

FREIGHT COMMITTEE
of the
REGIONAL TRANSPORTATION ADVISORY COUNCIL

Summary of the September 15, 2010 Meeting

The meeting was held in Conference Room 4 of the State Transportation Building.

1. Introductions and Chair's Report – *Walter Bonin, Co-Chair*

W. Bonin called the meeting to order at 1:00 PM. Members, guests, visitors, and staff introduced themselves (see the attached attendance list). There was no Chair's report.

2. Announcements

Frank DeMasi, Co-Chair and representative of Wellesley, announced that MassDOT has scheduled a public hearing on the draft Massachusetts State Rail Plan on Thursday, September 16 at 4:00 PM in Worcester.

Richard Flynn of the Eastern Massachusetts Freight Rail Coalition announced that two tax credits that would affect rail providers are under the consideration of Congress. It would be good to have Pamela Mann of Go-21 brief the Freight Committee on these tax credits. He also announced lobbying in Washington to allow 97,000 pound trucks on the highways.

Steve Olanoff of Westwood provided the Freight Committee members with an update on the Boston Region MPO's certification review, which was conducted by the Federal Highway and Federal Transit Administrations in late July. Freight planning and the MPO's Memorandum of Understanding were discussed. S. Olanoff suggested that a freight group be added to the MPO. F. DeMasi said that the state should organize a freight advisory council. Several members agreed with F. DeMasi's suggestion and said it should be a recommendation of MassDOT's freight study.

3. Approval of the draft June 9, 2010 Meeting Minutes – *Walter Bonin, Co-Chair*

Worcester resident Jo Hart asked that the minutes clarify her statement on smart growth. She said smart growth encourages the diversion of freight from trucks to rail.

A motion to approve the minutes was made by Rick Arena of the Association for Public Transportation, and seconded by R. Flynn. The minutes were unanimously approved.

4. Discussion of Truck Exclusions and Other Timely Trucking Issues – *Anne Lynch, Massachusetts Motor Transportation Association*

Anne Lynch of the Massachusetts Motor Transportation Association addressed the Freight Committee. She spoke first about the Boston HAZMAT routing issue.

The Massachusetts Motor Transportation Association prevailed in their complaint to the Federal Motor Carrier Safety Administration (FMCSA) about Boston's HAZMAT truck

routing regulations. The FMCSA ordered Boston to begin working on establishing a new Boston HAZMAT route. This is important for access to the fuel farm in Everett. Boston banned these trucks traveling through the city and forced them onto Route 128. This exported risk to 28 other cities and towns without notice. Only the state has authority, granted through the federal government, to establish truck exclusions. Boston did not follow the process to establish the exclusion and did not get approval of the route.

The Massachusetts Motor Transportation Association is working with the Massachusetts Department of Transportation, the City of Boston, and others to determine a new route. There are six under consideration that are being evaluated against federal criteria. The Massachusetts Motor Transportation Association is recommending to Boston a day route and a night route, which will help keep trucks out of residential areas at night. The City asked the trucking community if they would be willing to do overnight deliveries. Truckers like the idea, but it is not realistic because many companies cannot take deliveries at night.

It is unlikely the process will be completed by next spring. A public comment period on the final proposed route will be held once the technical analysis is complete. In the interim a voluntary truck route, taking trucks down Cross Street, has been accepted by the Massachusetts Motor Transportation Association.

A. Lynch also spoke about the issue of truck weight. There is a move to equalize the weight allowed on highways across the nation. There is currently a moratorium on increasing truck weights in the United States. When the moratorium was established there was not a standard national truck weight, which would be good for the trucking industry. There is a pilot program underway to test higher truck rates around the nation. Maine is participating in the pilot in order to test the higher weight in an environment with severe winter weather. It is also under consideration to add axles to trucks if the weight is increased. Some Midwestern states are allowing triple tandems now. The impetus for this is the scarcity of truck drivers. At the same time, freight traffic continues to grow. Even if railroads carry more freight, the trucks are going to still be needed to cover the last mile.

A. Lynch spoke to the issue of owner-operators. A trucking company cannot hire an owner-operator under Massachusetts state law. Owner operators are important because they help during seasonal peaks and business peaks. The law in many states prohibits a company from hiring an independent contractor in the same industry. The law was focused on the construction industry, but has had negative effects on the trucking industry.

Member Questions

In response to members' questions, A. Lynch made the following additional comments:

- Two major trucking companies have moved out of Massachusetts in the year. Part of the reason is the owner operator issue.
- Massachusetts needs to look at implementing freight overlay districts. A Massachusetts Motor Transportation Association member spent \$300,000 in legal fees to site a truck warehouse, but was stopped by an objecting abutter. This has a ripple effect and deters companies from locating in the state.
- Freight needs higher level focus and planning rather than tackling freight on an issue-by-issue or project-by-project basis.
- A. Lynch said she supports the creation of a state freight advisory council.

- The Alford Street Bridge provides access to the fuel farm in Everett. Citizens are very interested in a double bike lane on the bridge. This is the highest truck traffic road in Massachusetts. Bike lanes would create a very unsafe situation.
- There may be additional toll and fuel costs for truckers when Beacon Park Yards closes and the terminal shifts to Worcester.

Member Comments

- The state needs a comprehensive transportation plan that considers all modes. Right now the modes have to battle each other. (W. Bonin)
- There should be a freight office within MassDOT. Freight is overlooked in Massachusetts. (Dom D'Eramo, Millis)

5. Discussion on MassDOT Reorganization, Rail Planning, and Draft State Rail Plan – Paul Nelson and Tim Doherty, MassDOT

Tim Doherty of MassDOT spoke briefly about freight planning at MassDOT. They are going through a massive transformation into a unified organization. There are several individuals at MassDOT working on freight issues. T. Doherty said they could do a better job of talking about what they are doing, but they are very focused on the issues. A dialogue between representatives of MassDOT and the Freight Committee ensued.

Member Comments:

- R. Flynn said he looks forward to more open and candid conversation between MassDOT and the Advisory Council's Freight Committee. The Committee brings together many knowledgeable people that bring different perspectives. R. Flynn said he would like MassDOT to attend the Committee's meetings each month.
- R. Arena added that the Freight Committees message is not being heard and it is frustrating. The group is concerned that MassDOT is not listening.
- D. D'Eramo expressed his concern that he does not know who can answer freight questions at MassDOT.
- R. Arena said he would like MassDOT to recognize that the freight issues and modes are interrelated.
- W. Bonin said that some people think a plan is just a compilation of several projects under consideration. This is not planning. A high level look and policy direction is needed. There needs to be a better balance between what is best for the state and what is best for individual communities. The high level of attention paid to individual constituents or interest groups hobbles the ability to conduct planning at a higher level.
- R. Flynn said that he hopes the next Advisory Council chair helps connect the Freight Committee to the MassDOT.
- R. Flynn said the public comment period on the draft Rail Plan is very short.
- F. DeMasi said the draft Rail Plan leaves some open issues with the Freight Plan and thinks the Freight Plan may need to be revisited.
- R. Arena said other parts of the nation are investing in infrastructure and preparing for the larger ships that will come through the Panama Canal. R. Arena said Massachusetts is being left behind.
- Schuyler Larrabee of the Boston Society of Architects said local zoning ordinances restrict freight uses. The state needs to encourage cooperation.

- Marilyn Wellons of the Riverside Neighborhood Association said it is not simply a problem of zoning; disinvestment in infrastructure is also a major problem.

In response to members’ comments and questions, T. Doherty and P. Nelson made the following additional comments:

- T. Doherty said that he could not commit to attending each Freight Committee meeting. He asked the Freight Committee to invite MassDOT staff to come and present on the issues they are interested in.
- T. Doherty said that he works in the Office of Transportation Planning and that David Mohler is the director. Paul Nelson also works in the office and focuses on freight planning.
- Paul Nelson said that MassDOT is bringing freight planning into better focus. P. Nelson is going to be the freight planning coordinator. P. Nelson said he plans to meet with the Freight Committee on a regular basis.
- P. Nelson said a lot of outreach was done during the development of the Freight and Rail Plans. The final hearing concludes two other rounds of public meetings.
- T. Doherty said MassDOT wants to foster public input and comment. The Freight Plan does not have a formal public comment, but they welcome comments.
- P. Nelson said the Freight Study is a good starting point. It recognizes that public investment in private infrastructure can have public benefits.

D. Flynn asked W. Bonin and F. DeMasi to develop actionable items from the discussion during the meeting. The two main points he took away from the discussion were the need for more and better dialogue between freight stakeholders and MassDOT, and the need for freight overlay districts to protect and encourage freight land uses.

6. Adjourn

The meeting was adjourned at 2:50 PM

Attendance

Agencies

Tim Doherty, MassDOT
 Paul Nelson, MassDOT
 Alison Felix, Metropolitan Area
 Planning Council
 Ed Anthes-Washburn, Seaport Advisory
 Council

Cities and Towns

Laura Wiener, Arlington
 Walter Bonin, Marlborough
 Dom D’Eramo, Millis
 Frank DeMasi, Wellesley
 Steve Olanoff, Westwood

Advocacy/Citizens Groups

Rick Arena, Association for Public
 Transportation
 Schuyler Larrabee, Boston Society of
 Architects
 Anne Lynch, Massachusetts Motor
 Transportation Association
 John Businger, National Corridors
 Initiative
 Richard Flynn, Eastern Mass. Freight
 Rail Coalition
 Marilyn Wellons, Riverside
 Neighborhood Association

Guests and Visitors

Kevin Dooley, Tighe Warehouse
 Bob Gentile, Framingham

Jo Hart, Worcester
Doug Low, Mass. Railroad Association,
Rail America
Ed Lowney, Malden
Marilyn McNab, Boston
Ken Patrick, Plymouth
Arnold Pinsley, Natick
Jamie Simchik, ULI Infrastructure
Abby Swaine, U.S. EPA

MPO Staff

Mike Callahan
Bill Kuttner
Anne McGahan
Sean Pfalzer