

Summary of meeting held on July 7, 2016, regarding the status of the NEC Future decision, in light of emails obtained through a Freedom of Information request.

Attending: Commissioner James Redeker; State Senator Paul Formica; Rep. Devin Carney; Pamela Sucato, DOT; First Selectwoman Bonnie Reemsnyder; Rob Haramut, RiverCOG; Greg Stroud, SECoast; John Forbis; Bennett (BJ) Bernblum; and representatives from Sen. Blumenthal's, Sen. Murphy's and Rep. Courtney's offices.

Introductions were made and First Selectwoman Bonnie Reemsnyder summarized the issue with the NEC Future Plans, in particular, Alternative 1 and the Old Saybrook (OS) to Kenyon bypass. She explained that there was a meeting in Old Lyme on March 11, 2016, with the NEC Future team members and local leaders regarding the plan and the impact on Old Lyme. The principal concern was that the bypass would devastate the community, as it would pass through the heart of our historic and commercial district. Also extremely worrisome is the possible environmental impact of the bypass on the Connecticut River estuary. At that meeting, the team acknowledged the damage an aerial structure would do and committed that, if the OS to Kenyon bypass remains part of the final EIS, it will include, instead, a tunnel under the CT River and continuing under the western part of Old Lyme. There are still concerns with a tunnel, and in a follow-up letter to the FRA, Mrs. Reemsnyder included a list of organizations that she requested be informed and consulted regarding the study of the tunnel, should the bypass remain on the plans.

At that point, Mrs. Reemsnyder turned it over to Greg Stroud to explain his concern with emails received through an FOI request. In his estimation, some of the emails indicated that the decision to include the bypass had already been made in February, immediately following the close of the comment period. Stroud articulated the mission of SECoast, and the great concern that has been expressed by many local residents and business concerns about the plan. He distributed a list of questions that he had regarding the FRA NEC Future project, and requested that they be answered. Stroud also asked for a public information meeting to be held by the FRA in Old Lyme, as there was very little outreach for this area prior to or during the comment period.

Commissioner Redeker took time to explain how the NEC Future study came about. The last Environmental Impact Statement (EIS) for railroad improvements or upgrades was done in the 1970's and it has expired, with these consequences:

- Given that the old EIS has expired, the FRA may commence no new projects until the EIS is completed. This is the first time FRA is conducting a Programmatic Service Level NEPA project so it is new to everyone. It is a vision for the future, not a definitive plan, but if something is not included in the EIS, it will not be part of a future opportunity. Hence the EIS must include all projects that might reasonably be considered.
- This document will be the guiding document for future project level Environmental Impact Statements and project investments for years to come. A program for future investments is critical because we are at capacity on the NE Corridor in Southeast Connecticut. Nothing will happen to give us the increased capacity we need, nor to address the structural repairs that are desperately needed, unless the Programmatic EIS is completed.

- Following a Record of Decision on the Programmatic Service Level EIS, FRA will develop a “Service Development Plan,” which will attempt to prioritize and sequence the various projects contemplated in a “Phase 1” implementation program.
- The Service Development Plan will produce a list of projects with sequencing and priority that will likely require more detailed project level NEPA actions and a funding plan. Currently, there is no significant federal funding for rail capacity improvements, so the choice to fund many projects will be left to states. As a result, any decision to invest in rail capacity expansion in Southeast Connecticut will require substantial stakeholder input, and ultimately a decision by the State of Connecticut to fund or implement any investments in the line.

Redeker further explained that he is also the Chair of the Northeast Corridor Commission that oversees operations and investment in the Northeast Corridor. However, that organization has no role in the FRA NEC Future program. He reported that all of the state members of the NEC Commission submitted formal comments regarding the NEC Future program which focused on investments in the existing rail system as a top priority. They also recommended that NEC Future focus on the existing system state-of-good repair as a first priority before addressing any new alignments for high speed rail.

While he was asked to answer questions put together by some of those in attendance, he said that the questions needed to be directed to the FRA since he is not in any position to address the FRA initiative or what the preferred recommendation will include. He also suggested that we should ask the FRA to come to Old Lyme to do a presentation, at a time they felt most appropriate.

The Commissioner described the NEC Future plan as a menu of options to consider, and that if an option was not on the menu, the FRA would likely not pursue a Tier 2 study and ultimately funding to implement it. He believes that is why they may be considering a mix of the three alternatives – including the New Haven to Springfield service and the OS/Kenyon bypass. He said that the critical issue is that the current Connecticut to Rhode Island rail line capacity represents a major bottleneck which needs to be addressed, but he would leave for a future time the determination of how best to accomplish it. Redeker did acknowledge that he spoke to project team members and made the point that a while a “line on the map” does not have any specific details and does not represent a commitment to invest in that alternative, it has had the potential for negative impacts to the community if misunderstood.

Rep. Carney spoke about the concerns of constituents and how this is already impacting their decisions on land transfers and plans for the immediate future. He discussed how he feels his constituents were not given an acceptable venue to ask questions or air their grievances and re-iterated a call for a public meeting in Old Lyme with the FRA and Old Lyme’s federal delegation. He said he feels very much in the dark due to the lack of information and communication from the FRA and believes his constituents feel the same. He commented that he would like to see the bypass plan removed from current and future proposals and that he is concerned that this will be a cloud hanging over Old Lyme and its people unless the FRA completely removes it.

State Senator Formica said that he felt a meeting with the FRA was in order to air some of these concerns. The representative from Sen. Blumenthal’s office said that he would support a public meeting with the FRA and Blumenthal’s office is ready to advocate in any way needed.

John Forbis specifically asked a question regarding the potential of the CT River becoming part of the Connecticut National Estuarine Research Reserve (NERR) Program. Commissioner Redeker suggested that he will forward information to Commissioner Klee (CT DEEP) on this.

Redeker commented on the emails that Stroud thinks indicate that the FRA in February made a decision to include the OS to Kenyon bypass in the final EIS. The Commissioner stated that the emails received by Stroud through his FOIA request represent only a sliver, at one point in time, of his discussions and meetings with the FRA and communications about the project. They did not, nor could they, include the background and conversations involved prior to and subsequent to the emails, in which he has participated. Redeker is confident that the FRA had not made up its mind in February about the bypass; to the contrary, FRA continues to refine its recommendations regarding the three alternatives and the final EIS. He believes that the project team is clearly considering the input from Old Lyme as evidenced by the meeting they attended and the public record from stakeholders. He reiterated that this is an entirely new type of study, one that has never been done before, and the project team is working hard to finalize their recommendation.

Greg Stroud asked if what the Commissioner was saying was that they (SECoast) were wrong about the emails, and the Commissioner said yes. Greg again stated that the emails are troubling and that he would continue to fight the OS/Kenyon bypass tooth and nail. Commissioner Redeker cautioned the group that a wholesale attack on the EIS could paralyze the process and result in nothing being done for rail service improvements which are so critical for the future of this region. To have better service in the most-traveled region of the country, we have to have this study completed. It is a high-level look at options and visions for the future, which will be refined and adjusted with Tier 2 studies regarding particular projects and their local impacts. Once the studies get to the point of actual planning of sections of the vision, there will be lots of local outreach and involvement, as would be expected.

The meeting lasted for about two hours. At its conclusion, Commissioner Redeker encouraged the group to continue to ask the FRA to come to Old Lyme for a public information session and to forward questions to them.

Respectfully submitted,

Bonnie A. Reemsnyder

First Selectwoman, Old Lyme