

July 17, 2013

By Email and First Class Mail

Mr. Mark Hood
State of Connecticut
Department of Economic and
Community Development
505 Hudson Street
Hartford, CT 06106

**Re: Request for Scoping Determination
CEPA Scoping Notice, June 4, 2013
U.S. National Coast Guard Museum Pedestrian Overpass Project
New London, Connecticut**

Dear Mr. Hood:

Union Station has been a part of New London for 125 years. The owner of Union Station, the New London Railroad Company LLC, looks forward to the day when the opening of the Coast Guard Museum Project contributes to the renewal of New London's waterfront as part of the city's bright future. However, the Museum Project will have a significant impact on Union Station and its surrounding area. An appropriate scope of environmental review to assess those impacts is the necessary first step in the permitting and approval process of what we hope will be a successful project. Therefore, this office represents the owner of Union Station which respectfully requests consideration of the following when deciding upon the appropriate scope of environmental review.

As such, this is a request pursuant to the Connecticut Environmental Policy Act ("CEPA"), Conn. Gen. Stats. §§ 22a-1 through 22a-1h, and its associated regulations, R.C.S.A. §§ 22a-1a-1 through 22a-1a-12, to have the State Department of Economic and Community Development ("DECD") issue a scoping determination of sufficient breadth to consider all direct, indirect and cumulative effects of the environmental impact of the proposed U.S. National Coast Guard Museum Pedestrian Overpass Project, New London.

I. Facts

Union Station serves as New London's train station for Amtrak's northeast corridor rail service and the State's Shore Line East Commuter Rail. More than 200,000 riders board and alight each year at Union Station, making it the 3rd highest Amtrak ridership in Connecticut behind New Haven and Stamford. Union Station is the eastern terminus for the Connecticut

Department of Transportation's Shore Line East ("SLE") commuter rail service with between 10 and 14 trains daily. Union Station also serves as a terminal for riders of both the Southeast Area Transit District ("SEAT"), where it is the most active stop of SEAT bus routes,¹ and for 35,000 Greyhound Bus passengers. Taxi traffic is heavy with passengers picked up and dropped off at all hours of the day.

At issue is the State's, in conjunction with the City, announced plans to build a pedestrian overpass, a covered footbridge, from the Union Station property over the railroad tracks to the waterfront (the "Footbridge Project"). The footbridge will serve as the primary link between downtown New London and its waterfront through which patrons will gain access to and egress from not only the planned United State Coast Guard (the "Museum") but also terminal serving the Cross Sound Ferry and all attractions on the harbor-side of the railroad tracks (collectively, the Museum, ferry terminal and Footbridge Project are referred to as the "Museum Project").

The Museum Project will be one of the most expensive and transformative in New London's history, certainly in this area of its waterfront. Preliminary estimates of the cost of the Museum are in a range of \$80 - \$90 million and that of the Footbridge Project, at approximately \$10 - \$20 million. Cost estimates for the Cross Sound Ferry's plans to construct a 500-passenger ferry terminal adjacent to the Museum are not available for this private project not available.

II. CEPA – Scope of Review

CEPA requires DECD, the sponsoring agency, to conduct a public scoping process to determine the breadth of the environmental review of a proposed project and to consider public comments in that determination. An appropriate review is required to consider direct, indirect and cumulative effects of the proposed project. R.C.S.A. § 22a-1a-3. Direct effects are the project's primary environmental consequences. Indirect effects are the secondary consequences on local or regional social, economic or natural conditions or resources which could result from additional activities (associated investments and changed patterns of social and economic activities) induced or stimulated by the proposed action, both in the short and long terms. DECD must also consider cumulative impacts in its environmental review, which are the impacts on the environment which result from the incremental impact of the project when added to other past, present or reasonably foreseeable future actions or project to be undertaken. The environmental review of a proposed project, therefore, must be of sufficient scope to provide to the reviewing agencies, which includes the Council on Environmental Quality, the Department of Environmental Protection, the Commission on Culture and Tourism, and the Office of Policy Management, an adequate examination of all the issues presented by the new project and its related improvements and those reasonably contemplated.

Moreover, CEPA requires that the scope of review must necessarily encompass the impacts not just from the Footbridge Project, but also from the larger Museum Project, which

¹ According to the 2010 Regional Intermodal Transportation Center ("RITC") study.

includes the proposed Museum and ferry terminal. The footbridge itself is an integral part of the overall development plan which can and should not be reviewed in isolation.² Impacts from the Museum and ferry terminal are within the statutory definitions of indirect and cumulative effects. R.C.S.A. § 22a-1a-3. A scope of review that does not include the construction and operation of the Museum and ferry terminal would make little sense. The Footbridge Project would not exist without the Museum and ferry terminal. A myopic scope that segments the Footbridge Project from the Museum and ferry terminal threatens to render the review meaningless.

The scope must also be of sufficient breadth to consider the consequences to be experienced by every person who will use Union Station during construction and once the Museum Project and all associated development is built. The impact of the proposed use of Union Station property will be severe. The Museum Project and related improvements will significantly increase the number and flow patterns of people entering onto and crossing over Union Station property resulting in a detrimental impact on the public safety, security and crowd control issues which are currently being managed adequately by the private owner.

Contributing to the difficulty in determining a proper scope is that many of the details, large and small, regarding the Footbridge Project itself and the Museum Project remain unknown. The design of the larger Museum Project's components (footbridge, Museum, ferry terminal) has not yet been fully realized. As of this date, only general plans, but not specific designs, have been made public. In fact, at the public scoping meeting on July 8, 2013, the architect retained to design each of the Museum Project's components indicated that the project was at the preliminary design stage, with much of the work yet to be completed. And though the State has indicated that it will spend \$20 million for construction of the footbridge, it includes "other necessary project components" in that estimate without additional detail. Connecticut Council on Environmental Quality, *Notice of Scoping for the U.S. National Coast Guard Museum Pedestrian Overpass Project*, Environmental Monitor (July 2, 2013).

III. Potential Environmental Impacts

CEPA regulations specify several potential or actual consequences of a planned project that agencies must consider. The list of effects, which is not exhaustive, includes air, water and noise pollution, impacts to the water from runoff, alteration of a historic or cultural site or its surroundings, substantial aesthetic or visual effects, disruption of an established community, displacement or addition of substantial numbers of people, a substantial increase in congestion or energy usage, the creation of a hazard to human health or safety, and any other substantial impact on natural, cultural, recreational or scenic resources. R.C.S.A. § 22a-1a-3(a). All impacts outlined in CEPA and its regulations should be within the scope of review. These impacts and others are addressed below as they relate to the impact that the Museum Project will have on Union Station and its operations.

² Indeed, a single architecture team has been retained to design the Museum, footbridge and ferry terminal.

A. Traffic Impacts

When completed, it is estimated that 1 million people will visit the Museum annually. During peak visitorship, Museum visitors alone may generate approximately 4,000 to 4,500 new auto trips per day to the local street network and require approximately 2,000 to 2,250 parking spaces.³ The ferry terminal today services approximately 1.1 million passengers per year. The Cross Sound Ferry's two new high speed ferries, each with the potential to carry 500 passengers, may require an additional 125-175 parking spaces per ferry trip during the peak weekend periods. Four or five ferry runs over the course of a day could add demand for roughly 500-800 new parking spaces. Several large events, such as Sailfest, OpSail, and Schooner Week, bring significant numbers⁴ of visitors to New London's waterfront. The waterfront is a permanent and temporary home to several ships that serve as tourist attractions, including the Mystic Whaler and the U.S. Coast Guard's Eagle.

The impact of increased vehicular, marine and pedestrian traffic and parking demand should be a part of the environmental review.

1. Vehicular, Rail and Marine Traffic

As the project architects indicated at the public scoping meeting, the visitors are likely to use all modes of transportation to access the Museum and surrounding area. Buses load and unload at various points, including in front of Union Station and at the ferry terminal. School field trips often involve numerous buses loading and unloading at once. One public commenter indicated that local shuttle buses may serve as an option for transporting visitors and ferry patrons. Several ferry lines board and alight from the waterfront.

The environmental review should, therefore, report on the impacts that all forms of vehicular, rail and marine traffic, (e.g., taxi, bus, cars, boat, train, etc.) including the added volume, altered circulation patterns, access and egress, etc., will have on the existing operation of Union Station as a public transportation hub and the surrounding area's existing improvements and public infrastructure. This necessarily includes Union Station itself, nearby streets including Water Street and State Street, the New London Harbor area. A traffic management plan is required, at a minimum.

2. Pedestrian Traffic

As is observable, Union Station handles many thousands of people daily. By adding the expected crowds from the new projects, the impact on existing pedestrian circulation and safety will be significant. As mentioned, up to a million people are expected to visit the new museum,

³ Traffic estimates are provided by VHB Inc., which the New London Railroad Company has retained in this matter.

⁴ Sailfest attendance is typically 300,000 people over a weekend.

high-speed ferries carry up to 500 passengers each, hundreds of children on school field trips will arrive simultaneously. Bus and train usage is anticipated to increase as well.

The footbridge, Museum and ferry terminal must be able to accommodate the draw of new visitors in high volumes to the area and plan for the access to the footbridge on both sides of the rail with the consequent queuing likely to result. They also must be accessible to seniors and the disabled. The footbridge must be designed so as not impede train passengers' movement along the train platforms. Passenger bottlenecks can be dangerous when trains are passing the platforms.

An appropriate scope of environmental review should consider marshaling, preassembly, pedestrian accommodations, queuing, crowd control, and safety and security for all potential pedestrian routes. The review should include the potential pedestrian traffic resulting from the increased ridership on the trains, buses (Greyhound and SEAT), cars, boats and ferries, and the increased parking usage, automobile loading and unloading.

3. Other Traffic and Displacement Impacts

The downtown (westernmost) side of the footbridge will occupy an area that currently serves as the Greyhound bus station, taxi and passenger pick-up and drop-off area and parking area. According to preliminary design, the footbridge will displace all of these services which must therefore be relocated. The review should consider the effects of displacing these vital functions and the consequential impact on any new location. Relocation of the bus station, especially, will have a significant impact on the area to which it moves. It is unclear at this time whether the SEAT station will have to be relocated.

Furthermore, the waterfront is also home to authorized, special events (e.g., July 4th) which increase the number of people drawn to the area on those days. The scope of environmental review should include an evaluation on those days.

B. Noise Impacts

The environmental review should consider potential noise pollution. Given the draw of the Museum, the increased number of pedestrians, vehicles and other modes of transportation will increase noise levels. Construction activities, diesel engines from trains and emergency generators will contribute to noise levels, contributing to the noise already generated from rail whistles and braking.

C. Air Pollution Impacts

Trains regularly idle on the tracks outside the location for the planned Museum. Large diesel engines power many of these trains. Exhaust from diesel engines is a recognized source of air pollution. Construction activities may also contribute to air pollution. Similarly, the power demanded by the lighting, elevator, and heating and cooling systems of the footbridge, Museum

and ferry terminal, among other power demands, will likely necessitate the installation of diesel-powered backup emergency generators. Emergency generator emissions are a recognized air pollution source and should be within the scope of review. Increased traffic from the Museum Project is also likely to affect air quality.

D. Water Pollution Impacts

Increased marine traffic from the Museum Project, including storm water and construction run-off, within the Harbor and other sources has the potential to cause water pollution and impact wetlands areas, compounded by the likelihood of flooding in storm events. The environmental review should cover these potential impacts.

E. Energy Impacts

The scope should include the additional the power demanded by the footbridge, Museum and ferry terminal. Power demands include, but are not limited to, construction-related demands and the lighting, elevator, security, and heating and cooling systems necessary to operate the footbridge itself and to provide nighttime public safety.

F. Public Safety Impacts

Several commenters at the public scoping meeting were concerned with public safety and potential threats to human health. The New London Railroad Company agrees that public safety and potential threats to human health should be among the prime considerations within the scope of review; it is one of our principal concerns in the operation of Union Station today. The Museum Project presents several potential hazards to human health. In addition to noise and air pollution as set forth in above, with the increase in human traffic in the area, the risk that criminal activity will also increase must be reviewed. Additionally, it must be recognized that a museum dedicated to our nation's armed forces, a busy ferry terminal, and a footbridge connecting these attractions to a busy train station presents an increase in the risk of terrorism. The scope should seek review of the impacts of the increased risk of crime and terrorism, including the means necessary to police and provide increased security.

G. Historical Preservation and Aesthetic Impacts

The project area contains important landmarks in New London history. Built in 1887, Union Station was designed by noted architect H.H. Richardson. The Union Station and the northern-adjacent luggage building are listed on the National Register of Historic Places and included in the Downtown Historic District.

The Museum Project will impact the visual and aesthetic qualities of historic Union Station. Preliminary design information about the footbridge itself indicates that it must be at least 24 feet, 3 inches in height at its bottom surface in order to clear the train tracks. That could

mean a footbridge rising to over 30 - 40 feet in height (eliciting a comment at the public scoping session). The close proximity of the footbridge will negatively impact the appearance of the station and may obliterate the visibility and historical setting of the north edge of the station. In addition to constructing the footbridge, project activities are planned to include demolition of the former luggage building, which currently serves as the Greyhound bus station. An appropriate environmental review must include the impact on these two historic buildings, but the impact of the Museum Project on the Downtown Historic District.

H. Economic Impacts

The impacts associated with the construction and operation of the Museum Project are likely to affect area businesses, including Union Station itself. Increased traffic, crime, safety hazards, noise, pollution, alterations to the aesthetics of waterfront, and changes to recreational activities all have the potential to negatively impact business. It is unknown at this time whether increased use of Union Station property will discourage regular commuters, bus and rail passengers from using the station. Tour and school buses, taxis, and autos used to access the Museum may preempt the curbside use by Union Station patrons, thereby impacting the business and operational function of the train station. Union Station intermodal use could decline as rail passengers may seek more convenient alternatives. The scoping must address the additional number, type and location of vehicle drop-off/pick-ups, bus lay-by storage areas offsite, and bus pick-up areas and the impact each have on the present usage of Union Station today.

I. Impacts of Reasonable Alternatives

The review should include impacts of all reasonable alternatives. The Project architects, at the public scoping meeting, indicated that four locations were considered for the proposed Footbridge Project. The impacts associated with each of these locations should be considered as should the impacts from connecting the overpass to Union Station at various levels. Additionally, one public commenter indicated that a tunnel had at one point been considered. The impacts from these and other reasonable alternatives should be considered.

J. Regulatory Impacts

The regulatory requirements should also be considered. *See* Connecticut Office of Policy and Management, Generic Environmental Classification Document at II.g (revised Oct. 5, 2010). Many details regarding the footbridge, Museum and ferry terminal remain unknown. The details will greatly affect the regulatory path forward for this project. The following, non-exhaustive list regulatory requirements are relevant to the Museum Project, and must be scoped:

- Accessibility compliance with the Americans with Disabilities Act;
- Filing a Certificate of Operations with the Office of the State Traffic Administration;
- Compliance with air pollution regulations for the emergency generators and idling diesel engines;

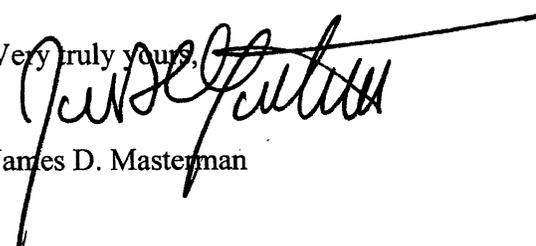
- National Pollution Discharge Elimination System permitting for water discharges;
- Compliance with local and state zoning regulations;
- National Environmental Policy Act compliance if the Museum Project is federally funded or supported;
- Review, permitting and certification by the Army Corps of Engineers under the Clean Water Act sections 404 and 401 for work within the waters along the shore;
- Federal regulatory review and consent under sections 9 and 10 of the Rivers and Harbors Act for obstructions to waterways;
- Consultations with the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service, and CT Department of Energy & Environmental Protection;
- Review by the CT State Historic Preservation Office under section 106 of the National Historic Preservation Act;
- Compliance with the state's Coastal Zone Management Plan and consistency determination from the U.S. Office of Coastal Zone Management; and
- Preparation of environmental documentation in accordance with the United States Council on Environmental Quality's guidelines.

IV. Conclusion

I reiterate Union Station's unequivocal support for this transformative project. Since the public announcement of the Museum Project's plans, the principals of Union Station have been cooperative, supportive and invested. We shall continue to be until the Museum Project is successfully developed and a part of New London's renewal.

For the reasons set forth above, and as a constructive participant in the future of New London, the owner of Union Station seeks a broad review of the environmental impacts of the proposed Museum Project and all related project improvements.

Very truly yours,


James D. Masterman

JDM/nck

Cc: Ms. Barbara Timken, Union Station (*by email*)
Mr. Todd O'Donnell, Union Station (*by email*)
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