



February 22, 2017

NEC FUTURE
U.S. DOT Federal Railroad Administration
One Bowling Green Suite 429
New York, NY 10004
Via Email: info@necfuture.com

Dear Federal Railroad Administration and NEC Future Project Team:

On behalf of the Connecticut Trust for Historic Preservation, Connecticut's statewide historic preservation advocacy organization, and SECoast, our special project dedicated to organizing and educating the public to protect Southeastern Connecticut and the Lower Connecticut River Valley, we submit the following comments to provide feedback on the Preferred Alternative and the contents of the Tier 1 Final EIS for NEC Future. These comments are provided during the Waiting Period prior to development and issuance of the Record of Decision (ROD) for this project.

Since January 2016, the Connecticut Trust and SECoast have worked diligently and effectively to direct significant public attention to the NED Future Tier 1 EIS process. We did so out of grave concern for the impacts of proposed planning on the historic, cultural and environmental resources of Connecticut's coastal communities. An education campaign that initially centered on Old Lyme, the western gateway of the proposed Old Saybrook to Kenyon bypass, soon expanded region wide, jumped states to Rhode Island, and now includes Fairfield County communities in western Connecticut as well.

We have organized a notable volume of informed commentary on the NEC Future Plan, but remain concerned that the Federal Railroad Administration has not acknowledged public, municipal, legislative, or Congressional concerns expressed in two states about their fundamentally flawed planning process, insufficient public outreach, or un-substantiated inclusion of the Old Saybrook to Kenyon bypass in the F-EIS.

No state along the entire Northeast Corridor is as significantly or extensively impacted by the NEC Future planning process as Connecticut. The representative route of the Preferred Alternative identified in the Tier 1 F-EIS directly impacts numerous historic and environmentally sensitive communities. Singularly and collectively, these are resources that cannot be mitigated or replaced, and the Connecticut Trust is pledged to defend them.

Regards,

Daniel Mackay
Executive Director
CT Trust for Historic Preservation

Gregory Stroud
Director of Special Projects
CT Trust for Historic Preservation



NEC FUTURE: Final Environmental Impact Statement
Public Comment

February 17, 2017

A handwritten signature in black ink, appearing to read 'Daniel Mackay', written over a horizontal line.

Daniel Mackay, Executive Director
Connecticut Trust for Historic Preservation

A handwritten signature in black ink, appearing to read 'Greg Stroud', written over a horizontal line.

Gregory Stroud, Director, Special Projects
Connecticut Trust for Historic
Preservation

Two handwritten signatures in blue ink, one above the other, appearing to read 'Robin Breeding' and 'Diane D. Mallory', written over a horizontal line.

Robin Breeding, Co-Director, Acting
Diane Mallory, Co-Director, Acting
SECoast

An Unprecedented Federal Process

It is unfortunate, that the Federal Railroad Administration has chosen to adopt a National Environmental Policy Act (NEPA) process, as part of NEC Future, that attempts to circumvent, rather than satisfy, well-established standards for federal planning, environmental and preservation law. As many have noted, both in favor and opposed, NEC Future is unprecedented. Such novelty, as part of a \$120-plus billion-dollar program, amounting to likely hundreds of federal actions of significant impact, should give the public, the courts, and decision-makers pause.

As purely a matter of process, NEC Future sets an unacceptably low bar for present and future infrastructure planning in Connecticut. For this reason alone, the Connecticut Trust for Historic Preservation will oppose, and if necessary contest, such efforts to circumvent meaningful environmental review as required by the National Environmental Policy Act, and related regulation. For nearly a half-century, such review has enriched, rather than truly impeded, development and progress in the United States.

It is evident, however, that NEC Future is already more than a matter of process, creating significant facts on the ground, such as shaping property values and investment, posing significant threats to cultural and historic resources in Connecticut, and their meaningful environmental surroundings.¹ You cannot simply draw a line on a map of coastal Connecticut, a line representing billions of dollars of construction, development, and eminent domain, representing seventy-nine miles of proposed new rail corridor through communities uniquely dense with environmental and historic resources, without far-reaching consequences not easily undone.

The Connecticut Trust is not opposed to progress, or to modernizing the existing corridor. Nor is it in the interest of any party, including the Connecticut Trust, to tie up needed infrastructure investment in endless, unwanted and unnecessary legal battles. But like transportation, historic and environmental resources in New England are a significant motor for economic development, investment, and sustainable growth.² The National Environmental Policy Act, and the courts, have established a balance of baseline standards for environmental review, not to impede, but to foster worthwhile federal actions.

“Stubborn problems ... swept under the rug”

This balance of public interests is apparent in *Silva v. Lynn*, a four-decade-old decision by the First Circuit Court, requiring a detailed environmental impact statement to help “insure the integrity of the process of decision by precluding stubborn problems or serious criticism from being swept under the rug.” Three decades later, in *Utahans for Better Transportation v. United States Department of Transportation*, the Tenth Circuit Court ruled that agencies must include a reasonable range of alternatives that are “non-speculative and bounded by some notion of feasibility.”

One wonders, if not in this instance, then at what point can we reasonably agree that an alternative or route or matter of construction has exceeded notions of speculation and feasibility? Surely there is no more fitting example of a potentially stubborn problem than the extraordinary and entirely unstudied challenges posed by seventy-nine miles of new rail corridor through Connecticut; a corridor that when unbundled at Tier 2,³ will pose so many challenging, impactful, and constituent problems that the endeavor has been dismissed outright by Senator Richard Blumenthal of Connecticut, as “half-baked and harebrained.”⁴

How else to describe the selection and inclusion of these seventy-nine miles of new rail corridor in a Preferred Alternative based on nothing more substantial than “readily available data,” than as “stubborn problems ... swept under the rug”? Without significant revision, the Federal Railroad Administration’s current plans for Connecticut, as delineated in the F-EIS documentation, do not merely invite intervention through the courts, they nearly require it.

Putting aside the considerable financial, environmental, engineering and historic preservation concerns of crossing of the Connecticut River at Old Lyme (whether by tunnel or aerial structure); putting aside the engineering and national security concerns of constructing likely the third-longest railroad bridge in the United States to cross the Thames River near the Naval Submarine Base New London; given that the NEC Future Final Environmental Impact Statement (F-EIS) acknowledges that “the greatest potential for the Preferred Alternative to contribute to adverse cumulative effects is where new segments are proposed”⁵; given that, in addition, the NEC Future F-EIS highlights both New Rochelle to Greens Farms, and Old Saybrook to Kenyon, as two of four new segments along the entire Northeast Corridor with “the greatest

potential for impact” due to planned “elevated construction”⁶; given the extraordinarily narrow confines for significant new construction in coastal Connecticut, and in Fairfield County in particular; isn’t a significantly more detailed environmental impact statement for these seventy-nine miles of new rail corridor, prior to foreclosing on other routes and solutions with a Tier 1 Record of Decision, simple prudence and due-diligence?

Streamlining, Diligence and Executive Order 13274

Indeed, nearly thirty years after *Silva v. Lynn*, such prudence and diligence was underscored as part of an effort, with Executive Order 13274, to streamline the NEPA process under President George W. Bush. Tasked with guiding federal agencies to avoid a growing and stubborn problem⁷ of evaluating indirect and cumulative impacts in a manner satisfactory to the courts, the Indirect and Cumulative Impacts Work Group issued a *2005 Base Line Report*, which identified a lack of early and sufficient study as a primary cause of unnecessary delays. The report went on to recommend “consideration of impacts earlier in planning.”

Analysis of indirect and cumulative impacts is required at the project development stage. In order to expedite analysis in project development and ensure consideration of the most environmentally beneficial outcomes, the planning process is an important point in which to begin the process of considering indirect and cumulative impacts, and to integrate transportation, land use, and environmental planning.⁸

It is hardly the case that existing regulatory standards have placed the Federal Railroad Administration at a disadvantage, or that additional study of the seventy-nine miles of new rail corridor in Connecticut would lead to meaningful delays in planning, investment or construction, given more than a decade’s worth of pending higher priorities along the existing Northeast Corridor.⁹ Surely, the Federal Railroad Administration can take the time *to speed up* the process, by giving a potentially stubborn problem due consideration, guided by the *2005 Base Line Report* and various federal court rulings cited herein.

The National Environmental Policy Act as a ‘Sunshine Law’

For the last four decades, the courts have consistently allowed the federal government a remarkable freedom of action, with the simple and reasonable constraint of providing for informed public comment and decision-making. The National Environmental Policy Act is a modest but essential guarantor of good process, through a mechanism of ‘sunshine.’ But for this

check and balance to have any meaning or purpose, the D.C. Circuit Court ruled in *Calvert Cliffs' Coordinating Committee v. United States Atomic Energy Commission* that federal agencies must be held to a “strict standard of compliance.”

The court set a notably high bar of “full disclosure,” tempered only by a “rule of reason,” for the purposes of informing every important stage of the decision-making process, noting that in 42 USC § 4332 “the phrase ‘to the fullest extent possible’ clearly imposes a standard of environmental management requiring nothing less than comprehensive and objective treatment by the responsible agency.”

Regulations for implementing the procedural provisions of the National Environmental Policy Act are equally clear, and stringent, that the Federal Railroad Administration must “make diligent efforts to involve the public,” as required by C.F.R. 1506.6(a), and for the purposes of providing sufficient detail for timely decision-making, must provide “any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act” as required by C.F.R. 1506.6(f).¹⁰

Usefulness and Sufficiency in *Carmel-by-the-Sea v. U.S. DOT*

Although the National Environmental Preservation Act does not specifically require mitigation for direct, indirect, or cumulative impacts, in *Carmel-by-the-Sea v. U.S. DOT*, the court found that NEPA analyses must evaluate the combined effects of actions in sufficient detail to be “useful to the decision maker in deciding whether, or how, to alter the program to lessen cumulative impacts.”¹¹ This standard applies also to a variety of statutes relevant in this case requiring consideration of indirect or cumulative impacts, including the Clean Water Act (CWA) Section 404 (b)(1) [40 CFR 230 subpart B], Section 106 of the National Historic Preservation Act (NHPA) [36 CFR 800], Section 7 of the Endangered Species Act (ESA), the Farmland Protection Policy Act [7 CFR 658], and Section 309 of the Clean Air Act.

Never has it been sufficient simply to amass fourteen-hundred pages or so of FEIS documentation—three pages per project mile, one page per \$85 million of project dollars—and satisfy the courts. The amassed detail must also be “useful,” as explained in *Carmel-by-the-Sea*, and it must concentrate on issues of true significance for the purposes of decision-making, rather

than useless detail, as explained by the Supreme Court in *Marsh v. Oregon Natural Resources Council*. The provided detail must also be reasonably consistent, as required in *Marsh*, when the Court adopted arbitrary and capricious as a standard for the review of an Environmental Impact Statement (EIS).

As explained in *Motor Vehicles v. State Farm*, “an agency rule would be arbitrary and capricious if the agency ... entirely failed to consider an important aspect of the problem.” Even allowing for the Court’s further guidance, which precludes “flyspecking” an EIS to determine whether claimed deficiencies are significant enough to defeat the purpose of the National Environmental Policy Act, it is clear that in planning the seventy-nine miles of new rail corridor in Connecticut and Rhode Island as part of NEC Future, the Federal Railroad Administration has substantially failed to meet these well-established standards.

Tiering, Decision-making, and Ripeness

An EIS is not an end in itself, or a retrospective exercise, but a constituent part of an enduring, multi-part decision-making process. In the case of NEC Future, this EIS is a Programmatic Environmental Impact Statement (P-EIS), replacing an existing blueprint dating to 1978 for the entire four-hundred-fifty-three-mile corridor stretching from Washington, D.C. to Boston, and ancillary off-corridor projects.¹² Following issuance of a Record of Decision at the close of Tier 1 (expected as early as March 1, 2017) this P-EIS will guide development and investment for the Northeast Corridor until at least 2040. The decisions made prior to and the decisions made resulting in the Record of Decision present once-in-a-generation opportunities to shape the economic future of the northeastern United States.

We do not dispute that due to the sheer scale of the project, the separation of NEC Future into two successive tiers is not only reasonable, but a well-established part of NEPA. Each tier is structured by a standard of ripeness, providing the Federal Railroad Administration reasonable latitude to collect and evaluate data, provided that sufficient detail is offered in a timely manner to inform decision-making. As explained in 40 C.F.R. 1508.28(b), “[t]iering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.”

In the case of NEC Future, however, the Federal Railroad Administration has set a standard of ripeness which is unnecessarily narrow; which is insufficient to inform the evaluation and selection of an Action Alternative which impacts Connecticut and Rhode Island; which is arbitrary in its equal consideration of well-studied and unstudied projects bundled temporarily together for the purposes of Tier 1; and which, by relying on a Tier 1 standard of “readily available data,” and delaying consideration of “site-specific” and “location-specific” issues until after a Record of Decision, leaves unstudied potentially stubborn regional problems, including the construction of seventy-nine miles of new rail corridor in Connecticut and Rhode Island, as well as the significant engineering challenges represented by crossings at the Connecticut River and Thames Rivers.

Kenyon to Old Saybrook Bypass

In the case of the proposed new crossing of the Connecticut River, not only are there significant stubborn concerns regarding potential impacts to National Historic Landmark Florence Griswold House and Museum, the historic structures of the Lyme Academy of Fine Arts, the surrounding Old Lyme National Register historic district, numerous additional National Register-eligible structures, and the only major river mouth in the northeastern United States without a developed port. The uncertain choice of construction of a bridge or tunnel suggests multi-billion dollars in additional project costs, an uncertain quantity and quality of additional impacts, raising fundamental questions concerning the plausibility and feasibility of the entire fifty-mile Kenyon to Old Saybrook Bypass.

Given the extraordinary challenges of planning and constructing a crossing of the Connecticut River, and the necessity of such a crossing to create the western gateway for the fifty-mile Kenyon to Old Saybrook Bypass, to select this routing, and to foreclose on alternatives, to rely solely on “readily available data” and to claim that these issues do not rise above “site-specific” or “location-specific” lacks not only prudence, but reason and commonsense.

Fifteen miles further to the east, the proposed Kenyon to Old Saybrook Bypass requires a crossing of the Thames River at New London. Given the compact nature of the small 5.6-square-mile city with 40% of property by-value tax-exempt, and the already considerable acreage consumed by existing transportation infrastructure, a proposed planned aerial structure through

the limited commercial tax base of New London poses an irreconcilable, almost existential, impact.¹³ The nearby Naval Base New London raises considerable, but uncertain, questions of impacts to national security activities. The crossing would directly impact the National Register-pending historic district of Hodges Square, undermining state and local planning efforts to restore cohesiveness to a city torn apart by a previous generation of transportation projects, including the I-95.SR-85 and SR-32 interchanges. The I-95 Gold Star Bridge, at 6000 feet in length, is presently the longest bridge in Connecticut. At a required 1.5 percent grade, engineering and designing a parallel aerial rail crossing would require the third-longest railroad bridge in the United States, at 18,000 feet in length.¹⁴



Figure 1. Gold Star Bridge and extant crossings of the Thames River at New London

Given the extraordinary challenges of planning and constructing a new high speed rail crossing on a new alignment over the Thames River, and the necessity of such a crossing for the fifty-mile Kenyon to Old Saybrook Bypass, to select this routing and to foreclose on alternatives by relying solely on “readily available data” and to claim that these issues do not rise above “site-specific” or “location-specific” again lacks not only prudence, but reason, and commonsense.

Thirty miles further to the east the proposed Kenyon to Old Saybrook Bypass poses numerous and significant impacts to historic, natural and easement-protected resources in the area of Charlestown, Rhode Island, including the National Register-listed Shannock Historic District, the National Register-eligible Columbia Heights Historic District, and the National Register-eligible Kenyon Historic District. The proposed route would travel over the White Rock Aquifer, which serves Westerly, RI and Pawcatuck, CT. The proposed route would also bisect a long strip of land, stretching nearly to the existing corridor, which was ceded to the Narraganset Tribe as

part of the 1978 Settlement Act. This tribal land was omitted from the data collected in the DEIS and FEIS process to inform the selection of the Preferred Route.

Agency Discretion and “Hard Look”

The considerable discretion granted federal agencies by the courts, as explained more than forty years ago in *Greater Boston Television Corp. v. FCC*, requires a counterbalancing standard for environmental review, that agencies take a “really ‘hard look’ at the salient problems and ... genuinely engage in decision making” or else invite the intervention of the courts. It is unfortunate that in the case of the Kenyon to Old Saybrook Bypass, the Federal Railroad Administration has enjoyed such discretion, while failing provide a sufficient balance as part of a timely environmental review. Even by a dubious standard of “readily available information” the agency has fallen short. The NEC Future F-EIS lacks even a cursory evaluation of Thames River or Connecticut River crossings.

The Federal Railroad Administration has failed to include a supplemental EIS to review a proposed change at the Connecticut River from an aerial to a tunnel crossing. The formula included as part of the F-EIS to calculate environmental mitigation costs fails to meaningfully or reasonably evaluate the potential impacts of tunnel construction at the mouth of the Connecticut River, with the improbable assumption that a tunnel stretching at least four miles beneath river and estuaries, under a community largely dependent on wells for its water supply, built on glacial drift—all readily available information—would require “negligible environmental mitigation costs along and above their alignment with potential impacts only at their portal sites and only a few limited locations where ventilation structures would be needed at the surface.”¹⁵

We do not dispute that the NEC Future Tier 1 environmental review may be sufficient, and the salient issues not yet ripe, for many areas along the Northeast Corridor where NEC Future planning is confined to the existing rail corridor, or involves well-considered projects predating NEC Future planning, such as the Hudson and Baltimore and Potomac Tunnel projects being prominent examples. In such cases, as is evident in the public comment submitted on the NEC Future Draft Environmental Impact Statement (D-EIS), the choice of ‘blueprint’ was not a notably salient issue.

Added Burden of Tier 1 Decision-making for Connecticut and Rhode Island

In Connecticut and Rhode Island, however, the Tier 1 review process has presented the public and decision-makers with the significant additional burden of selecting between three distinct Alternatives; each offering an alternate plan for many additional unstudied miles of new rail corridor; each posing vast, but uncertain, impacts. This burden was well-reflected in the volume and topicality of public comment on the NEC Future D-EIS, most notably in the outsized controversy and quantity of public comment from along the proposed Kenyon to Old Saybrook Bypass through southeastern Connecticut and Old Lyme, amounting to roughly half of all comments submitted by the public.

Charlestown, Rhode Island, likely the community second-most-impacted by the Preferred Alternative, was unfortunately entirely uninvolved in the environmental review process until months after the close of public comment for the D-EIS, so municipal leadership and residents contributed no comments until after the release of the F-EIS in December 2016. With the exception of the localized impact to the Patuxent Research Refuge in Maryland, which the F-EIS document indicates has been removed from NEC Future planning, and the routing through Long Island, shared with Connecticut as part of Alternative Three, such concern or controversy was unmatched elsewhere on the Northeast Corridor.¹⁶

Unfortunately, this additional decision-making burden was not balanced by additional detail, evaluation, or study, leaving the public and local and state officials insufficiently informed to understand or comment on a blueprint which would shape billions of dollars of infrastructure spending over the next three decades. In a public comment which summarized the concerns of involved state agencies, including the Connecticut Department of Transportation (CT DOT), Connecticut Governor Dannel Malloy refrained from selecting any of the three Alternatives without more detail and evaluation:

Connecticut does not endorse any particular Action Alternative at this time. Rather, Connecticut strongly recommends that FRA initiate a phased Tier 2 Environmental Impact Statement (EIS) program. The first phase of the Tier 2 EIS should focus on enabling all projects identified in the No-Action Alternative (funded or unfunded) Additionally, this program should acknowledge and advance the federally-funded "Knowledge Corridor" initiative. Only after this is completed should major new capacity be evaluated. These bolder and more costly initiatives deserve much more rigorous and comprehensive evaluation before FRA can recommend investments of this magnitude Connecticut strongly recommends that FRA conduct this new corridor evaluation at a minimum: service development plans; forecasts of future land

use and development; detailed economic and cost/benefit analysis; specific right-of-way, environmental, energy and construction impacts to our communities as well as our other transportation modes; and a coherent and sustainable funding strategy.¹⁷

On January 4, 2016, *The Connecticut Mirror* quotes CT DOT Commissioner and NEC Commission chairman James Redeker who sounds similarly doubtful of the detail available to inform the Tier 1 decision-making process in Connecticut:

[E]ven James Redeker, Connecticut’s transportation commissioner and the chair of the Northeast Corridor Commission that oversaw development of the study, was not sure it provided those affected by it with enough to judge it,” the Connecticut Mirror reported on January 4, 2016. “Instead, NEC Future offered rail corridor options consisting of general locations, little detail about what it would take to put the rails there, no service development plan, and a broad price tag – but no funding strategy. That’s not enough for people to make even a conceptual choice, Redeker said, though that is what people are being asked to do.¹⁸

In public comment on February 12, 2016, Connecticut Fund for the Environment requested “more information about the specific impacts expected with each Alternative. Without this information, it is unfair to request comments on the ‘best’ Alternative.”¹⁹

The Federal Railroad Administration acknowledged, without directly addressing, these shortcomings as part of the NEC Future Comment Summary in section 4.7.3 *Challenge of Assessing Impacts at Tier 1 Level of Detail*. “The FRA received comments indicating that the level of detail in the Tier 1 Draft EIS was not specific enough to allow readers to evaluate the environmental impacts of the alternatives:

‘The devil is generally in the details with these massive projects and the details on specific impacts to habitats of importance to birds and other wildlife and on open space other than state or federal lands are very difficult to assess from the maps and text that are provided...It is disturbing and unfortunate that the DEIS does not take into account state listed species...’

‘The high level concepts presented in Alternative 2 and 3 are difficult to grapple with. Alternative 2 seems to generally follow the existing right of way in Massachusetts, but it is not clear whether the new segments would require any land taking—an issue that would be important for state and local stakeholders to understand.’

‘It is difficult to form an opinion on the plan with an EIS so lacking in detail...There is no indication of any but State and Federal lands that will be impacted by this project. It is impossible to address this issue unless the maps delineate other threatened lands such as those owned by NGOs like the numerous Audubon Societies and the Nature Conservancy; plus there is no mention of Municipal lands, lands under easement, land trusts or private holdings.’

‘The information provided in the DEIS regarding Alternative 3 is so nebulous that it is difficult to see how it can provide a suitable basis for decision-making. The DEIS vaguely indicates that the potential new route on Long Island would be installed in a ‘trench’ through the Town of Oyster Bay, between Garden City and the Main Line of the Long Island Rail Road in Farmingdale. The DEIS does not even include a generic discussion of how this physically would be accomplished in an area that is already essentially fully built-

out...or how potential impacts during construction and operation would be mitigated...'

Failure to Properly Consider Cumulative Impacts

Council on Environmental Quality (CEQ) regulations, 40 C.F.R. section 1508.7 for implementing the National Environmental Policy Act, set a stringent standard for the purposes of direct, indirect, and cumulative impacts, requiring the inclusion and evaluation of even “individually minor” “past, present, and reasonably foreseeable future actions regardless of agency (Federal or non-Federal) or person undertakes such other actions.” In *Carmel-by-the-Sea*, the Ninth Circuit Court required that this process of evaluation be “useful to the decision maker in deciding whether, or how, to alter the program to lessen cumulative impacts.” In *Neighbors of Cuddy Mountain v. U.S. Forest Service*, the Ninth Circuit Court found that “[t]o ‘consider’ cumulative effects, some quantified detailed information is required. General statements about ‘possible’ effects and ‘some risk’ do not constitute a ‘hard look’ absent a justification regarding why more definitive information could not be provided.”

To this end, as part of NEC Future, the Federal Railroad Administration adopted a tiered structure for evaluating issues of cumulative impact, delaying “more site-specific” and “quantitative” evaluation until Tier 2 project analyses.²⁰

The cumulative effects assessment presented as part of this Tier 1 Final EIS should be considered a starting point when completing Tier 2 project analyses. Geographic and time boundaries for specific resources should be further defined and consideration of more site-specific past, present, and reasonably foreseeable actions should be given, including specific types of cumulative effects, such as time lags, fragmentation, and triggers and thresholds.²¹

A timely and sufficiently-informed evaluation of cumulative impacts is of particular concern for the purposes of decision-making in Connecticut, an additional burden acknowledged in the NEC Future F-EIS, which notes: “Connecticut has the greatest potential for the Action Alternatives to contribute to cumulative effects to transportation, land cover, hydrologic/water resources, and ecological resources from both other transportation projects and non-transportation projects.”²²

Unfortunately, the Federal Railroad Administration’s NEC Future planning has fallen well short of balancing this additional burden with sufficient detail; the Tier 1 evaluation fails to constitute a “hard look,” and fails to meet a standard of usefulness for the purposes of selecting an Alternative. The Federal Railroad Administration has failed to include even a cursory list of

Connecticut's "past, present, and reasonably foreseeable" transportation projects; failed to provide a single highway project for inclusion in the No Action Alternative; and failed to include any meaningful evaluation of the State of Connecticut's complementary \$100 billion program for transportation investment—Let's Go CT!

On February 18, 2015, Connecticut Governor Dannel Malloy announced, "Let's Go CT!" a blueprint for \$100 billion of statewide infrastructure building and investment on 5-year and 30-year time lines, including a corridor-long expansion of the Connecticut portion of I-95 over a "10-year ramp up construction period" at an estimated cost of \$10.7 billion.²³ A 2004 study by CHA Consulting for CT DOT projected large-scale and significant impacts to historical and environmental resources along the I-95 corridor from Branford to Stonington, including impacts to sixty-seven acres of wetlands, seventy-eight streams, ten threatened and endangered species, one-hundred-forty-five noise sensitive areas, and requiring the acquisition or partial of acquisition of 200 properties, to widen the right of way.²⁴

Not only does Let's Go CT! propose to significantly widen I-95 by adding additional northbound and southbound lanes, on October 19, 2016, the CT DOT announced plans for "economic development along the I-95 corridor from Greenwich to North Stonington."²⁵ These plans pose additional large-scale direct and indirect impacts, sprawl and induced growth.

The announcement of Let's Go CT! has been followed by concrete steps toward planning, funding, and construction. On July 14, 2016, the State Bond Commission approved \$1.2 million to study the feasibility of widening I-95 between the New York/Connecticut border and New Haven.²⁶ On October 19, 2016 the CT DOT initiated two studies for potential investment scenarios on the I-95; "where highway congestion is most prevalent," between Bridgeport to Stamford, and the "primary area of need and the focus of the 'East' effort," between the Baldwin Bridge at Old Saybrook, and the Gold Star Bridge in New London.²⁷

Statements by CT DOT Commissioner James Redeker to *The Day* on May 21, 2015, indicate that widening and developing the I-95 corridor is both a short-term and long-term priority for the state of Connecticut, with an immediate emphasis on the segment from Old Lyme to New London. "I think that is imminent in terms of us looking to the Bond Commission shortly to get that going, which is good news I think it's been on the back burner, if any burner, for too

long, and it's time to bring it to the front burner ... In the longer term and in the very near future, I think we'll be launching the initiation of the program to fix the interchange with 95/395 and begin to look at the widening of that section as a priority.”²⁸

CT DOT announced a five-year capital plan beginning January 2017 which proposes funding and enhancing Let's Go CT! as part of a plan self-described as “aggressive, multifaceted, multimodal.” The plan includes “extensive capital improvements on highway and transit systems” which would “dwarf historical investment level,” beginning with a “5 year Ramp-Up plan which included \$2.8 billion in additional bond authorizations, including an additional \$275 million in Federal Fiscal Year (FFY) 2016 and \$520 million in FFY 2017.”²⁹ The plans for fiscal years 2016 - 2020, prioritize two segments of the I-95 corridor for expansion and development:

- Segment 1a. “I-95 Stamford to Bridgeport Design”
- Segment 1b. “I-95 Baldwin Bridge to Gold Star Bridge Preliminary Design and ROW”³⁰

Piecemeal planning and construction as part of the widening of I-95 at Segment 1b was evident during the March 21, 2016 – August 28, 2016 rehabilitation of the Society Road bridge over I-95 in East Lyme at Exit 73 (see figure 2 below).



Figure 2. Society Road Bridge over I-95 in East Lyme at Exit 73 (Photograph by Greg Stroud, June 4, 2016).

While largely unrecognized by the FRA's F-EIS for NEC Future, Let's Go CT! and NEC Future are complementary state and federal transportation programs, sharing respective planning horizons of 2045 and 2040 sharing scales of financing, with \$100 billion and \$135 billion budgets; and physical context, a point underscored in public comment on the NEC Future D-EIS by Connecticut Governor Dannel Malloy, "[t]he Northeast Corridor is, of course, vital to Connecticut's economy. That is why my 30-year \$100 billion program (Lets Go CT!) invests heavily in rail generally, and the Corridor in particular."³¹

Setting aside upgrades to the New Haven-Hartford-Springfield segment, which is technically an off-corridor "related project," the defining feature of the NEC Future Preferred Alternative in Connecticut is a realignment and augmentation of the existing shoreline rail corridor onto, alongside, and nearby the I-95 corridor, with the construction of seventy-nine miles of new rail corridor. This new construction is separated into two new segments of approximately twenty-nine and fifty miles, "in parallel" and "in close proximity" to the I-95 corridor.

- Segment 2a. New Rochelle to Greens Farms (~29 miles)

"The segment runs parallel to I-95 typically on embankment or aerial structure through Greenwich, Stamford, and Norwalk; terminating in Westport west of Greens Farms Rail Station. Most of the potential acquisitions would occur in Fairfield County and would include primarily developed land covers, many adjacent to highway transportation corridors."³²

- Segment 2b. Old Saybrook to Kenyon (~50 miles)

"Most potential acquisitions would occur in New London County and would include developed and undeveloped land covers in close proximity to I-95 across the Thames River in New London through Groton and Stonington."³³

By combining Let's Go CT! Segments 1a and 1b and NEC Future Segments 2a and 2b into a single map, it is apparent that these two infrastructure projects share not only scale and timing, but also route, as well as areas of context and potential impact (see figure 3 below).

Together, these projects present an extraordinary concentrated investment of billions of dollars in transportation expansion, direct and induced development, which clearly meet a standard of “reasonably foreseeable for the purposes of cumulative impacts analysis,” as required in *Clairton Sportsmen’s Club v. Pennsylvania Turnpike Commission*.

Factors that indicate that an action or project is reasonably foreseeable for the purposes of cumulative impacts analysis include: whether the project has been Federally approved; whether there is funding pending before any agency for the project; and whether there is evidence of active preparation to make a decision on alternatives to the project.

Given that the NEC Future F-EIS acknowledges that “the greatest potential for the Preferred Alternative to contribute to adverse cumulative effects is where new segments are proposed,” and that both segment 2a New Rochelle to Greens Farms, and segment 2b Old Saybrook to Kenyon, are identified as two of four new segments along the entire Northeast Corridor with “the greatest potential for impact” due to planned “elevated construction,” there is no doubt that for the purposes of evaluating and selecting between Alternatives in Connecticut, these cumulative impacts are a salient issue for the purposes of Tier 1 decision-making.

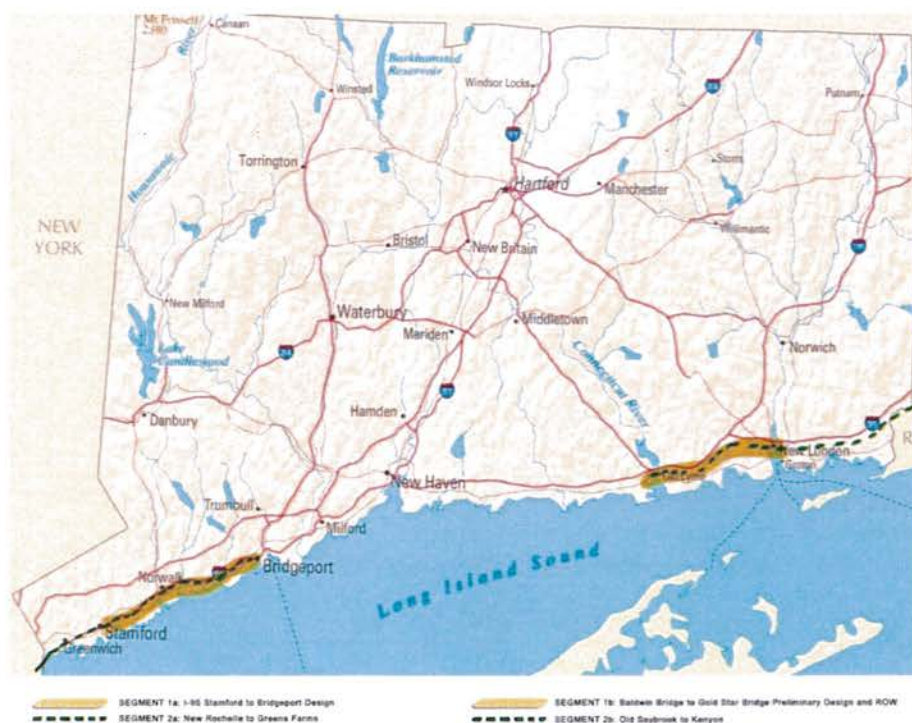


Figure 3. Map of NEC Future and Let's Go CT! segments

It is remarkable then, given fourteen-hundred pages or so of data and evaluation, that the summary conclusions for the Tier 1 “qualitative” evaluation of cumulative effects are so lacking in detail, that it is unclear whether Let’s Go CT!, and the proposed \$100 billion investment, are even included in NEC Future planning.

A specific geographic area of note is Connecticut. As indicated in this analysis, Connecticut has many transportation and non-transportation initiatives ongoing or proposed. Implementation of these initiatives, in conjunction with the Action Alternatives, has the opportunity to provide numerous benefits to Connecticut but could also negatively affect numerous resources within this one state.³⁴

If not to inform decision-making, why else undertake an evaluation of cumulative effects? Unfortunately, such brief, summary conclusions are hardly indicative of an adequate or serious-minded evaluation, whether qualitative or quantitative.

Deficient NEC Future Maps

Even respecting the significant hurdles to preparing maps and documentation of sufficient detail along a four-hundred-fifty-three-mile corridor, it does not follow that the Federal Railroad Administration has chosen to provide to the public a quality of maps as part of the NEC Future F-EIS which, regardless of scale, makes no meaningful distinction between I-95, a multilane divided interstate highway, and numerous other local two-lane and four-lane roads. The result is a mapping atlas which for the purposes of Connecticut is neither “useful” nor focused on issues of true importance for decision-making at the Tier-1 level, as required by the courts in *Marsh*, and *Carmel-by-the-Sea* (see figure 4, maps 2a and 2b below).

Never has it been sufficient to simply amass information as part of an environmental review, but in the case of maps included as part of NEC Future documentation, the level and type of detail provided functions to obscure, rather than reasonably document, even the largest of regional-scale transportation infrastructure. If not to inform decision-making, then to what purpose does the Federal Railroad Administration include a mapping atlas as part of NEC Future? These concerns are well-reflected in public comment that repeatedly called for greater detail to inform and assess potential project impacts.

In public comment on the NEC Future D-EIS, on February 16, 2016, Stewart J. Hudson of Audubon Connecticut complained that the “devil is generally in the details with these massive

projects and the details on specific impacts ... are very difficult to assess from the map and text that are provided. This is a huge plan with major implications for Connecticut's habitat, open space, development patterns and our transportation network in the state.”³⁵

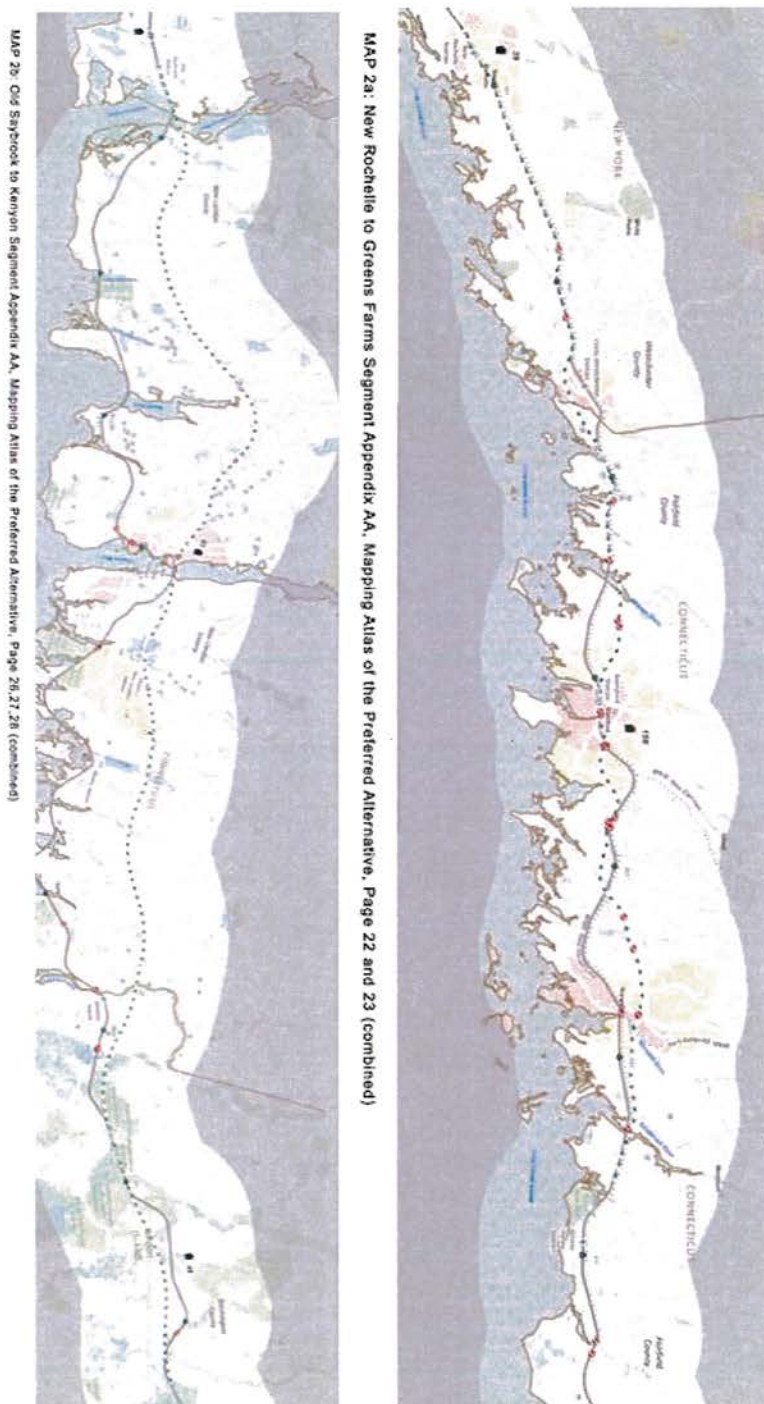


Figure 4. NEC Future Maps 2a and 2b.

In public comment on the NEC Future D-EIS, on December 14, 2015, Joe McGee, vice president of public policy at the Business Council of Fairfield County, wrote to the Federal Railroad Administration to complain that they “have concerns regarding several of the options under consideration. In general, the descriptions of the alternatives lack sufficient detail in order to determine environmental, transportation, economic or visual impacts.” McGee pointedly raised questions regarding I-95, plans to widen I-95, and consistency with state planning, focusing on the portion of corridor coinciding with segments 1a and 2a, most affecting decision-making in Fairfield County (see figure 5 below).³⁶

The **Business Council**
of Fairfield County

Strengthening Businesses. Strengthening Communities.

December 14, 2015

Rebecca Reyes-Alicia
U.S. DOT Federal Railroad Administration
One Bowling Green, Suite 429
New York, NY 10004

RE: NEC Future Tier 1 Draft EIS Alternatives 1-3

Dear Rebecca:

We have reviewed the Draft NEC Tier 1 EIS and have concerns regarding several of the options under consideration. In general, the descriptions of the alternatives lack sufficient detail in order to determine environmental, transportation, economic or visual impacts. Specifically:

- What is the specific alignment of the proposals? Will acquisition of right of way be required?
- Are the improvements within the existing rail right of way?
- Or are the improvements within the I-95 right of way?
- If the improvements are within the I-95 right of way, what impact will that have regarding state plans to widen sections of I-95?
- What is specifically meant by an aerial structure, embankment, trenches or tunnels? Several different types of structures are proposed in Connecticut. For example, where would an aerial structure be located near the Stamford Station?
- Why does the aerial structure in Alternative 2 terminate in Westport?

Proposals that by-pass Stamford and Norwalk (e.g. the northern route or tunnel under the Long Island Sound) undermine economic developments underway in those communities and do not appear to be consistent with the State Plan of Conservation and Development.

The **Business Council** of Fairfield County supports vastly improved travel times and speeds on the New Haven Line. The creation of a Connecticut High Speed Commuter Rail Transportation System linking Hartford to New Haven to Stamford to New York City in 30 minute travel time increments will be the backbone of Connecticut's 21st century economy.

We look forward to receiving further clarification on the NEC Tier 1 Alternatives and how they support a Connecticut High Speed Commuter Rail Transportation System.

Sincerely,


Joseph McGee
Vice President
Public Policy

Figure 5. Public Comment on NEC Future Draft Environmental Impact Statement

More than a year later, after the release of the NEC Future F-EIS, and an included formal response which failed to substantively answer any of these questions, McGee was quoted in the January 9, 2017 edition of the Connecticut Mirror, writing again to the Federal Railroad Administration with these concerns, requesting “larger copies of maps in the plan, with I-95 and U.S. 1 clearly marked.”

The Business Council of Fairfield County last week wrote FRA Administrator Sarah Feinberg, saying ... it was concerned about proposed new aerial structures and embankments. It asked for larger copies of maps in the plan, with I-95 and U.S. 1 clearly marked. “It’s difficult to grasp the alignment without those important landmarks,” the letter said ... “There are so many unanswered questions,” said Joseph McGee, vice president of public policy at the council. While McGee said there is great support for the plans to upgrade the rails along the existing corridor and through the same cities in Fairfield County, “the proof is in the details.”³⁷

The Federal Railroad Administration has had ample opportunity to supplement or correct these deficiencies prior to the announcement of the Preferred Alternative on December 16, 2016; has had ample opportunity to sufficiently account for I-95 in NEC Future planning, and to provide high-quality maps as part of its obligation under C.F.R. 1506.6(a) to “make diligent efforts to involve the public.”

To this point, on April 4, 2016, SECoast, a special project of the Connecticut Trust for Historic Preservation, filed Freedom of Information requests with the Federal Railroad Administration for detailed maps and documentation. Despite repeated later inquiries, and vague assurances by a liaison for the Federal Railroad Administration that such requests were handled “first come, first served,” a limited number of charts and even-less-detailed maps were mailed on January 30, 2017, arriving after the completion of the thirty-day waiting period prior to the Record of Decision. The request for documentation remains unfilled.³⁸ If not for the purposes of informing decision-making, why are federal agencies specifically tasked with making underlying documents available through provisions of the Freedom of Information Act, as required under C.F.R. 1506.6(f)?

Indeed, given these failures of diligence and openness, it was disappointing to learn that the Federal Railroad Administration has utilized higher-resolution and more detailed maps unavailable to the public or stakeholders throughout the planning process. An example of these maps was included in the January 11, 2017 webinar, *NEC Future: A Rail Investment Plan for the Northeast Corridor Our Future on Track Resource Agency Briefing*. Unfortunately, a written

request by the Connecticut Trust for Historic Preservation on January 11, 2017 requesting access to these maps was denied by NEC Future project Environmental Lead Amishi Castelli, who cited “compliance with data sharing agreements” (see figure 6 below). Once again, the Federal Railroad Administration falls needlessly short of the stringent standard of “full disclosure” as required by the court in *Calvert Cliffs*. What reasonable argument is there to deny the public access to the same quality and variety of maps freely available to state and federal agencies for NEC Future Alternatives, particularly given the elevated public interest and engagement in this project?

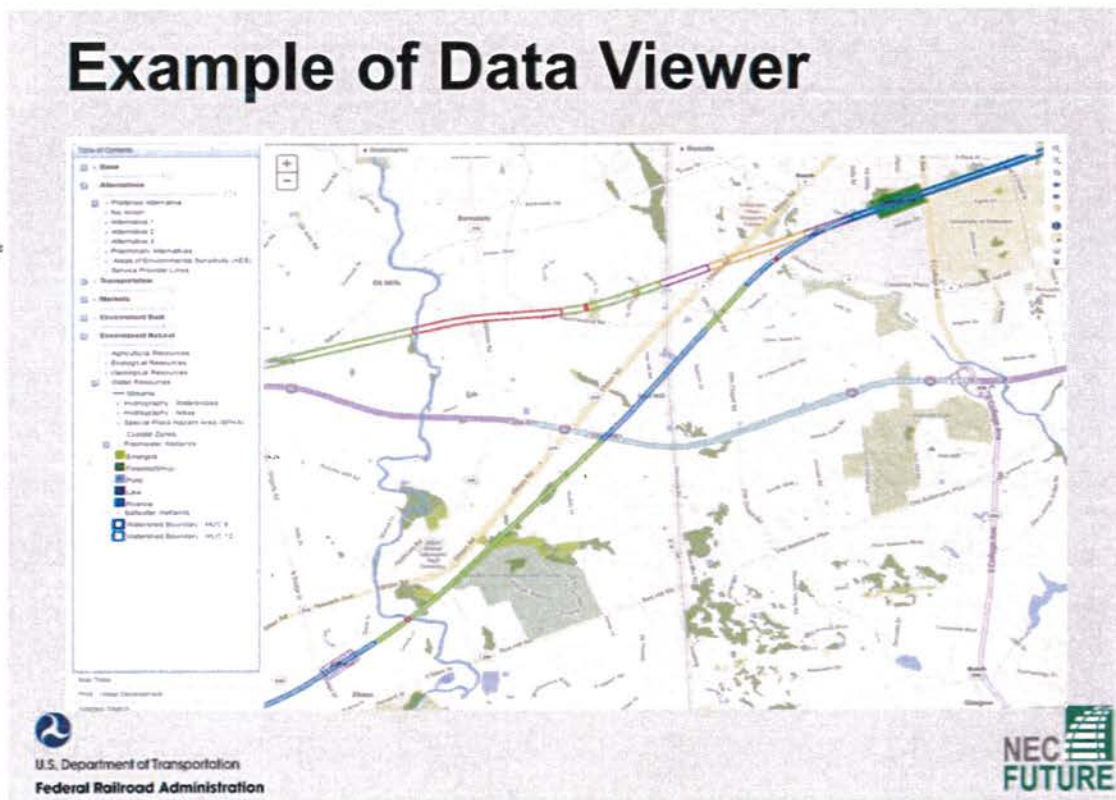


Figure 6. Data Viewer. Excerpted from NEC Future: A Rail Investment plan ... (January 11, 2017).

Short-circuited Decision-making and Deficient Public Involvement

Public involvement is not an end in itself, but a constituent part of a decision-making process. As such, sufficient public involvement necessarily cannot be retrospective in either timing or purpose. As required by C.F.R. 1506.6(a) the federal agencies must “make diligent efforts to

involve the public,” and must comply with provisions of the Freedom of Information Act as required by C.F.R. 1506.6(f). Unfortunately, there is significant and growing evidence that the Federal Railroad Administration fell well short of this standard of diligence and compliance, prematurely selecting a Preferred Alternative without a substantive or sufficient evaluation of public comment and releasing numerous official statements which can only be understood as part of an effort to obfuscate and exclude the public from the process of evaluating and selecting an Alternative.

Internal CT DOT emails obtained through the Connecticut Freedom of Information Act show that less than forty-eight hours after the close of public comment in February 2016, and after the late influx of well over a thousand public comments, CT DOT Commissioner James Redeker was already briefing his staff on the selection of a Preferred Alternative. “David Carol tells me the NEC Future team will be selecting Alt 2 as the preferred alternative Also, they will be leaving the Kenyon bypass for the spine to Boston, because they are completely focused on delivering 4 track capacity to Boston” (see figure 7 below).

From: Redeker, James P
Sent: Thursday, February 18, 2016 9:35 AM
To: Andreski, Richard W.
Cc: Sucato, Pamela P
Subject: Dave Carol

So, after spending a few hours with the team, Dave Carol tells me the NEC Future team will be selecting Alt. 2 as the preferred alternative. They are still discussing the Hartford line, but are not yet sure they will be able to include it, since they did not "study it" like they "studied" the rest of the alignments and alternatives. I reminded him that FRA funded the Hartford line, expects us to complete double-tracking, and they also funded the study for the inland route from Springfield to Boston. Also, they will be leaving the Kenyon bypass for the spine to Boston, because they are completely focused on delivering 4 track capacity to Boston.

They have no strategy for any work to be taken beyond the ROD into a Tier 2 EIS. They did not ask for, nor are they seeking funding to continue the work. They apparently see the next steps for EIS and/or project work to be up the states and operators.

I had a rather strong reaction to this position, which I think Dave got, but unless they do a huge retooling and re-messaging, I suggested they would be perceived as completely wasting \$40M with no useful product for anyone.

Looks like we have a bunch of work to do next Friday.

Figure 7. CT DOT Correspondence obtained through a May 22, 2016 FOI request.

More significantly, in a September 7, 2016 interview with Ana Radelat, a reporter for the *Connecticut Mirror*, CT DOT Public Transportation Chief Richard Andreski strongly suggested

that Tier 1 decision-making had been completed prior even to the start of public comment on November 15, 2015. “Andreski told the *Connecticut Mirror* he had the first indication there was a preferred route after speaking with FRA officials about 10 months ago. That’s about the time the FRA released its three-alternative plan for the public to consider.”³⁹

The Federal Railroad Administration began circulating finalized maps of the Preferred Alternative, dated April 6, 2016, no later than July 12, 2016 as a component of a final Programmatic Agreement required to achieve compliance with Section 106 of the National Historic Preservation Act. This programmatic agreement was developed in parallel with the P-EIS process for NEC Future. Elizabeth Hughes, Director of the Maryland Historical Trust, was the first to sign the agreement on July 12; Kristina Newman-Scott, State Historic Preservation Officer for Connecticut signed the document on July 21, 2016 (see figure 8 below).

The Section 106 Programmatic Agreement process was finalized when Executive Director John Fowler of the Advisory Council of Historic Preservation signed off on the agreement on August 25, 2016, and the agreement was subsequently posted, as agency practice, to the Advisory Council for Historic Preservation’s website. The same signed agreement is included as part of the NEC Future F-EIS, notably with updated and undated maps.

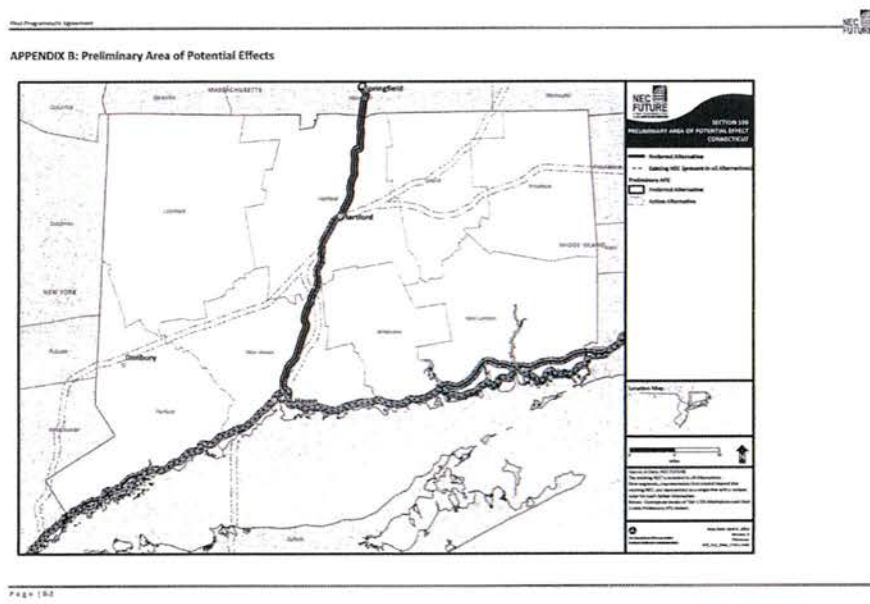


Figure 8. Map of the Preferred Alternative. Section 106 Programmatic Agreement.

Less than a week after finalization of the Section 106 Programmatic Agreement, on August 31, 2016, NEC Future Project Head Rebecca Reyes-Alicea, together with various officials from the Federal Railroad Administration, including spokesperson Marc Willis, appeared at a public forum in Old Lyme, CT, where they repeatedly denied to local, state and federal officials that the process of selecting a Preferred Alternative route was complete.⁴¹ Days later, when confronted by SECoast, the Connecticut Trust, and press inquiries, with the completed Programmatic Agreement and included maps, the Federal Railroad Administration requested that the Programmatic Agreement be removed from the Advisory Council for Historic Preservation's website.⁴²

Indeed, for nearly a year after the selection of the Preferred Alternative, officials at the Federal Railroad Administration engaged in a pattern of obfuscation and deceit. Two weeks after maps of the Preferred Alternative had been finalized, in an April 20, 2016 letter to Old Lyme town officials, Rebecca Reyes-Alicea promised that, "in the event that the Preferred Alternative includes the supplemental segment between Old Saybrook, CT and Kenyon, RI, the Tier 1 Final EIS and ROD will specifically preclude use of an aerial structure through Old Lyme and identify the importance of mitigating impacts on the Connecticut River Estuary." Notably, the Final EIS fails to specifically preclude use of an aerial structure through Old Lyme.⁴³

Confronted July 1, 2016 with evidence of a short-circuited decision-making process, Matthew Lehner, director of communications for the FRA, claimed in an emailed statement to *The Day*, that "FRA has not yet selected a vision, or even potential routes, for the Northeast Corridor."⁴⁴

In reply to July 10, 2016 email that requested confirmation or comment on evidence of a premature selection of a Preferred Alternative, Rebecca Reyes-Alicea, assured Gregory Stroud, executive director of SECoast,

We have continued our work on NEC FUTURE and have appreciated the feedback from the public and stakeholders, including Old Lyme. I wanted to confirm that the FRA has not yet selected a final vision for the Northeast Corridor (NEC). We have met with many leaders and residents throughout the corridor, including in Connecticut, and have talked with them about their concerns. We are taking these opinions into account as we continue our work.

On August 17, 2016, nearly a month after the finalized maps, including the Kenyon to Old Saybrook Bypass had been circulating, and days before they were posted to the American

Council on Historic Preservation website, an aide for the Federal Railroad Administration is quoted in *Politico*, denying a decision had yet been made.⁴⁵

Only a day after Michael Johnsen, Acting Division Chief at the Federal Railroad Administration, signed off on the finalized routes to complete the federal agency's role in the Section 106 process, on August 23, 2016, a Federal Railroad Administration spokesperson is again quoted in the *Westerly Sun*, stating that, "FRA has not yet selected a vision, or even potential routes, for the Northeast Corridor. We have met with many leaders and residents throughout the corridor, including in Connecticut, and have talked with them about their concerns. We are taking these opinions into account as we continue our work."⁴⁶

On August 31, 2016 Federal Railroad Administration spokesman Marc Willis further obfuscated after the public meeting in Old Lyme, assuring *Connecticut Mirror* reporter Kyle Constable, that "[i]f the new segment is included in the final vision for the Northeast Corridor, FRA has committed to not have an aerial structure through the historic district of Old Lyme."

As reported in the *Connecticut Mirror*, "While the federal government was spending months soliciting feedback from the public on several alternatives for overhauling the railroads in the Northeast corridor:

"it had already identified a preferred plan that would dramatically change rail travel in Connecticut. The FRA's selection of the favored hybrid route, even as the agency spent months collecting more than 3,000 public comments and other input on three other alternatives, has sparked outrage among those who had hoped the agency would abandon its plans for a controversial routing option that would run through Old Lyme on its way east."⁴⁷

During this same period, the Connecticut Trust for Historic Preservation and members of SECoast made consistent, constructive efforts to request documents from the Federal Railroad Administration through the Freedom of Information Act; sought clarification from the Federal Railroad Administration regarding salient data and interpretation for the purposes of Tier 1 decision-making; requested – but were denied - an opportunity for the public in southeastern Connecticut to ask questions and receive answers directly from the Federal Railroad Administration. These efforts have been almost uniformly rebuffed or ignored.

Notably, since the close of public comment on the NEC Future D-EIS on February 16, 2016, the one opportunity for the public to engage the Federal Railroad Administration north of New York

City was a January 25, 2017 open house in Springfield, MA. This meeting was comprised primarily of Connecticut and Rhode Island residents, who traveled significant distances to attend.

As a standard for agency involvement of the public, it is reasonable that diligence and “full disclosure” require not simply a quantity of effort and involvement, but also a quality.

Unfortunately, as a matter of quality the Federal Railroad Administration fell far short of the obligations of a federal agency for public involvement in a NEPA process.

Deficient No Action Alternative

Development of a No Action Alternative is required under the National Environmental Policy Act to provide a baseline point of comparison for evaluating and selecting between the Alternatives. An informed and reasoned Tier 1 decision-making process demands the inclusive and consistent evaluation of past, present and foreseeable projects within the set boundaries of the Study Area.

Unfortunately, the NEC Future F-EIS No Action Alternative falls well short of the standard established as part of the June 2012 Scoping Package, specifically that “the No Action Alternative will include ongoing, funded or planned transportation improvements which can reasonably be expected to be in place by the project’s future planning horizon of 2040.”⁴⁸ As explained in the F-EIS, highway projects, which make up a significant portion of the baseline, were to

consist primarily of individual interchange improvements and roadway widening on limited segments of the highway network, as well as bridge rehabilitation or replacement projects. Specific examples of these types of projects include I-95 John F. Kennedy Memorial Highway – MD 24 Interchange Improvements, Scudder Falls Bridge (I-95) Reconstruction and Widening in Pennsylvania and New Jersey, and the Nassau County Incident Management System in New York.⁴⁹

In twenty pages of projects documented as part of the No Action Alternative, there are ten individual highway projects in Maryland, eight projects in Delaware, eighty-four projects in Pennsylvania, twenty-one projects in New Jersey, eight projects in New York, and sixteen projects in Massachusetts. These projects include adding “one lane in each direction to complete a minimum of three lanes in each direction for the length of the NJ Turnpike,” a project directly analogous to plans in Connecticut adding one lane in each direction for the length of the I-95. It is remarkable, and troubling, then that as a baseline point of comparison, the No Action

Alternative projects list fails to include a single highway project in either Connecticut or Rhode Island prior to 2040.

Conclusions and Recommendations

Years before Congress passed the National Environmental Policy Act, the National Historic Preservation Act, or the Freedom of Information Act, Frances Perkins, Labor Secretary under Franklin Delano Roosevelt, observed that ‘master builder’ Robert Moses “loves the public, but not as people.”⁵⁰ Perkins, an early sponsor of the Civilian Conservation Corps, was hardly an opponent of great building projects. Her point was rather one of balance, between abstract plans for the public good, and the inconvenient realities of actual people.

In the case of NEC Future, this balance is not a matter of sympathy or empathy, it is a basic matter of law. Public plans require diligent efforts, not only to notify, but to inform and involve the people. Unfortunately, the Federal Railroad Administration has never diligently involved the public in the NEC Future process. The Federal Railroad Administration has never attempted to provide timely satisfactory answers to salient questions or to sufficiently inform public comment and decision-making. In an effort to avoid the inconvenience of serving actual people, the Federal Railroad Administration has executed a year-long effort to mislead in numerous official statements and communications, an effort which in practice excludes and precludes the people from informed involvement in salient decision-making.

Like the five hundred people who packed a high school auditorium in Old Lyme, CT, on August 31, 2026, seven months after submitting more public comments than Boston, Philadelphia and New York City combined, the people have merely been given, grudgingly, the role of an audience. Meanwhile, whatever the actual documents and maps reflect, and however lacking the assurances, they are asked to trust in the reasonableness of the process, and bureaucratic inevitability of good ends. As David Carol, NEC Future project head at Parsons Brinckerhoff, reassured invited stakeholders in a March 14, 2016, webinar, “We are not in the business of destroying towns.” As the Federal Railroad Administration is well aware, that is not how the law works.

The courts cannot promise the people wise or good decisions, much as the courts cannot promise the Federal Railroad Administration a wise or good public. Instead the courts are tasked with keeping a balance. In return for a large measure of discretion, the courts demand stringent standards of diligence, “full disclosure,” and a requirement that federal agencies take a “really ‘hard look’ at the salient problems” for the purpose of decision-making. The courts protect the right of the people to meaningful involvement in ‘the means,’ with the reasonable expectation that the result will be the best possible ‘ends’ to a federal project.

For this reason, when a federal agency draws a line on a map, with vast implications for the people of Connecticut, and for environmental and historic preservation, it is incumbent on the public, its representatives in government, and for the Connecticut Trust, not to wait until after decisions are made, but to engage and inform, and if necessary, as the courts ruled in *Carmel-by-the-Sea*, to “alter the program,” at each decision-making step along the way.

Given the vast abstract public benefits claimed for NEC Future—claims that the program is “essential” to the future health of the fifth-largest economy in the world—it is our view that for the purposes of Connecticut and Rhode Island, Tier 1 is the crucial decision-making step of the NEC Future planning process.⁵¹ A Record of Decision that will significantly or entirely foreclose on alternate routes and substantive solutions, assuming such stakes, is in a practical sense a declaration of ‘ends’ unstudied.

As the court made clear in *Silva v. Lynn*, the promise that these ‘ends’ will later meet stubborn resistance as part of a Tier 2 review, is not an adequate remedy for an inadequate Tier 1 review. As the Ninth Circuit Court cautioned in *Northern Cheyenne Tribe v. Hodel*, “[b]ureaucratic rationalization and bureaucratic momentum are real dangers, to be anticipated and avoided.” Such momentum is a product of mass and velocity, and with a project mass of historic scale, this NEC Future plan and all attendant impacts requires little forward motion to reach a level of concern for the courts. In our view, for the purposes of Connecticut and Rhode Island, “bureaucratic rationalization and bureaucratic momentum” are not only “real dangers” of the tiered NEC Future decision-making process, they are also features of a flawed NEC Future planning process.

Concerns and Solutions Prior to a Record of Decision

Our chief concern remains the approximately seventy-nine miles of proposed new rail corridor in Connecticut: the twenty-nine miles running from New Rochelle to Greens Farms, and the fifty miles running from Old Saybrook to Kenyon. In our view, the law requires that these two segments be removed from the Preferred Alternative prior to its selection and inclusion in a Record of Decision.

In the case of New Rochelle to Greens Farms, we ask that you remove the segment from the Preferred Alternative prior to its selection and inclusion in a Record of Decision. If warranted, after sufficient, open, and diligent consideration, this segment can be later amended to the NEC Future Tier 2 Alternative. In our view, this segment fully deserves a distinct Environmental Impact Statement.

In the case of the Old Saybrook to Kenyon bypass, we remain thoroughly opposed. In our view, a plan with impacts so numerous and widespread from a 30,000-foot view cannot reasonably improve with a site-specific Tier 2 environmental review. We ask that this segment of the proposed new rail corridor be removed from all documents, maps, and appendices as part of the Selected Alternative and Record of Decision. In addition, we ask for a commitment from the Federal Railroad Administration that this segment not be reconsidered or reintroduced as part of NEC Future Tier 2 plans or undertakings.

In the case of the planned additional tracks between Branford Station to Guilford Station, we are not yet convinced that the Federal Railroad Administration has adequately acknowledged or considered several significant impacts to historic resources posed by this capacity solution, including the Route 146 National Register district, which includes structures dating to the early 1700s abutting and bounded by the existing Amtrak right of way. Nearby historic railroad structures, including a late 1800s water tower, engine house, and possibly a buried roundtable require identification and consideration. Given the cursory discussion and description of the project and impacts included as part of the NEC Future F-EIS, we ask that the Federal Railroad Administration also remove this project from the Preferred Alternative prior to its selection and inclusion in a Record of Decision. If warranted, after sufficient, open, and diligent consideration, this capacity solution can be later amended to the NEC Future Tier 2 Alternative.

In the case of upgrades and electrification to the existing New Haven to Springfield segment, we ask that you formally engage the Connecticut Trust on this project component as it moves forward, but at this time we do not expect historic resources or resulting avoidance or mitigation to be a significant impediment to this segment of NEC Future plan.

In the case of ongoing work to upgrade the existing Northeast Corridor, and the significant investments that will be required to meet a state of good repair, including projects enumerated as part of the “universal first phase,” we ask that you formally engage the Connecticut Trust on this planning as it moves forward, and while it is certain that significant issues will be identified for mitigation, we do not anticipate that preservation issues would be a significant impediment to intended upgrades and investment.

If against our best advice the Federal Railroad Administration intends to include the seventy-nine miles of new rail corridor as part of the Record of Decision, we ask that you amend this decision to include the three Action Alternatives identified for Connecticut and Rhode Island in the D-EIS for continued study and evaluation, and possible selection in the Tier 2 process. Such a decision in our view would not satisfy the law, but would reduce the potential for unnecessary harm to historic, cultural, and environmental resources in Connecticut and Rhode Island.

A Higher Standard

We urge you to recognize that NEC Future is not only a once-in-a-generation opportunity to alter and inform a process of infrastructure planning, it is also the beginning of a generation-long process of decision-making and engagement with the state of Connecticut. We have an opportunity to either move forward together with an improved process and with projects supported by the public or we begin what will almost certainly be a decade-long adversarial struggle in the media, legislatures, Congress and the courts. Our strong preference is for an improved process.

To that end:

- We ask that the Federal Railroad Administration review, revise, and rigorously implement policies for involving the public which fully comply with 42 USC § 4332, C.F.R. 1506.6(a), and C.F.R. 1506.6(f). In particular, we ask that this compliance be

timely for the purposes of decision-making, and this compliance be guided by a “strict standard of compliance,” “full disclosure,” “to the fullest extent possible,” tempered only by a “rule of reason,” as enumerated in *Calvert Cliffs*, for the purpose of an informed public and decision-makers.

- We ask that the Federal Railroad Administration make available for stakeholder access the NEC Future “Data Viewer” or subsequent updates to mapping programs and data utilized by the agency,” or else adequately explain how this refusal complies with the provisions above.
- We ask that the Federal Railroad Administration include ‘intensive’ as well as ‘extensive’ investments and impacts for thorough study and evaluation as part of this and future Tier 1 reviews. To delay adequate consideration of projects as intensive as a multibillion dollar tunnel under the Connecticut River, in our view, falls short of standards of consistency and plausibility, as well as timely and informed decision-making.
- Given that Old Lyme submitted more public comments than any other location scheduled for a public hearing, we ask that, in this and other planning, the Federal Railroad Administration structure its public outreach in a manner which respects not only densities of population, but also densities of proposed impacts. The example of Old Lyme, in our view, was not an anomaly, but a wakeup call for the agency’s public outreach and planning processes.
- In our view, the late and lack of timely involvement by affected communities, including Old Lyme and Charlestown, can in part be explained by the late identification of the Kenyon to Old Saybrook bypass, after prior outreach had either engaged communities along the Northeast Corridor, or put them at rest. In the interest of a more orderly and timely planning process, we ask that the Federal Railroad Administration implement procedures which would warn affected communities of such late additions to a federal planning process.

Conclusion

We recognize the significant effort made by the Federal Railroad Administration in its attempt to define, evaluate, and prioritize future investments for America's busiest passenger rail line. There is great value in the sort of broader regional coordination and planning attempted as part of NEC Future. We wholeheartedly support investment in the existing corridor, and we are confident that historic preservation can be a guide and handmaiden for a changing, growing, Northeast Corridor. We understand that the intent of the National Environmental Policy Act is to foster worthwhile federal actions, and while we embrace that goal, we regret that in the NEC Future process that FRA has fallen short.

In Rhode Island and Connecticut, where the Federal Railroad Administration proposes to add seventy-nine miles to the one-hundred-five miles of existing Northeast Corridor—a seventy-five percent increase in high-speed rail infrastructure—we remain unconvinced that the change and growth proposed by the NEC Future Preferred Alternative is worthwhile. This skepticism is broadly shared in Connecticut and Rhode Island, where a year-long effort by the Connecticut Trust, SECoast, and the public, as well as local, state, and federal representatives, to study, to engage and to alter this once-in-a-generation blueprint for the Northeast Corridor, has grown into determined and statewide opposition to the NEC Future plan. This is unfortunate and unnecessary. Federal agencies have an obligation to make diligent efforts to involve the public, and obviously the Federal Railroad Administration cannot go it alone, and expect to succeed or garner public support and funding.

It is reasonable, and there is precedent, for the scale of investments proposed as part of a Programmatic Environment Impact Statement to require a tiered structure, and that a great part of the study and detail be delayed until Tier 2 in the planning process. However, it is not reasonable, nor is there precedent, that the courts should allow the Federal Railroad Administration to structure such planning in a manner which precludes the public and decision-makers from exercising their well-established right to meaningful, timely and informed involvement in the process. Given that courts cannot promise the people wise or good decisions, for a federal agency to simply promise wise and good decisions in its stead is neither reasonable, nor sufficient.

For this reason, we ask that the Federal Railroad Administration drop the seventy-nine miles of proposed rail corridor, and the additional siding between Branford Station and Guilford Station, from the Preferred Alternative. We ask that Federal Railroad Administration remove all mention of the Kenyon to Old Saybrook segment from all documents, maps, and appendices as part of the Selected Alternative and Record of Decision. We ask for a commitment from the Federal Railroad Administration that this segment not be reconsidered or reintroduced as part of NEC Future Tier 2 plans or undertakings. We ask that the Federal Railroad Administration review and restructure the novel planning process adopted for NEC Future, so that it fully complies well-established procedure, standards, and federal law.

¹ See for example, Howard, Lee. "Bypass plans may have hit Old Lyme home sales." *The Day* (New London). February 2, 2017. "In Old Lyme, the decline of more than 31 percent in sales and 13 percent in median prices was a concern for Bonnie Reemsnyder, the town's first selectman, who questioned whether plans for a high-speed rail bypass through town could have played a role." Declining property values have encouraged plans for a housing development on 12 acres of land near the National Register historic district of Old Lyme, a parcel within the area of potential effect, assessed in 2014 at \$1,201,700 and purchased in December 31, 2015 for \$455,500. A hearing for a subdivision into 4 lots was held on February 7, 2017 before the Old Lyme Planning Commission.

² See for example, *Measuring Economic Impacts of Historic Preservation: A Report to the Advisory Council on Historic Preservation*. November, 2011.

³ This unbundling at the Tier 2 level is mentioned in passing as part of "Future on Track: Highlights of the Tier 1 Draft Environmental Impact Statement." November, 2015. "The Selected Alternative will be a road map for incremental improvement of the NEC necessary to achieve the selected vision for passenger rail in the NEC. A phasing plan will describe the priorities and proposed approach to implementing the improvements so that benefits throughout the NEC are maximized. As a framework for future rail improvements on the NEC, the Selected Alternative does not require any rail operator to fund or construct new infrastructure, but ensures that future investments by any entity are consistent with the long-term NEC vision and benefits all of its users. Improvements will be carried out as discrete projects that will undergo more detailed planning and environmental analysis." See also NEC Future F-EIS, volume 2, appendix E.06. "The Record of Decision associated with the Final Tier 1 EIS will document FRA's selection of an investment program, which will generally identify markets to be served and service levels, but not specific alignments or service plans. After that point, the investment program will be implemented as a series of discrete projects to be potentially led by agencies other than FRA, and to take place over the next several years. These projects (called Tier 2 projects) will draw on the early broad analysis presented in the Tier 1 EIS, but will each undergo their own NEPA (and Section 7, etc.) compliance processes during which exact service plans and alignments will be determined, and field-based environmental impact analyses/findings/mitigation plans will be developed. Permitting would also occur as part of Tier 2 projects."

⁴ Stacom, Don. "Blumenthal Slams Idea of Amtrak Bypass Through Old Lyme." *Hartford Courant*. July 14, 2016.

⁵ NEC Future F-EIS, volume 1, chapter 7.20.2

⁶ NEC Future F-EIS, volume 1, chapter 7.10.2

⁷ See discussion and advice for overcoming these obstacles in Florida Department of Transportation (Environmental Management Office), *Cumulative Effects Evaluation: Quick Guide*, 2012, as well as Washington State Department of Transportation, *Guidance on Preparing Cumulative Impact Analyses*, 2008.

⁸ Executive Order 13274: Indirect and Cumulative Impacts Work Group, March 15, 2005.

⁹ An ambitious agenda of high-priority infrastructure upgrades, listing 35 projects, 8 major bridges and 2 tunnels, was included in NEC Future D-EIS, chapter 10, table 10-1. This "Universal First Phase" did not include the Kenyon to Old Saybrook Bypass, or the 29-miles of new rail corridor in Fairfield County. See also, *The Amtrak Vision for the Northeast Corridor*, 2012 update, section 3.3 stair-step service milestones. In Amtrak's "stair step" approach,

building a new rail corridor is the sixth out of six stepped priorities. See also NEC Future, volume 1, chapter 10, Phasing and Implementation.

¹⁰ Council on Environmental Quality, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,” 40 C.F.R. parts 1500-1508. Public involvement requirements include 40 C.F.R. §§ 1501.4(b), 1501.7(a)(1), and 1506.6(b)

¹¹ Section 2.2.5: Cumulative Impacts, Indirect and Cumulative Impacts Work Group, Baseline Assessment Report. March 15, 2005.

¹² Northeast Corridor Improvement Project, Programmatic Environmental Impact Statement, 1978.

¹³ In a statement made to the Transportation Committee of the Connecticut General Assembly on February 6, 2017, regarding the impacts of NEC Future on New London, Mayor Michael Passero testified that, “The proposed section of new rail bed that cuts through New London would be especially devastating to my city. The City of New London has approximately 5.67 square miles of land and, of that small area, nearly 50% of the land is non-taxable. New London’s commercially developed land area comprises only 270 acres, approximately 7.3% of its total land. The City is one of the most densely populated cities in the State of Connecticut and provides all the municipal services of much larger cities. As such, the City struggles to maintain vital municipal services while keeping the tax burden to its property owners from being uncompetitively high. The proposed Kenyon By-pass would create a new rail corridor through New London that would wipe out a significant portion of existing tax generating property. New London simply cannot afford to lose any more taxable land.”

¹⁴ “In order to achieve the goal of eliminating/avoiding all movable bridges in the Old Saybrook to Kenyon bypass, the new bridge span across the Thames River needs to have a clearance at least as great as the Gold Star Memorial Bridge, which has a clearance of 135’. Spec No. 63 of Amtrak Engineering stipulates that main line tracks shall not exceed a grade in excess of 1.5%. Meeting these two requirements would necessitate the construction of a bridge that is at least 18,000 feet long, or roughly 3.5 miles. To put that into context, the Gold Star Memorial Bridge is currently the longest bridge in CT at 6000 feet. If built, this new bridge would not only dwarf the Gold Star in length, but would be the longest bridge in New England and the third longest in the states served by the Northeast Corridor. The western approach to the bridge would need to begin at the Waterford/New London town line, and the eastern approach would begin less than 1/3 of a mile from the Groton Reservoir. This span would be slightly longer than the new Tappan Zee Bridge, which has a projected cost of \$4 billion to construct both spans. It is safe to assume that the cost for Thames River crossing bridge would cost nearly \$2 billion. The calculation assume that the bridge is straight. If it curves, it may need to be even longer.” [Note: our thanks to Tim Hanser, former Director of Public Works, City of New London for this calculation].

¹⁵ NEC Future F-EIS, volume 2, appendix B.6, section 2.7.

¹⁶ See for example, NEC Future Comment Summary Report (July, 2016), section 4.4. “There were two issues that generated a significant number of comments: 1) a proposed aerial structure through the town of Old Lyme as part of a proposed rail segment (in Alternative 1) between Old Saybrook, CT, and Kenyon, RI; and 2) a possible routing via Long Island (in Alternative 3). Similarly, commenters raised concern with a potential rail segment (in Alternative 3) through both the Patuxent Research Refuge in Maryland and the John Heinz National Wildlife Refuge in Pennsylvania.”

¹⁷ NEC Future Comment Summary Report, appendix part 2: E-K (July, 2016).

¹⁸ Spiegel, Jan Ellen. “Massive rail plan leaves Connecticut hopeful, but mystified.” Connecticut Mirror. January 4, 2015.

¹⁹ NEC Future Comment Summary Report, appendix part 1: A-D (July, 2016).

²⁰ Note that as explained in the “Basis for Screening Criteria,” in the NEC Future Scoping Package, section 4.3.2 after the initial (coarse) screening of Alternatives, Tier 1 evaluation would include “quantifiable” environmental impacts.

²¹ NEC Future F-EIS, volume 1, section 7.20.9.

²² NEC Future F-EIS, volume 2, section 7.20.2.

²³ Alvarez, Reece. “State finds Widening I-95 and I-84 will boost economic output.” Connecticut Post. October 10, 2015.

²⁴ De Avila, Joseph. “Hurdles could jam up plan to widen I-95 in Connecticut.” Wall Street Journal. January 23, 2015.

²⁵ CT DOT, October 19, 2016.

²⁶ “Should I-95 be Widened?” Editorial. Stamford Advocate. July 14, 2015.

²⁷ CT DOT, October 19, 2016. “The I-95-West study will include potential investment scenarios for I-95, the New Haven commuter rail line and better integration of the region’s bus system. The initial focus for highway purposes is

anticipated to be between Bridgeport and Stamford where highway congestion is most prevalent. The I-95-East effort will begin with an update of a 2004 study outlining the needs and deficiencies of I-95 itself. Separate investment studies are anticipated for rail and transit programs as additional funding is allocated. While the entire corridor requires additional capacity, the primary area of need and the focus of the “East” effort will be the section of I-95 between the Baldwin Bridge in Old Lyme and the Gold Star Bridge in New London, including the I-95 / I-395 interchange.”

²⁸ Drelich, Kimberly. “DOT Commissioner: I-95 widening, improvements should be on ‘front burner’.” *The Day* (New London). May 21, 2015.

²⁹ Transportation Capital Infrastructure Program, Connecticut Department of Transportation, January, 2017. Annual Capital Plan Report. “The Let’s GO CT! vision, and more specifically, the newly legislated 5 year Ramp-Up toward that vision, is beginning to change the dialogue regarding the future of transportation infrastructure in Connecticut. The Department began the process over this past year of implementing the Governor’s Let’s GO CT! initiative. The 5 year Ramp-Up plan included \$2.8 billion in additional bond authorizations, including an additional \$275 million in Federal Fiscal Year (FFY) 2016 and \$520 million in FFY 2017 (See Figure B) ... the increased Ramp-Up levels, has this agency planning for a very aggressive multi-faceted, multi-modal, system enhancement consistent with the needs of the travelling public. Future capital projects may include extensive capacity improvements on highway and transit systems, depending on the breadth of new state capital funding levels. The magnitude of these capital projects would dwarf historical investment levels the Department assumes that as the 5 year Ramp-Up ends in FFY 2020, the State’s Regular Bond Program will increase by approximately \$700 million in FFY 2021 to reflect the transition to a “ramped-up” regular program.”

³⁰ http://www.letsgoct.com/img/documents/CTDOT%205%20YR%20Corrected_2.17.2015.pdf

³¹ NEC Future Comment Summary Report, appendix part 2: E-K (July, 2016).

³² NEC Future F-EIS, volume 1, section 7.1.10.

³³ *Ibid.*

³⁴ NEC Future F-EIS, volume 1, section 7.20.4.

³⁵ NEC Future. Comment Summary Report Appendix Part 1: A-D. July, 2016.

³⁶ NEC Future. Comment Summary Report Appendix Part 1: A-D. July, 2016. The Federal Railroad Administration response can be found in NEC Future F-EIS, volume 1, appendix JJ. Comments and Responses. The response fails to meaningfully engage these questions as Tier 1 issues, or to raise issues cumulative impact. “As part of the NEC FUTURE process, the FRA is focusing on corridor-wide solutions and, within the context of the Tier 1 NEPA process, will not make decisions about final locations of new or expanded infrastructure in the Tier 1 Record of Decision. Such decisions are made as part of the Tier 2 project planning and NEPA processes, which would include local stakeholder and public involvement as appropriate. Consistent with this process, the FRA developed Representative Routes for the Tier 1 Draft EIS Action Alternatives and the Preferred Alternative, which provided a basis for the programmatic evaluation of the effects of each Alternative. Representative Routes define an envelope within which improvements might occur and whose location and construction type could change during subsequent Tier 2 project studies. The Preferred Alternative utilizes, to the extent practical, existing rights-of-way (adjacent to I-95, existing rail corridors, etc.) to minimize acquisition requirements and cost. The Preferred Alternative minimizes to the greatest extent possible, the use of greenfield corridors. NEC FUTURE is not meant to slow down work on the many existing transportation projects currently being implemented or planned in the Study Area. NEC FUTURE does evaluate overall capacity needs and potential improvements for the entire NEC. The FRA coordinates closely with the project teams on various projects to ensure that proposed NEC FUTURE investments are not precluded by project work. The FRA identified that the NEC FUTURE program and the Preferred Alternative are compatible with some but not all of the goals and objectives of the various state and regional plans based on the methodology described in Volume 2, Appendix E.02.”

³⁷ Radelat, Anna. “Rail overhaul plan is both a winner and a loser in CT.” *Connecticut Mirror*. January 9, 2017.

³⁸ FRA File No. FOIA-16-207 and FOIA-16-208

³⁹ Radelat, Anna. “Feds’ undisclosed ‘preferred route’ for rail lines sparks outrage.” *Connecticut Mirror*. September 7, 2016. Although there is evidence that this Preferred Alternative was later modestly adjusted, including “proposed commitments” to avoid an aerial structure through the historic district of Old Lyme, and a route bisecting the Pawtuxent Research Refuge in Maryland, these adjustments are immaterial to the actual selection of an Alternative, the salient issue of Tier 1.

⁴⁰ NEC Future F-EIS, volume 1, appendix GG.

⁴¹ Constable, Kyle. “Federal rail official: ‘No elevated track’ in Old Lyme; spokesman creates doubt, but later clarifies.” August 31, 2016.

⁴² Radelat, Anna. "Rail overhaul plan is both a winner and a loser in CT." We downloaded the original documents prior to their removal, and archived them here: <http://secoast.org/wp-content/uploads/2016/09/nec-future-investment-program.pdf>

⁴³ See NEC Future F-EIS, volume 1, section 4.4.2

⁴⁴ Drelich, Kimberly. "Organization says emails show FRA wants bypass through Old Lyme." *The Day* (New London). July 1, 2016.

⁴⁵ Politico, Morning Transportation. August 17, 2016. "if the bypass makes it into the final blueprint..."

⁴⁶ White, Brooke Constance. "Group seeks more info on bypass." *The Westerly Sun*, (Westerly, RI). August 23, 2016.

⁴⁷ *Ibid.*

⁴⁸ NEC Future Scoping Package, section 4.2.1 (June, 2016).

⁴⁹ NEC Future F-EIS, volume 2, appendix B, section 6.2.

⁵⁰ Berman, Marshall, *All that is solid melts into air* New York: Penguin, 1982.

⁵¹ See for example, NEC Future F-EIS Highlights, pp. 1-2.

NEC Future Time line

February 2012	NEC Future Announced.
July 2012	98 Initial Alternatives announced. Kenyon to Old Saybrook not identified.
July 27, 2012	FRA invites Connecticut River Estuary Regional Planning Agency to Scoping Meeting
August 15, 2012	NEC Future Scoping Meeting
April 2013	15 Preliminary Alternatives announced. Kenyon to Old Saybrook not identified.
November 2014	NEC Future 3 Action Alternatives announced. Kenyon to Old Saybrook first identified.
February 18, 2015	Connecticut Gov. Dannel Malloy announces Let's Go CT!
November 2015	NEC Future D-EIS released, first public mention of "Old Lyme" or "aerial crossing"
November 2015	CT Mirror (9-7-16): Andreski suggests early decision on Preferred Alternative by 11/15
November 10, 2015	FRA in letter invites Old Lyme First Selectwoman to comment on NEC Future
December 14, 2015	Public Hearing in New Haven
January 13, 2016	Public Hearing in Hartford, CT
January 13, 2016	Old Lyme First Selectwoman opposes Old Saybrook to Kenyon Bypass at public hearing
January 31, 2016	Original Deadline for D-EIS Public Comment
February 1, 2016	Stroud briefs Old Lyme HDC on NEC Future
February 2, 2016	First meeting in Old Lyme, CT on high-speed rail issue
February 18, 2016	James Redeker briefs CT DOT staff on early decision by NEC Future Team
February 26, 2016	James Andreski briefs CT DOT staff on early decision by NEC Future Team

February 26, 2016	Carl Jackson briefs CT DOT, FRA discouraged from press statement until after elections
January 11, 2016	DE SHPO writes to FRA, questions shifting assessment parameters
February 16, 2016	Extended Deadline for D-EIS Public Comment
February 18, 2016	FOI materials evidence early decision by NEC Future Team
March 4, 2016	David Carol announces Webinar, tunnel option, defers request for a public meeting
March 11, 2016	FRA Meets with town officials in Old Lyme, CT.
March 14, 2016	FRA hosts a webinar for Connecticut stakeholders
March 21, 2016	CT DOT begins piecemeal widening of I-95 at Exit 73.
March 23, 2016	Old Lyme, CT town officials write to FRA to confirm details of March 11 meeting
April 4, 2016	2 FOI requests with FRA for maps and documents FOIA 16-207 and 16-208
April 6, 2016	Finalized Maps of Preferred Alternative as part of 106 Programmatic Agreement
April 20, 2016	FRA replies to Old Lyme query with letter confirming details of March 11 meeting
May 1, 2016	Rally in Old Lyme
May 16, 2016	Call to FRA regarding status of FOIA 16-207 and FOIA 16-208
May 17, 2016	FRA calls to offer update on FOIA 16-207 and FOIA 16-208
May 22, 2016	FOI requests to CT DOT, NEC Commission, DEEP, Corps of Eng., CEQ, NPS, CT OPM
June 28, 2016	Press Release, CT DOT emails detail short-circuited decision-making by FRA
July 1, 2016	FRA denies early decision in statement to New London Day

July 7, 2016	Meeting with James Redeker in Old Lyme, CT
July 12, 2016	MD SHPO signs off on Preferred Alternative as part of 106 Programmatic Agreement
July 13, 2016	Amtrak VP Stephen Gardner denies early decision in Senate subcommittee
July 14, 2016	CT State Bond Commission approves \$1.2 million to study widening I-95
July 21, 2016	CT SHPO signs off on Preferred Alternative as part of 106 Programmatic Agreement
July 22, 2016	CT Federal Delegation requests public meeting in Old Lyme, CT
July 28, 2016	FRA Releases Overview responding to D-EIS Public Comment
July 28, 2016	Call to Timothy Barkley, liaison at FRA for update on FOIA 16-207 and 16-208
August 4, 2016	Webinar for MPOs. Request for letters of consistency with regional planning
August 22, 2016	FRA signs off on Preferred Alternative as part of 106 Programmatic Agreement
August 23, 2016	FRA denies early decision in statement to Westerly Sun
August 25, 2016	ACHP signs and posts executed 106 Programmatic Agreement on website
August 31, 2016	Public Meeting with FRA in Old Lyme, CT
September 6, 2016	Press Release on FRA misstatements, maps of the Preferred Alternative
September 7, 2016	ACHP removes 106 Programmatic Agreement from website at request of FRA
October 9, 2016	Rally in Old Lyme at Bee and Thistle
October 19, 2016	CT DOT initiates two studies for potential investment scenarios on the I-95 widening
October 20, 2016	Joint letter to FRA requesting FOI documents, and clarity on F-EIS release
December 16, 2016	FRA announces NEC Future F-EIS

December 16, 2016	Charlestown, RI learns of Kenyon to Old Saybrook Bypass from news reports
December 21, 2016	CT Trust Requests 60-day extension of comment period
December 22, 2016	Sen. Richard Blumenthal holds public meeting in Old Lyme, CT
January 10, 2017	Public meeting in Charlestown, RI
January 11, 2017	FRA Webinar, includes view of high-quality Data Viewer Maps
January 23, 2017	In letter to federal delegation, FRA agrees to release ROD after March 1, 2017
January 24, 2017	Rally in Pawatuck, CT
January 25, 2017	Rally in Providence, RI at State Capitol
January 25, 2017	FRA holds Open House in Springfield, MA
January 30, 2017	FRA mails packet of maps in response to 4/4/16 FOI 16-207 request
January 31, 2017	End of Waiting Period
February 6, 2017	Maps in response to FOIA-16-207
February 6, 2017	CT Transportation Committee public hearing on SB 253, SB 263, HJ 54.
February 11, 2017	Public Rally in Mystic, CT