of Westminster as the project advances to discuss how the facility will be operated and monitored in a manner that will not cause or contribute to a condition of air pollution.

With regard to potential noise and vibration impacts associated with the addition of commuter rail service to this existing freight corridor, the Proponent will be required to complete noise and vibration study in accordance with the Federal Transit Administration's (FTA) *Transit Noise and Vibration Assessment* manual published in May 2006, as part of the Environmental Assessment (EA) process through the National Environmental Policy Act (NEPA). A separate public review process would be initiated to discuss the EA should the federal TIGER funds be awarded to the project.

I encourage the Proponent to continue to work with the Town of Westminster to evaluate the potential impact of the layover facility on the Crocker Pond Recreation Area. While I acknowledge that freight trains actively use the tracks separating Crocker Pond and the layover facility, the additional frequency of commuter trains may require additional screening or other mitigation measures to ensure that layover operations will not negatively impact enjoyment and use of town-owned open space.

Freight Staging

The project will occupy an existing ROW that is heavily traveled by freight train traffic and crucial link between New York and Massachusetts. As noted previously, the existing freight tracks run approximately ten trains per day, some of which are as long as 7,000 feet. The project will re-establish a section of double track in the City of Gardner to accommodate the staging of freight trains along the corridor. This portion of the project will only impact existing disturbed areas within the rail bed and will serve to maintain effective freight use of the corridor.

Wetlands and Stormwater

According to the ENF, the existing railroad corridor between Fitchburg Station and the proposed Wachusett Station runs roughly parallel to the Nashua River, crossing the river at several locations. The Proponent has obtained an Order of Resource Delineation (ORAD) from the Fitchburg Conservation Commission that confirmed the presence of BVW, Inland Bank, Land Under Waterbodies and Waterways, 200-foot Riverfront Area and buffer zones within the passenger station project area. Additionally, wetland resource areas within the vicinity of the layover facility include BVW and Inland Bank associated with an unnamed intermittent stream. These wetland resource area delineations remain valid under an existing Order of Conditions associated with the Westminster Business Park. The project work in Gardner is anticipated to be located outside of jurisdictional wetland resource areas and their associated buffer zones.

The project will result in the direct alteration of approximately 2,300 sf of BVW, 400 linear feet of Inland Bank, and 0.42 acres of Riverfront Area. According to the ENF, a portion of the Riverfront Area is already developed by industrial uses and the Inland Bank is associated with an intermittent drainage ditch along the ROW. Alternative station locations were contemplated to reduce overall project wetland impacts. Wetland impacts have been avoided in their entirety at the layover facility site in Westminster and the double track work area in Gardner. The Proponent will be required to obtain an Order of Conditions from the Fitchburg Conservation Commission for the proposed work. As noted in the MassDEP comment letter, the project must be designed to meet all the performance standards outlined in the Massachusetts Wetlands Protection Act for each affected wetland resource area. Proposed wetland replication areas should be designed in accordance with MassDEP's *Inland Wetland Replication Guidelines (2002)*.

According to the ENF, the project is likely subject to the minor modification and maintenance provisions for the Chapter 91 Regulations (310 CMR 9.00), as the railroad bridge crossing are located within Chapter 91 jurisdiction. As an infrastructure crossing facility with no alternative to the water crossing, the project is defined as water-dependent under the Chapter 91 Regulations. Therefore, no portion of the project is a nonwater-dependent use. While the ENF states that a new or modified Chapter 91 License is not anticipated the Proponent should confirm this conclusion with the MassDEP Waterways Program.

The project will implement erosion and sedimentation controls Best Management Practices (BMPs) in accordance with a Stormwater Pollution Prevention Plan under the NPDES CGP. Additionally, construction and operational-period stormwater management measures should be developed in accordance with Massachusetts Wetlands Protection Act Stormwater Management Regulation and designed to comply with MassDEP's Stormwater Management Standards. At the layover facility, track pans will be installed to catch runoff from parked locomotives and oil and water separators will be incorporated into the on-site stormwater management system.

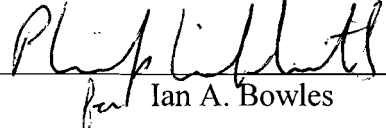
Rare Species

According to the comment letter on the ENF submitted by the NHESP, the proposed Wachusett Station and the MBTA layover facility are not within mapped State-listed species habitat according to the current *Massachusetts Natural Heritage Atlas* (13th Edition) and therefore, do not require further review by the NHESP. However, a 0.9-acre portion of the proposed re-establishment of double track in Gardner is located within *Priority* and *Estimated Habitat*. This portion of the project will require a direct filing with the NHESP in compliance with the Massachusetts Endangered Species Act (MESA, 321 CMR 10.00). The NHESP has indicated that based upon preliminary review of the information contained in the ENF, it appears that the proposed activity would not result in a prohibited "take" of State-listed species.

Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that the environmental impacts of the proposed project do not warrant the preparation of an EIR. No further MEPA review is required at this time. Any remaining issues can be addressed during the State and local permitting processes or through the federal NEPA process.

December 23, 2009
Date


for Ian A. Bowles

Comments received:

11/25/2009	Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
11/30/2009	Montachusett Regional Planning Commission
12/06/2009	Dan Tocci
12/08/2009	Mayor Lisa A. Wong, City of Fitchburg
12/08/2009	Mayor Mark Hawke, City of Gardner
12/08/2009	Mayor Dean J. Mazarella, City of Leominster
12/11/2009	Massachusetts Department of Environmental Protection
12/14/2009	Westminster Board of Selectmen
12/14/2009	Watchdogs for an Environmentally Safe Town (WEST)
12/17/2009	Nashua River Watershed Association

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