

May 13, 2021

SECOND REPORT AND RECOMMENDATIONS BY THE TRANSPORTATION MANAGEMENT COMMITTEE (TMC) REGARDING TRANSPORTATION RELATED IMPACTS OF STEAMSHIP AUTHORITY FREIGHT OPERATIONS

Summary of updated recommendations:

The Select Board needs to take a stronger posture communicating Falmouth's interest in the Authority's present and future operations. Direct a letter to the Authority stating:

- 1- The Select Board's endorsement of the Committee's original recommendation for the Steamship Authority to immediately seek grant funding for a comprehensive study of freight operations and determine what creating a 21st century freight operation would entail.
- 2- For there to be any chance of development of an off-Cape freight port, the Steamship Authority must include representation from New Bedford on its Vineyard long-range planning task force.
- 3- Recommend the Steamship Authority hire a professional planning facilitator to lead its Vineyard long-range planning task force.
- 4- Based on the findings in this and the previous report reiterate the Town's strenuous objection to the 5:30 AM freight boat from Woods Hole. That boat has not been demonstrated to be required for providing "adequate transportation of persons and necessities of life" to the Vineyard.
- 5- Accept nothing less than optimization of freight scheduling and loading. It is apparent from testimony by the Authority that freight is being operated for the convenience of truckers and truckers' schedules.

Select Board actions relative to the General Court:

1. Send a letter of support for Senator Moran's proposed amendment to the Enabling Act.
2. Communicate Select Board support to Representative Fernandes and Representative Vieira. Request a public meeting with Representative Fernandes to hear his opposition to the amendment. Urge Representative Vieira to support the bill.

Actions by Town Manager:

1. Direct the Town Manager, coordinating with appropriate Town staff, to begin a process to develop a bylaw the purpose of which is to institute and promote so-called quiet hours (no trucks, construction equipment, residential trash collection¹ etc.) throughout residential areas in the Town.

¹ A trash collection bylaw exists (Section 191-10). Based upon court decisions the trash collection time restrictions are unenforceable in commercial and business districts (see also Section 191-11).

2. Direct the Town Manager to establish a regular channel of communication between our town staff and corresponding officials in the City of New Bedford and port communities on the Vineyard regarding common interests in freight operations between and the Vineyard mainland.
3. Carry out a public and transparent process for the lease of the Town owned Woods Hole parking lot. First and foremost, determine whether the best use of the property is to support Woods Hole residents, businesses and institutions.
4. Direct the Town Manager to carry out a review of excise tax collection from car owners utilizing long term parking in Authority lots.

Select Board additional actions.

1. Replace the Town Manger with a more actively engaged representative on the Vineyard long-range planning task force.
2. With an effective date of October 19, 2021, post Crane Street and Cowdry Road no truck traffic 10 PM to 6 AM.
3. Explore a Memorandum of Understanding between the Town and the Steamship Authority to define critical terms in the Enabling Act such as “adequate transportation of persons and necessities of life” and define an acceptable level of service consistent with the Enabling Act. This MOU should be guided by the Barnstable capacity agreement.

Progress

The TMC has continued our investigation of Steamship Authority freight operations. We have met on three occasions with the General Manager and Falmouth Representative to the Steamship Authority. We also met with representatives of the Urban Harbors Institute at UMass Boston and MassDOT about their study of greenhouse gas emissions associated with SSA freight operations and potential greenhouse gas reductions associated with diverting freight to an off-Cape port. Additionally, we had a presentation from the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force on the impacts of freight operations. Through these meetings we confirmed our findings in the Preliminary Report including the high proportion of trucks transported by the SSA that are empty or only partially loaded as well as other inefficiencies. We also received a referral from the Traffic Advisory Committee on a citizen request to post Crane Street and Cowdry Road “no truck traffic 10 PM to 6 AM” or something similar. We continued our deliberations to allow the Steamship Authority to consider management alternatives that would result in elimination of the 5:30 AM boat from the schedule. On May 13, the Authority reported that it was unable to eliminate the 5:30 AM boat for 2021 but would do everything it could do to eliminate it in 2022. The Committee voted to support/recommend the posting with an effective date of October 19, 2021. This provides the Authority time to institute a better solution which is the elimination of early morning sailings and carry out the 2021 schedule. The Committee has identified some potential consequences of the posting but thinks consideration of wider application of a so-called quiet hours based upon noise survey data in residential areas would be a benefit to all residents throughout the town. A recurring theme throughout all of these meetings is that no one has a clear understanding of what “adequate transportation of persons and necessities of life”, the stated mission of the Steamship

Authority, means particularly as it relates to freight operations. The Authority General Manager stated at one of our meetings is that he equates “adequate” with “essential.”²

Original Recommendation: The Steamship Authority learned of our preliminary report and requested a copy. In response the SSA characterized the TMC recommendation of a grant to establish what an ideal 21st century freight forwarding system would require and how best instituted as a “no brainer” but noted the organization has little or no experience securing grants and was unsure of the entity that could carry out an appropriate study. They asked that a representative from TMC present the preliminary report before their noise and traffic committee and the Vineyard long-range planning task force. This occurred in March. While the report was well received, neither group took any specific action on the report at their meetings. Since the TMC Preliminary Report, the federal administration has changed and promoted even more supportive policy initiatives (transportation, infrastructure and greenhouse gas reductions) than the previous administration that strongly encouraged a grant application.

Moran Amendment: Senator Moran told the TMC that her amendment to the Enabling Act³ was designed to promote consensus building and move away from the island v. mainland dynamic. We agree. The TMC heard from opponents of the bill and found that they misconstrued the nuts and bolts of the amendment. We urge the Select Board to endorse the change through a letter of support to the General Court’s Committee on Transportation. Because Representative Fernandes has publicly opposed the amendment, we recommend the Select Board invite him to a meeting to explain how the amendment does not meet Senator Moran’s goal of consensus building or why he stands in opposition. We are unaware of Representative Vieira’s position on the amendment.

Steamship Authority Engagement: The Steamship Authority has been cordial, open and candid about the operational impacts upon Falmouth. They have endorsed the TMC Preliminary Report as an appropriate action within its Vineyard Long Range Planning Task Force. Surprisingly, their depth of analysis of their operation seemed wanting by the TMC. They struggled to explain the actual need or necessity for the 5:30 AM freight boat. The Authority explanations focused largely on inconvenience to truckers, truckers work day and island business preferred delivery times to reduce island traffic congestion. Without data, the Authority counsel articulated dire economic consequences of capping nonresident vehicle passage in order to free additional space for freight. It is the opinion of the TMC that the Authority is operating a demand-based system based upon serving the convenience of its customers. This is the long-established status quo and it needs to be challenged at every opportunity. The 21st century study of freight operations is just a beginning. We also recommend the Select Board consider recommending a requirement of an independent Kass-like review of Authority operations at least every 10 years be added to the Enabling Act.

Vineyard Long Range Planning Task Force: Although invited by the Authority, New Bedford is not represented on the task force. In response to the Kass Report, New Bedford was given a seat

² It was noted by a citizen at one of our meetings that on the 5:30 AM freight boat the trucks included food trucks, a utility truck, landscape materials, a dump truck, countertop delivery truck, lumber and appliances.

³ <https://malegislature.gov/Bills/192/S2361>

at the table with its perceived inevitable role as an off-Cape port to the islands. In the approximately 20 years since Kass, a number of pilot freight and passenger operations have been operated from New Bedford. However, there is no planned or regular operation by the Steamship Authority to or from New Bedford, and there is no New Bedford representative on the long-range planning task force regarding the Authority's plans or goals for the port. We recommend the Select Board send a letter to the SSA strongly encouraging them to reinvoke New Bedford to participate in the Task Force with at least 2 representatives.

Falmouth representation: In reviewing minutes of the Task Force, the TMC noted a number of good discussions and interviews but we could not discern an outcome focused path or even definitive first steps identified. The Task Force has a strong Vineyard bias. That bias is even more enhanced by our Town Manager (one of our two representatives) who has not made a single contribution or even comment noted in the minutes. We recommend that the Select Board replace the Town Manager with one of the highly motivated and knowledgeable members of our community who have diligently researched the issues and have been advocating for changes.

Task Force Facilitation: The Task Force needs outcome focused direction and a professional planning facilitator is desperately needed (similar to the Consensus Building Institute (CBI) used by the Cape Cod Commission on wastewater and climate) to plan and facilitate its Vineyard long-range planning task force and make the process more results oriented. We recommend the Select Board send a letter to the SSA encouraging them to contract a trained facilitator for the Task Force.

"Adequate transportation of persons and necessities of life" needs to be defined: As enumerated in the Enabling Act, the mission of the Steamship Authority is to provide adequate transportation of persons and necessities of life to the islands. In all of our meetings no one was able to provide a clear understanding of this mission. Our discussions with the Authority focused on convenience, inconvenience, burden on truckers and lack of Vineyard alternative transportation. The Counsel for the Authority cited the cost of family of four tourists being burdened with a taxi fare of \$80 to go out to dinner as a factor in the devastating impact on the local economy if a cap was placed on nonresident vehicles. Placing a cap would potentially reduce the number of trips and make more space available for the necessities of life. We recommend a Memorandum of Understanding agreeing to the practical meaning of the mission and define an adequate schedule. The existing agreement with Barnstable can serve as a guide. Based on the community impacts, the status quo, the reluctance to alter the schedule to address measurable impacts amounting to a legal nuisance, there is a likely cognizable legal claim that the Authority is unnecessarily exceeding its mission of providing "adequate transportation" and thereby causing harm to Falmouth. An MOU would help avoid litigation now or in the future.

Greenhouse Gas Emission Study: Mass DOT has contracted with the Urban Harbors Institute at UMass Boston to assess the potential reduction of greenhouse gas emissions by rerouting some or all Steamship freight movement to an off-Cape port such as New Bedford and reducing overall truck traffic utilization of Cape bridges. The study is due out in early summer. The study is based upon the premise that the majority of freight destined for the island passes through or in close proximity to the port of New Bedford. The study is expected to quantify both the

environmental benefits and financial impacts of freight diversion to the an off-Cape port. The TMC is continuing its dialogue with Urban Harbors.

The Steamship Authority should consider incentives to optimize loads: The TMC has confirmed that a large proportion of trucks carried on Authority vessels are completely empty. Additionally, the Authority does not measure or have a means to determine partially loaded trucks. The Authority has taken some steps to address load efficiency by shifting fares from weight based to length based. It also encourages back hauls (encouraging trucks to pick up return loads). It is important to note that the Vineyard's chief exports are trash and septage. Incentives to maximize/optimize available truck capacity should be considered by the Authority. Based on the survey of trucks submitted to the TMC, some companies have multiple trucks on the same ferry. This is a starting point to see why companies need multiple trucks on the same ferry and pursue management options to discourage unnecessary trips.

Referral from the Traffic Advisory Committee: The Traffic Advisory Committee and Select Board member Jones both asked the TMC review a request by Nat Trumbull to prohibit trucks during certain hours on Crane Street and Cowdry Road. The practical impact of the proposal would be to prohibit the Authority from operating its 5:30 AM freight boat. There are some potential community impacts that need to be considered including potential truck traffic in other neighborhoods and trucks forced to go into Woods Hole village to comply with the closure. Chief Dunne told the TMC he would be hard pressed to enforce the restriction. The TMC believes that a better solution is to eliminate the 5:30 AM boat through improved scheduling and management initiatives. The Authority reported back that it had considered some schedule changes recommended by the TMC but was unable to eliminate the 5:30 boat from the 2021 summer schedule. The Authority committed to doing all that it could do to eliminate the early trips from the 2022 schedule. While the TMC voiced some skepticism with the Authority's reasoning for 2021, the TMC recommends adopting the Trumbull proposal with an effective date of October 19, 2021. The Committee believes there should be a mechanism available to residential neighborhoods that are plagued with early morning truck traffic and establish quiet hours if necessary. The Town should explore a quiet hours bylaw based on sound impact data.

Use of the Town owned parking lot currently being leased to the Steamship Authority⁴: The TMC and its members have been asked about the Town owned parking lot currently under lease to the Steamship Authority with a side agreement with the Woods Hole Business Association for employee parking. The complaints largely have been focused on the lack of transparency in leasing the property and the loss of previous metered parking for village customers. There is a committee that oversees the parking operations which appears to be Authority centric. The Select Board should consider whether this parking lot is being used in the best interest of our community.

Excise Tax: From a revenue perspective, both the Woods Hole and Palmer lots are used for long term parking by the Authority's customers. In Massachusetts excise tax is based upon where a vehicle is garaged. According to the Department of Revenue, long term parking arrangements such as the Authority allows/permits satisfy the garaging standard and the owners of these cars

⁴ We note that this item is not related to freight operations.

should be paying excise tax to Falmouth. Currently, the Tax Assessor has no way to track vehicles parked on a long-term basis in Authority lots. This needs to be investigated and if necessary coordinated with the Authority to ensure such permittees are conforming with the law and paying excise tax to Falmouth.