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August 16, 2016
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Chairman Daniel R. Elliot III
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

July 15, 2016

RE: BOSTON SURFACE RAILROAD COMPANY, INC. - Docket Number FD_36043

Dear Chairman Elliot:

We understand that Boston Surface Railroad Company (BSRC) has filed two petitions with the US Department of Transportation (DOT) Surface Transportation Board (STB).

BSRC is a privately held company based in Arlington, MA. BSRC proposes to operate a private passenger rail business between Providence, RI and Worcester, MA, with one intermediary stop at the former rail depot in Woonsocket, RI. To do so, the company says they will build a platform at Union Station in Worcester, and purchase locomotives and passenger cars. The rail service would be operated by Providence & Worcester Railroad (PWRR), using existing PWRR infrastructure.

One of the current petitions is a Motion for Protective Order. Oftentimes, transit operations are through public agencies; in those cases, much information would be accessible to the public. In this case, of course, BSRC is a private company and not subject to public agency disclosure requirements. This motion would keep proceedings and documents, such as their corporate agreements with P&W and others, out of public view.

The second petition is a Motion for Exemption from a portion of 49 US Code Subtitle IV. Specifically, Section 10502 provides the opportunity for the US DOT STB to grant exemption from local and state permitting where the provisions of section 10101 of the Code (15 items summarizing US rail transportation policy) are met and where the rail service would be limited.

By granting the exemption, the STB would provide that regulatory jurisdiction would fall solely with the federal government. State and local governments would have no regulatory oversight relative to schedules, fees, or operations of the passenger rail service between Worcester and Providence or, according to the Motion, "*for such services as it may add at some later date.*" (*Emphasis added.*)

Because the project utilizes existing infrastructure and does not propose to alter sites and structures more than 50 years old, the applicant has indicated that they project appears to be exempt from environmental review and from NHPA Section 106 review.

Authority:

In 1986, Congress approved Public Law 99-647 establishing the Blackstone River Valley National Heritage Corridor. Section 9 of that law obligated the Corridor to review and comment on a variety of projects by providing the following:

“Any federal entity conducting or supporting activities directly affecting the Corridor *shall*-

- 1) *Consult with* the Secretary and *the Commission* with respect to such activities,
- 2) *Cooperate with* the Secretary and *the Commission* in carrying out their duties under this Act and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and
- 3) To the maximum extent practicable, *conduct or support* such activities in a manner which *the Commission* determines will not have an adverse effect on the Corridor.”

(Emphasis added)

In 2014, Public Law 113-291 was adopted. This is the law that established the National Historical Park and, in section 3052, also amended our original legislation in the following manner:

“For purposes of (99-647 Section 9), a reference to the “Commission” shall be considered to be a reference to the local coordinating entity.”

Blackstone Heritage Corridor, Inc. (BHC) is the designated local coordinating entity for the John H. Chafee Blackstone River Valley National Heritage Corridor.

BHC Mission and Strategic Plan:

The Blackstone Heritage Corridor works with community partners to preserve and promote the Valley’s historic, cultural, natural and recreational resources for current and future generations.

Our Strategic Plan is currently under review and identifies a number of elements related to this request. While not exhaustive, our plan describes several objectives which relate to this application and which are identified below (in no particular order):

- a) Encourage investments in intermodal transportation systems to support economic growth.
- b) Support adaptive reuse of existing infrastructure and developed sites.
- c) Reduce dependence on private automobiles and foster alternative means of transportation, such as walking, bicycling, and use of public transportation.
- d) Promote a culture of sustainable choices and an ethic of long-term care for our valley. Inspire residents to care about where they live.
- e) Advocate for completion of the Blackstone River Bikeway.

The next section, Discussion Points, provides a brief discussion of the relationship of the BSRC petitions with each of these items.

Discussion Points

a. Encourage Intermodal Transportation Systems:

The proposal is to develop a mass transit system connecting Providence with Worcester (with one stop, in Woonsocket). The proposal keeps open the possibility of future expansion into other markets.

Of course, we have no information about these potential markets nor of the infrastructure already existing in those potential markets. Our Strategic Plan encourages investment in intermodal transportation systems without distinguishing between public and private systems.

b. Support reuse of existing infrastructure:

The proposed rail line would operate on existing tracks and using existing stations/terminals. In the current proposal, the rail cars will be privately owned by BSRC, and operated by PWRR.

c. Reduce dependence on private automobiles and foster alternative means of transportations:

BSRC's passenger rail system would ostensibly reduce dependence on private automobiles for travel between Providence - Woonsocket - Worcester.

d. Promote a culture of sustainable choices and an ethic of long-term care for our valley. Inspire residents to care about where they live.

While typical for relatively small non-freight rail operations, the exemption will remove from local discussion a number of items. While scheduling and fares for a multi-jurisdictional passenger rail service may be most expeditiously vetted a single time, at the federal level, rather than up to 2 dozen times in each of the municipalities and states through which the service will travel, the motion will also exempt from local conversation any future plans to propose new routes.

N.B. Sample travel times listed in the motion are significantly different than an online search revealed (on 6/27/2016 and again on 7/15/2016). Bus travel on local regional carrier Peter Pan Bus Lines is consistently shown at \$14-\$16 each way for a **55 minute** trip. The motion represents it is a nearly 4 hours-long ride.

e. Advocate for completion of the Blackstone River Bikeway: In Rhode Island, state officials were instrumental in encouraging the PWRR to sell the state a portion of the rail ROW for use of the bikeway. In Massachusetts, the state has to date not led that discussion.

At the present time, there are several stretches of rail corridor that are currently double-track wide (two parallel tracks), wide enough to accommodate a single rail and also the bikeway (with adequate separation).

Adding passenger rail service will add to increased demand and may essentially eliminate the possibility of locating portions of the Bikeway in the PWRR ROW.

Conclusions/Recommendations:

As a private and closely held company, BHC has no stake in the details of business agreements BSRC may make from time to time.

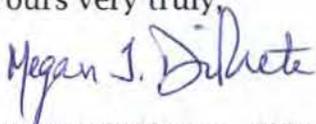
Relative to the petition for partial exemption from 49 U.S.C. Subtitle IV, there are a number of considerations in BHC's strategic plan that may be impacted. BHC applauds efforts to reduce dependency on private automobile travel, increase mass transit opportunities, and utilize existing infrastructure.

In order to promote the integrity and sustainability of the nationally-significant Blackstone River Valley National Heritage Corridor, BHC encourages BSRC to work actively with local communities, businesses and residents to promote and facilitate long term stewardship of our Valley's resources and completion of the Blackstone River Bikeway. We urge BSRC to pursue those ideals regardless of whether an exemption is granted.

Additionally, while utilization of an existing infrastructure system poses fewer concerns, the suggestion that the exemption would shield BSRC from local review even when pursuing a potential expansion of the service market is a concern. Future market expansion may indeed have effect upon wildlife corridors, habitat, historic resources and/or community resources and both deserve local consideration and also require BHC review pursuant to the Congressional mandate contained in PL 99-647.

BHC appreciates the opportunity to provide these comments, and looks forward to assisting efforts to protect and promote the resources of the Blackstone River Valley National Heritage Corridor in any way possible.

Yours very truly,



Megan T. DiPrete, AICP
Deputy Executive Director
Community Planner

Cc: The Honorable Ann D. Begeman, Vice Chair
The Honorable Deborah Miller, Commissioner



**Blackstone
Heritage
Corridor, Inc.**

Chairman Daniel R. Elliot III
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August 16, 2016

RE: BOSTON SURFACE RAILROAD COMPANY, INC. - Docket Number FD_36043

Dear Chairman Elliot:

I certify that I have this day served copies of the document dated July 15, 2016 upon all parties of record in this decision, namely one Erica Mastrangelo, by email as shown in the motion/s.

Yours very truly,

A handwritten signature in purple ink that reads "Megan T. DiPrete".

/s Megan T. DiPrete, AICP
Deputy Executive Director
Community Planner