



# Rockingham Planning Commission

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## MEMORANDUM

**TO:** Salem-Plaistow-Windham MPO TAC and Policy Committees

**FROM:** Cliff Sinnott, Executive Director

**DATE:** November 4, 2002

**SUBJECT:** **Thursday's Meeting regarding the I-93 Draft EIS**

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This Thursday, November 7<sup>th</sup>, the TAC and Policy Committees of the MPO will meet to discuss various issues regarding the I-93 Expansion Project's Draft EIS. The immediate purpose of the meeting is to provide guidance to staff in preparing the MPO's comments for the Public Hearing on the DEIS which will be held on November 12<sup>th</sup> and 14<sup>th</sup> in Salem and Manchester, respectively. We urge your attendance at this important meeting.

There are many complex issues raised by the project and discussed in the DEIS. Not unexpectedly, some of those issues have become contentious, particularly regarding project mitigation and consideration of alternatives, particularly rail. As a staff we have been considering these issues for some time and have developed a set of draft positions on some of the major issues. We feel it is important, however that you have the opportunity to hear for yourselves the various perspectives on these issues directly from their proponents. To that end, Jeff Brillhart, NHDOT Director of Project Development and Ansel Sanborn, NHDOT Planning Bureau Administrator will attend as will Carl Deloi (NH Team Coordinator) and Rosemary Monahan from the EPA. We have not asked them to attend in order to debate with each other, but rather to help us understand their perspectives on the various issues as we develop our own opinions.

To help facilitate this discussion, we have prepared some initial staff positions on the principle issues. I emphasize that these are staff's draft positions, and not the official position of the MPO. They do not necessarily encompass all the issues we should address, nor all the local issues that we may wish to speak to. Again, the objective of the meeting is to come to resolution on these and any other positions that come to light so that staff can carry your message to the Public Hearings the following week.

### **I-93 PROJECT BACKGROUND**

The I-93 Expansion project was begun more than a decade ago, in 1991. Its purpose was improve an existing interstate corridor that was (and is!!) seriously deficient relative to capacity and safety. At that time the project scoping for the EIS was completed, an advisory task force was established (Tom Case, Windham was the MPO's rep) but then everything was halted due to the need to develop a "state of the art" travel demand model with which to analyze both the need and alternatives for the project (a requirement of ISTEA and the Clean Air Act). For various reasons, the project did not start up again until 1998 when the project consultant (VHB) was hired; the public process did not begin

again until early 2000. The issuance of the Draft EIS in late September was preceded by the publication of several documents. These included: 1) the project *Scoping Report* (where major issues to be considered in the EIS are defined) in May 2000; 2) a *Rail Alternatives Evaluation Report* in November of 2000; 3) the *Rationale Report* (which defined the set of project alternatives to be studied in the EIS) in January of 2001; and finally 4) a Secondary Impacts Report (which estimated the additional growth that will occur in a broad corridor area if the project is completed) in December of 2001. Assuming successful completion of the Final EIS and issuance of all permits required, construction on the project is scheduled to begin in 2004, and be completed, at the earliest, in 2010.

The MPO has been a strong supporter of the project from the beginning, believing that it is long overdue and needed to address long-standing deficiencies in the highway. At the same time we have advocated building into the project aggressive transit alternatives, believing that they are necessary to: 1) move us toward a more balanced transportation system overall; and 2) allow the region to maintain conformity with the State's mobile source emissions budget established in the State Implementation Plan for air quality attainment. The latter is a strict legal requirement under the Clean Air Act, with which we must comply or risk losing access to Federal transportation funds.

## **KEY ISSUES AND STAFF POSITIONS**

### **Environmental Streamlining**

The I-93 project is one of, if not the, first major highway project in the country to be subject to environmental streamlining. Environmental streamlining is intended to shorten the typical timeframe required to fully permit a major infrastructure project by ensuring early coordination among all Federal and State permitting agencies. The streamlining process created a high level "Board of Directors" to oversee this coordination effort. The idea, as we understand it, is to attempt to resolve potential conflicts early in the process and to coordinate the timing and prerequisites for permits to foster a smooth flow of project milestones. Our one complaint is that the MPO was not part of the process. Technically, the MPO does not fit the definition of a participant: federal or state agencies with permitting authority over the project. On the other hand the MPO must eventually agree to include the permitted project in our TIP, and in that sense we also must "approve" the project. Technicalities aside, we feel the process would benefit from MPO participation. We are the natural middle ground between project proponents and environmental advocates, and might have played a constructive role in bridging the differences that developed. Our recommendation is that MPOs be included as participants in environmental streamlining in any future projects where it is applied.

### **Rail Alternative**

The decision made by the NH DOT not to carry forward a project alternative for commuter rail has been controversial. Many observers and participants in the process expected that it would be considered since the highway parallels an existing abandoned rail line. The decision to omit this from the EIS alternatives was made based on a *Rail Alternatives Evaluation Report*, which concluded that, no matter how successful rail service was likely to be, it would not remove enough traffic from I-93 to meet the purpose and need of the project.

We agree with this assessment for two reasons:

**DRAFT Staff Comments on Draft EIS for I-93  
November 4, 2002**

- The ridership data shows that commuter service would not measurably change the congestion that exists on I-93 today, let alone what it would be in 2020. Even a doubling or tripling of the study's ridership estimates would not alter this conclusion.
- Including the rail alternative in the EIS would have, we believe, required much more extensive study of the feasibility of both the in-corridor and Lawrence-Manchester line alternatives. This would have significantly delayed the preparation of the EIS, for no real benefit, since the outcome in terms of effectiveness was already known, with an acceptable level of certainty.

That said, the rail alternatives analysis appears to have a number of flaws, especially in the assumptions used to forecast ridership. In estimating rail and bus ridership, the DEIS makes a series of assumptions about the cost of driving relative to using transit. These include an incremental cost of driving of \$0.20/mile, and an average cost of parking in Downtown Boston of \$5.00/day.

Based on information from the Artery Business District Transportation Management Association (TMA), which provides commuter transportation consulting to Boston downtown businesses, current downtown parking prices range from 60% to 400% higher than estimated in the DEIS. Parking in the Seaport District, the cheapest in downtown Boston, averages approximately \$8.00/day, while parking in the financial district ranges from \$18.00-\$22.00/day.

Regarding marginal cost of driving, for 2002 the American Automobile Association (AAA) estimates the national average cost per mile to drive at \$0.45. A more conservative "perceived" per mile cost is \$0.30, which is the current state and federal reimbursement rate.

The study includes a limited sensitivity analysis of how ridership (on East Rail Service only) would change with parking costs of up to \$15.00/day, and per mile costs of up to \$0.25. The sensitivity analysis found that ridership more than doubled from 957 to 2,126 with a parking cost of \$15.00/day. However, the analysis does not look at cost higher than \$15.00/day for parking or \$0.25/mile; nor does it assess these changes in tandem, look at transit alternatives beyond the East Rail, or look at future costs and ridership projections for 2020.

The effect of these flaws is to underestimate the ridership potential, especially that of the Lawrence-Manchester line service. Although higher ridership estimates would not, in our judgement, have made commuter rail a viable alternative to widening I-93, they might have affected the determination that a widening to four lanes rather than three north of Exit 3 is needed. More accurate estimates would also build a stronger case for funding rail and ongoing bus service to address future need in the corridor.

Both Commissioners Murray and Kenison have stated that any future expansion to the I-93 corridor will have to be accomplished through alternative transportation, and not through additional road widening. The NHDOT has indicated their support in conducting a future transit alternatives study of the I-93 corridor (in conjunction with Massachusetts) to determine what rail alternative or other transit alternatives will be feasible and most effective. We strongly support this study and consider it to be high priority for transportation planning in this corridor.

In summary, we agree with the decision not to carry the rail alternative forward as part of the preferred alternative. However, we believe the DEIS should contain a firm commitment by the NHDOT to proceed with the transit alternatives/feasibility study for the corridor, and should specify a general timeframe for completion. The purpose of the study should be to carry out a detailed analysis and feasibility study of various transit alternatives to address future travel demand growth in the corridor.

## **Transportation Demand Management & Transit**

The preferred alternative includes what the DEIS refers to as both "Expanded" and "Enhanced" bus service. The Expanded bus service is an expansion of the existing Concord Trailways intercity commuter bus schedule that currently serves the Exit 4 Park & Ride in Londonderry. This service would be expanded to headways of 30 minutes all day on weekdays and 60 minutes all day on weekends. Additional stops will be added at newly constructed Park & Ride lots at Exits 5,3, and 2. To limit the total trip time, no individual bus would stop at more than two of the four Park & Rides.

The Enhanced bus service will be a commuter service connecting Park and Ride lots at Exits 5, 4, and 3 to employment centers in Northern Massachusetts at Exits 45 (River Road), Exit 42 (Dascomb Road), Exit 38 (Route 129), and Exit 37 (Anderson Transportation Center in Woburn).

The DEIS ridership projects indicate these to be the most effective of the transit and TDM measures considered. They are consistent with the type of commute-oriented projects the MPO has supported in the past. We believe they are important traffic growth mitigation components to the I-93 project and should be integral to it. We have a range of questions and concerns regarding these services as defined:

- 1) Funding for Operations: First and foremost is the question of how these services will be paid for. The DEIS does not indicate where funding for either service will come from. Nor does it indicate whether funding will be ongoing or available only as a mitigation measure during construction. This should be clarified, and a commitment made by NHDOT to dedicate ongoing funding for both services. Also, while the language of the DEIS suggests that NHDOT's commitment to the Expanded bus service is firm, the DEIS indicates that the Enhanced bus service will be implemented "as practicable." The implications of this are not clear, and a clear commitment should be spelled out.
- 2) Funding for Marketing: A lack of adequate marketing, due in part to a general lack of available non-federal match for transit funding, has been a problem for many commuter transit services in the state. The DEIS should spell out a commitment to develop and fund implementation of a strong marketing program for transit service in the corridor.
- 3) Headways & Use of Buses: It is unclear from the DEIS whether the 30 minute headways for the Expanded bus service apply for each Park & Ride lot, or to the overall bus service. If 30 minutes applies to the service as a whole, service to any one Park & Ride lot will be only every 60 minutes. Headways of 60 minutes are inadequate for commuter bus service. NHDOT should clarify this point and ensure that peak hour headways at each Park and Ride are not greater than 30 minutes.

Outside of commute hours, buses running on 30 minute headways are not likely to be very productive through the middle of the day. Longer mid-day headways may not decrease the number of buses needed, given short commute-hour headways, but more cost effective use of some buses may be possible mid-day. Some options include 1) bringing some buses back to NH to provide transit service in the Derry-Salem corridor, 2) use of buses in Boston for charter work to offset costs, if FTA funds are not used for capital bus purchase; or 3) lay-over in Boston. On their return trips buses can also be used for reverse commute services for Massachusetts workers who work in retail jobs in NH.

- 4) Local Cross-Border Service on Route 28: The addition of a local bus service operating on Route 28 across the border has the potential to remove traffic from I-93 otherwise entering and exiting between Exit 3 in NH and Exit 45 in Massachusetts and should be considered as a local traffic mitigation measure.
- 5) Dedicated Busway: The joint New Hampshire-Massachusetts rail study described in the DEIS should be broadened to include assessment of a dedicated busway in the median to support Bus Rapid Transit service; as well as a more comprehensive analysis of the potential for HOV lanes in NH and Massachusetts.
- 6) Assumptions in Modeling Ridership: We have outlined a series of weaknesses in the transit ridership estimates as part of the rail discussion above. These concerns also apply to bus ridership estimates. As noted above, while the results of more accurate estimation would be unlikely to show that the widening project isn't necessary, they would build a stronger case for funding rail and ongoing bus service to address future need in the corridor.

### **Bicycle & Pedestrian Facilities**

The DEIS describes a multi-use path running 12 miles from Exit 2 to Exit 5 in the highway right of way. As shown in the conceptual design it would connect to each of the Park & Ride lots as well as local connector roads, and cost approximately \$8.4 million to construct. One concern with the current design is its close proximity to the interstate in many locations, and lack of barrier between the path and the roadway as shown in Figure 2.3-21. While this will not likely be a problem for some potential bike commuters it will raise safety concerns for others, the proximity to the interstate is not likely to provide an atmosphere that encourages recreational use.

NHDOT has contracted with Rizzo Associates and Alta Transportation to assess two other potential alignments for such a north-south bicycle route that would connect Salem to Concord. These include NH Route 28, and the Lawrence-Manchester rail right of way used as either a rail-trail or a rail-with-trail should that alignment also be selected for rail service. Results of this study are expected in March 2003. We commend the NHDOT for including a bicycle facility in the project design, and support further study to determine the best type and location for this facility.

### **Traffic Management/Congestion Mitigation During Construction**

The DEIS does not appear to adequately address the impact of traffic diversion and congestion that can be expected to occur during the active construction of the highway expansion. It is likely that many motorists traveling on I-93 will seek to avoid construction related delays and divert to local roads, especially NH 28 and the interconnecting east-west roads, including Rockingham Boulevard, Pelham Road (NH 97) and NH 111. South and North Lowell Roads, and well as Londonderry Rd. are also likely to see diverted traffic. This is a major concern of both Salem and Windham. Salem has taken steps to prepare for this by proposing to build a Town-wide traffic management system which will enable the Town to monitor and adjust traffic signal timing and other flow control to respond to increased local traffic. The PE portion of this project has been approved for CMAQ funding and an earmark for federal funding is proposed in the federal transportation appropriation bill for FY03.

The DEIS does describe the possible and proposed use incident management and ITS technology in managing pre-, during and post-construction conditions in the corridor. However, it is not clear whether or which of these will be implemented to manage construction related traffic congestion. We recommend that additional attention be given in the Final EIS to the localized impacts of construction related congestion, and where specifically pre-construction roadway improvements will be made to

accommodate large influxes of traffic. The Final EIS should also specify how Salem's townwide traffic management system should be integrated with construction mitigation measures planned by the NHDOT. Finally, NHDOT should ensure that the active construction phases of the I-93 improvements near Exits 2 and 3 are timed not to overlap active construction of the NH 111 Bypass.

### **Lane Configuration**

The *Rationale Report* issued in January 2001 stated that from a Level of Service (LOS) perspective, four lanes or more are justified for the southern portion of the study area (Exit 3 south). Using the operational analysis criteria of looking for a LOS of "D" or better during peak hour, it also states that a fourth lane is not necessary north of Exit 3 (page 4-4). The DEIS preferred alternative is to construct 4 lanes in each direction for the entire length of the project, including north of Exit 3. While we understand the reasons for this (it is less costly both in time and money to construct the 4<sup>th</sup> lane now than at some future point when it may be needed), the decision raises a number of questions which should be considered:

1. How soon after project completion would the 4th lane be justified, according to the criteria used in the rationale report?
2. What is the incremental cost of building the 4th lane north of Exit 3 versus the 3 lane alternative?
3. If these additional costs are large, how will this affect the state's ability to move forward on other important projects in the regional and the state?

As the agency responsible for looking at regional transportation needs and priorities, the MPO must examine this project in context with other regional priorities. With financial constraint being a key consideration, it is important to make sure that the additional costs, as well as any additional environmental impact, are fully justified.

### **HOV Lane Alternative**

Regarding the presence of an HOV lane, staff agrees with the NH DOT assessment that building an HOV lane to the NH/MA state line does not make sense. However, the HOV scenarios studied may have missed a viable alternative which has come to our attention as a result of the MVPC's study of I-93 in the Merrimack Valley section. That study shows a large turnover in the traffic at the I-93/495 interchange. Many cars leave the I-93 corridor at that point, while others join, due to the large employment and population centers located both east and west of I-93 in the 495 corridor. Because of this, an HOV facility in New Hampshire that ends at 495 may have greater utility than the HOV options formally examined in the EIS. The decision to include 4 lanes for the length of the project may also improve the practicality of an HOV facility – especially if it is a shared lane facility that is designated for HOV use during peak hours and used as a general purpose lane at other times. This would make the facility more flexible, less costly and easily changed if proven to be ineffective. We believe this additional HOV scenario warrants further study in the Final EIS.

### **Conservation and Planning Mitigation**

Perhaps the most publicly controversial aspect of the DEIS is the proposal for "conservation mitigation." By that we refer to land acquired for conservation purposes in addition to the mandated "compensatory mitigation" to mitigate for direct project impacts on wetlands and flood hazard areas. Conservation mitigation, which takes the form of the acquisition of land or development rights for use as conservation land, can help mitigate for the project's direct impacts on wildlife habitat, farmland, and aquifer recharge areas. It can also mitigate for the project's secondary impacts which will occur

as an indirect consequence of the project. It was determined through the Secondary Impact Study that, as an indirect result of the highway expansion, approximately 35,300 more people will live and 15,700 more jobs will be added within the 23 New Hampshire towns by the year 2020. It appears that the NHDOT is willing to mitigate for direct impacts (including an amount over and above compensatory mitigation) but not for secondary impacts.

“Secondary impact” growth will certainly have an environmental impact on the affected area. The real question is whether it is the responsibility of the NHDOT to compensate for this. The EPA maintains that the project should include substantial conservation mitigation to address secondary impacts, reasoning that the additional development will inevitably result in additional impacts to wetlands, flood hazard areas, wildlife habitat and other resources. The NHDOT, while not denying that this will occur, believes that they are not legally required to mitigate for secondary impacts and that the impacts will be dealt with through existing local zoning and state environmental regulations as the actual development occurs. While their mitigation “package” includes areas above and beyond “compensatory mitigation” they consider EPA’s secondary mitigation recommendations to be invalid.

The mitigation package as presently proposed by the NHDOT would include 645 acres at eleven sites in the five immediate corridor communities at a cost of \$15.3M. The direct project impacts are approximately 100 acres of wetlands and floodplains. At an earlier stage, the EPA had proposed up to 3000 acres of conservation land be protected as part of the mitigation package, including large areas outside the five corridor communities but in areas expected to experience additional growth and development because of the project. More recently they had informally suggested a compromise seeking instead to have the NHDOT add \$5M in funds for mitigation to the package to be used in obtaining conservation lands.

Most recently, as described in a letter from EPA New England Administrator Varney to NHDOT Commissioner Murray (10-05-02), the EPA has suggested that the mitigation package include the following, involving substantially more than \$5 million in additional costs:

- the mitigation package proposed by NHDOT;
- acquisition of approximately 2850 acres of additional ecologically important conservation land to protect drinking water supply watersheds and habitats that will be impacted by secondary development;
- establishing land conservation grants to be leveraged with local match and administered through the existing LCHIP program or other mechanism;
- establishing a technical assistance planning program for the communities likely to be affected by project, both directly and indirectly. (also included in NHDOT’s mitigation proposal).

To summarize positions, the **NHDOT** believes that their primary responsibility for mitigation is to address direct project impacts on wetlands, flood storage and water quality (as opposed to wildlife habitat impact and secondary impacts). They believe that mitigation sites, where available and suitable, should be located as close to the project impacts as possible, and be distributed within the communities in rough proportion to the impacts made. The **EPA** believes that the mitigation sites proposed by NHDOT are too small and too isolated to provide protection to the wetlands dependent species that will be impacted by the project. In addition to direct impacts, they believe the package should include acquisition of ecologically important conservation lands to help preserve habitats and to mitigate for the secondary (growth related) impacts of the project, including impacts outside the immediate highway corridor. They point to other large DOT projects where proportionately larger amounts of conservation mitigation have been agreed to. **Windham and Salem** feel that the large majority of mitigation efforts should take place within the communities most directly impacted by the expansion believing that there are still many areas of valuable land that can serve as good

environmental mitigation sites. Salem is most concerned about wetland and flood hazard mitigation, and about construction traffic impacts; Windham is most concerned about and the loss of tax base caused by the direct impacts from the project and about residential growth pressure from secondary impacts. **Other MPO communities** within the secondary impact study area (Hampstead, Sandown, Danville, Atkinson) are primarily concerned about additional growth pressure.

### **MPO Position**

There is no question that the I-93 project will stimulate a substantial increase in the growth over that which would otherwise occur. Yet this project is primarily addressing a past deficiency in the highway. The growth that it would have brought if addressed 20 years ago is already here. I-93's expansion now will enable still more growth, but will not cause it per se.

To have large areas of ecologically important land acquired for conservation purposes would clearly be a great benefit to the communities and the region. Obviously we are in favor of that happening! The question, however, is whether it is the responsibility of this project, and therefore the NHDOT, to provide this benefit. Technically, we agree with the NHDOT that they are not legally required to do so, but we see the distinction between conservation mitigation that goes beyond compensatory mitigation and secondary impact mitigation as largely a semantic distinction.

We view EPA's and NHDOT's respective positions on this issue to be different more in degree than in type. EPA's recommendations exceed what we view as a reasonable burden for this project. The fact that highway projects have become one of the few sources of funds for this type of mitigation makes them the natural target for filling all kinds of needs and desires. In fact, the DOT is increasingly asked to look beyond direct transportation needs and impacts in the development of its projects and consider the needs of communities from a broader perspective – and increasingly they have taken this broader view. We agree that a substantial mitigation effort is warranted but believe that the NHDOT should not be the sole bearer of this responsibility.

Our recommendation is that the NHDOT proceed with its mitigation package as proposed with but with up to \$ 5 million in additional funds allocated to conservation mitigation available on a matching basis, with the match to be shared between the EPA, municipalities and land trusts or other private sources. Eligible projects could be located within or outside the 5 directly impacted communities; would be selected jointly by the funding agencies and be designed to mitigate primarily for direct project impacts, including groundwater and watershed protection, wetland habitat protection., etc.

In addition, we believe that additional emphasis and stronger linkage in the overall mitigation package should be placed on the planning assistance component offered to affected communities. Dramatically improved land use planning can have a far greater and ongoing effect on reducing impacts of development and preserving ecologically important lands. This planning assistance should be focused on helping communities to reorient development patterns to emphasize a multi-density approach to development, trading off higher development densities in and around new and existing town and village centers with large areas of very low density development and open space protection in others.

Components of this assistance should include: ongoing training, education and outreach; assistance in the development of improved zoning ordinances, including multi-density zoning approaches, parcel specific open space plans, water resource management and protection plans, and highway access management plans; access to improved planning tools such as GIS, and GIS-based buildout analyses, and, for smaller communities, access to part time planning staff assistance.