

From: Kris pastoriza [<mailto:krispastoriza@gmail.com>]
Sent: Monday, August 21, 2017 9:21 AM
To: Monroe, Pamela
Subject: Fwd: NPT finds 103 "conflicts" on Plymouth Main St.

Please post as a comment.

Dear Commissioner Sheehan,
in 2012 Northern Pass commissioned a study of
undergrounding in Coos:

40-MILE CORRIDOR ALONG US ROUTE 3

Two options were considered for placing the proposed infrastructure along the US Route 3 shoulder and within the existing ROW. The first option consisted of constructing a 3' x 3' concrete duct-bank or direct-buried cable with a protective cover within the shoulder. The second option consisted of directionally drilling the entire length. All options would require cable splices every 1,800 feet. Both alternatives were determined to be undesirable from constructability and cost standpoint. Although the UAM does provide guidance on the acceptance of underground electrical lines along state roads, it is felt that the UAM's guidance is intended for crossing of state roadways or short sections along the road, and not for a 40-mile path adjacent to a State of New Hampshire roadway. Construction of the line along the 40-mile path would impact motorists for an extended period of time and the extensive length of the project could create an obstacle for future maintenance of the utility if the roadway were widened. NPT would be responsible for any future utility relocation due to roadway widening. It is felt that while the UAM sets the guideline for utility construction along New Hampshire state roadways, the NHDOT would have to review the project for convergence with the UAM.

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It would appear likely that when the Northern Pass lawyers met with the DOT lawyers, the former did not say they considered the UAM guidance was not for a 52 mile path along state roadways or that construction of such a path would impact motorists for an extended period of time and the extensive length of the project could create an obstacle for future maintenance of the utility if the roadway were widened.

Instead, they changed their story to Mr. Hodgdon's brief to Ms. Schlitzer and his application to you, Commissioner Sheehan, and we find ourselves with a set of highly

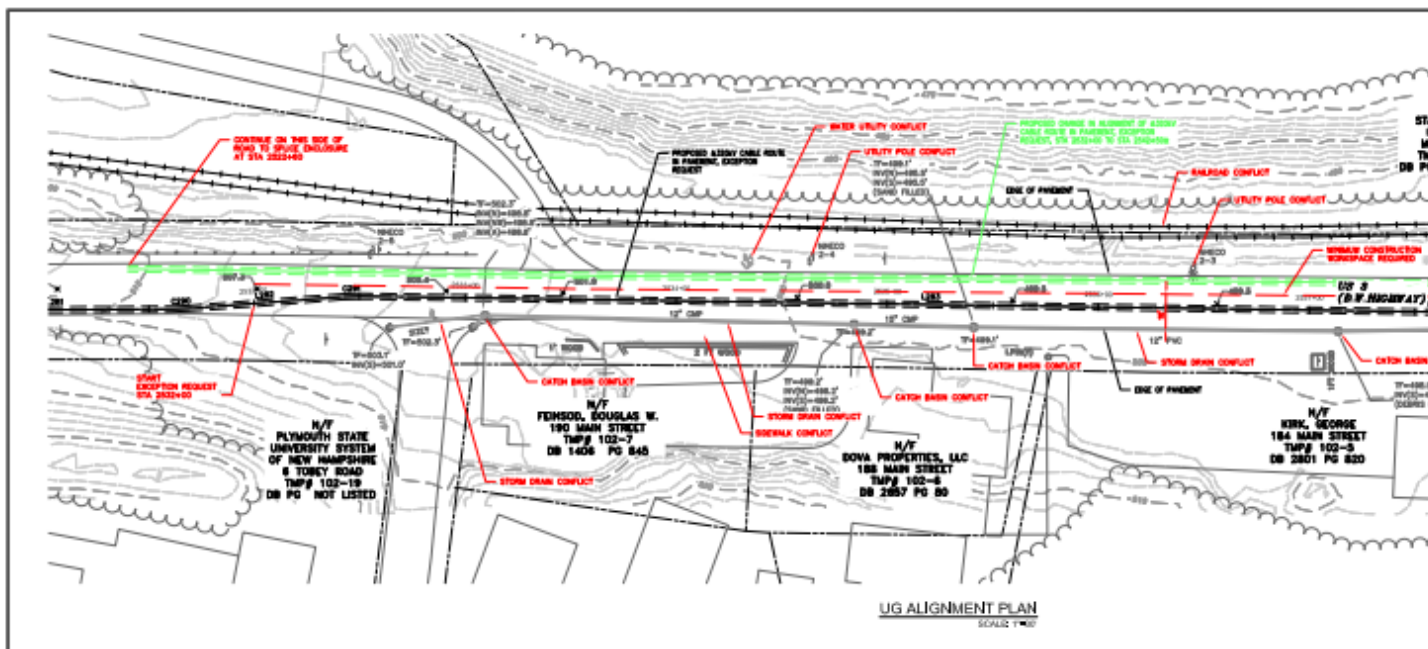
inadequate Permit Packages followed by 122 exception requests and more work for all the time and days of intervenors,

That lift and drop a question on your plate
Time for you and time for me,
And time yet for a hundred indecisions,
And for a hundred visions and revisions

Northern Pass's visions and revisions are costing us all dearly.

Again, below is the response of Kenneth Bowes (Eversource) to Mr. Oldenberg's question about Northern Pass:

"A .(Bowes) So the two key differences I would say are we're used to doing underground typically in urban or heavily congested areas. We're also used to doing multiple cables. So most of our projects are 6 cables, not two cables, which means the underground excavation has to be wider and deeper. Because it's an urban environment, we're also used to dealing with many more utility obstructions. We could have 100 obstructions per mile. It's not uncommon. And that's gas mains, water mains, electric distribution circuits, sewer, culverts, all of those type of activities. So we're used to dealing in very congested areas doing construction of much larger facilities than this Project as proposed."





<https://www.nh.gov/dot/media/northern-pass/documents/er-7-rev1.pdf>


Eversource is "used to dealing with very congested areas" yet, faced with "103 "conflicts" for NPT, along Plymouth Main St., NPT does not 'deploy' their experience and the deep pockets we saw during their land purchases in Coos. Instead, NOW COME Northern Pass and Eversource, running to DOT for exceptions. The route they chose is too filled with obstructions, too narrow,


too time consuming and, the crux: *too expensive*. Has DOT considered the legal issues of issuing exceptions to provide a cheap route for Northern Pass?


Despite its experience with many obstructions and multiple cables and deeper routes, Northern Pass declares itself unable to reasonably and safely bury its line under Plymouth Main Street. Has it hired different contractors than it uses in Connecticut? Its contractors also need to do two and sometimes three "rewrites" of exception requests, which means two and three reviews (so far) by DOT.


Exception Request 1, Rev 2 


Exception Request 2, Rev 2 


Exception Request 3, Rev 2 


Exception Request 3, Rev 3 

Exception Request 4, Rev 2 


Exception Request 4, Rev 3 


Exception Request 5, Rev 2 


Exception Request 5, Rev 3 


Exception Request 6, Rev 1 


Exception Request 6, Rev 2 

Exception Request 7, Rev 1 

Exception Request 9, Rev 1 

Exception Request 9, Rev 2 

Exception Request 10, Rev 1 

Exception Request 11a, Rev 2 

Exception Request 11b, Rev 2 

<https://www.nh.gov/dot/media/northern-pass/documents/er-10-rev1.pdf>

And despite its experience with many obstructions and multiple cables and deeper routes, NPT can't accurately locate the ROW or all the existing utilities on their proposed route:

This exception to the UAM is hereby rejected and must be resubmitted to address the following concerns.

1. Existing utilities are missing in numerous locations therefore, this request cannot be adequately reviewed.
2. It appears that the proposed facility is located in same location as existing water main based upon hydrant and gate valves located in the field.

This exception to the UAM is hereby **rejected and must be resubmitted** to address the following concern.

1. Exit pits located at approximate station 2587+50 must be relocated to avoid existing drainage at approximate station 2587+30.

This exception to the UAM is hereby **rejected and must be resubmitted** to address the following concerns.

1. Profile shown does not correspond to the plan view therefore it is difficult to adequately review this request.
2. Plan shows same sewer to be labeled as both 12-inch and 8-inch. Existing utilities should be verified and correct information shown on the plans.

This exception to the UAM is hereby **rejected and must be resubmitted** to address the following concern.

1. Exit pits located at approximate station 2587+50 must be relocated to avoid existing drainage at approximate station 2587+30. The minimum separation distance between the top of the facility and the existing drainage shall not be less than two (2) feet.

This exception to the UAM is hereby **rejected and must be resubmitted** to address the following concerns.

1. Existing NHDOT Right-of-Way (ROW) does not appear to be correctly shown on the plans. Existing property markers are shown both within the ROW and outside of the ROW. ROW does not seem to reflect the plans included in the survey report.

NPT claims millions of dollars in added costs if it isn't granted Plymouth exceptions 1-11b:

Exception request #1:

	Quantity	Units	Unit Price	Total
Trench Cost for Deeper Trench	200	LF	\$1,150.00	\$230,000.00
Deduct for Base Trench Cost	200	LF	\$150.00	<u>(\$30,000.00)</u>
Net Additional Cost				\$200,000.00

	Quantity	Units	Unit Price	Total
Material Removal, Hauling & Replacement	819	cy	\$42.19	\$34,553.61
Guardrail	175	LF	\$49.25	<u>\$8,618.75</u>
Net Additional Cost				\$43,172.36

or:

	Quantity	Units	Unit Price	Total
HDD (2-8" Bores)	900	LF	\$2,490.00	\$2,241,000.00
Deduct for Base Trench Cost	900	LF	\$150.00	<u>(\$135,000.00)</u>
Deduct for Surface Restoration	900	LF	\$41.00	<u>(\$36,900.00)</u>
Net Additional Cost				\$2,069,100.00

Exception request #2:

	Quantity	Units	Unit Price	Total
HDD (2-8" Bores)	900	LF	\$2,490.00	\$2,241,000.00
Deduct for Base Trench Cost	900	LF	\$150.00	<u>(\$135,000.00)</u>
Deduct for Surface Restoration	900	LF	\$41.00	<u>(\$36,900.00)</u>
Net Additional Cost				\$2,069,100.00

Exception request #4:

	Quantity	Units	Unit Price	Total
Material Removal, Hauling & Replacement	4788	CY	\$36.44	\$174,474.72
Guardrail	1280	LF	\$49.25	<u>\$63,040.00</u>
Net Additional Cost				\$237,514.72

	Quantity	Units	Unit Price	Total
HDD (2-8" Bores)	900	LF	\$2,490.00	\$2,241,000.00
Deduct for Base Trench Cost	900	LF	\$150.00	<u>(\$135,000.00)</u>
Deduct for Surface Restoration	900	LF	\$41.00	<u>(\$36,900.00)</u>
Net Additional Cost				\$2,069,100.00

Exception request #7:

	Quantity	Units	Unit Price	Total
Trench Cost for Deeper Trench	200	LF	\$1,150.00	\$230,000.00
Deduct for Base Trench Cost	200	LF	\$150.00	<u>(\$30,000.00)</u>
Net Additional Cost for each trench				\$200,000.00

or:

	Quantity	Units	Unit Price	Total
HDD (2-8" Bores)	900	LF	\$2,490.00	\$2,241,000.00
Deduct for Base Trench Cost	900	LF	\$150.00	<u>(\$135,000.00)</u>
Deduct for Surface Restoration	900	LF	\$41.00	<u>(\$36,900.00)</u>
Net Additional Cost				\$2,069,100.00

Exception request #10

	Quantity	Units	Unit Price	Total
Trench Cost for Deeper Trench	200	LF	\$1,150.00	\$230,000.00
Deduct for Base Trench Cost	200	LF	\$150.00	<u>(\$30,000.00)</u>
Net Additional Cost				\$200,000.00

and:

	Quantity	Units	Unit Price	Total
Trench Cost for Deeper Trench	200	LF	\$800.00	\$160,000.00
Deduct for Base Trench Cost	200	LF	\$150.00	<u>(\$30,000.00)</u>
Net Additional Cost				\$130,000.00

and:

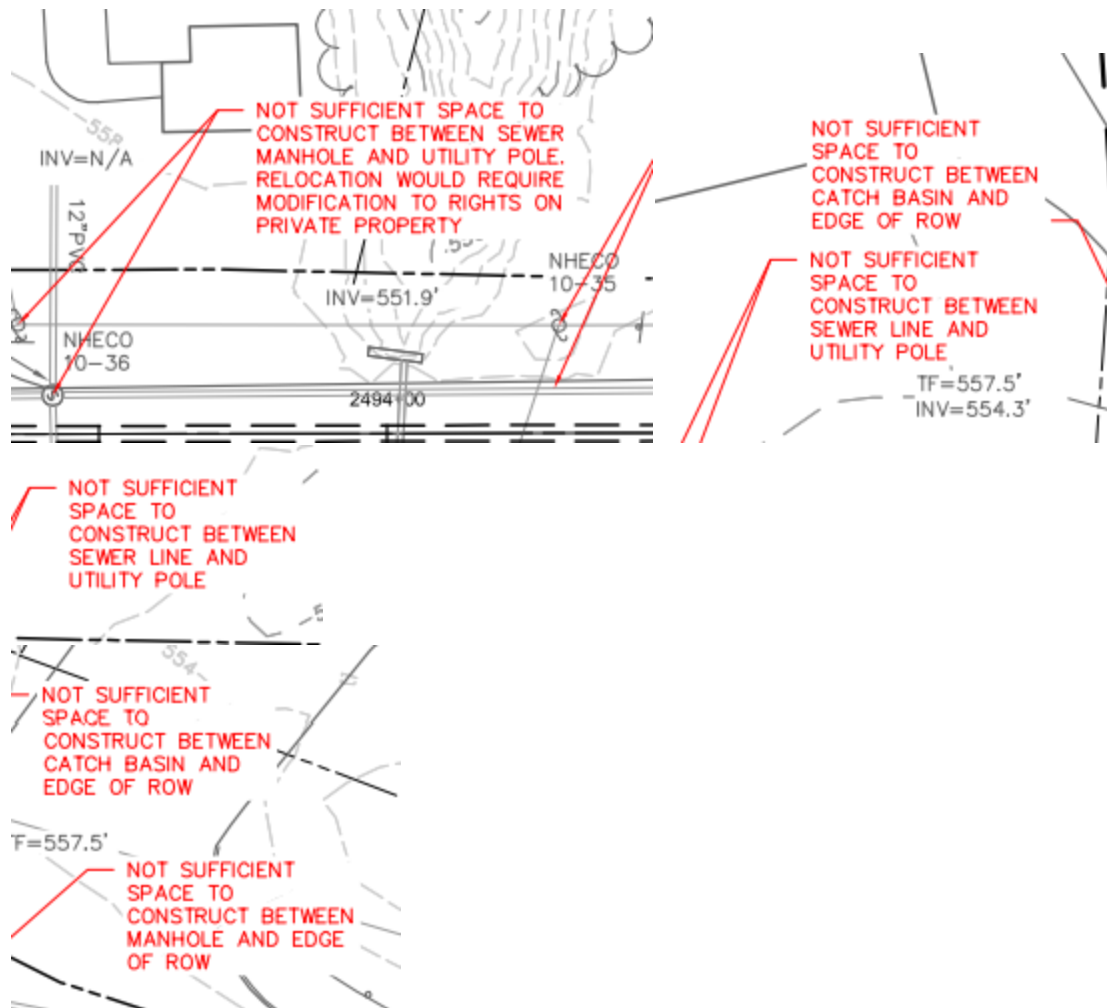
	Quantity	Units	Unit Price	Total
Trench Cost for Deeper Trench	200	LF	\$1,150.00	\$230,000.00
Deduct for Base Trench Cost	200	LF	\$150.00	<u>(\$30,000.00)</u>
Net Additional Cost				\$200,000.00

or:

	Quantity	Units	Unit Price	Total
HDD (2-8" Bores)	900	LF	\$2,490.00	\$2,241,000.00
Deduct for Base Trench Cost	900	LF	\$150.00	<u>(\$135,000.00)</u>
Deduct for Surface Restoration	900	LF	\$41.00	<u>(\$36,900.00)</u>
Net Additional Cost				\$2,069,100.00

Does DOT make a practice of granting exceptions to contractors who have failed to correctly calculate the cost of complying with the UAM?

Eversource is used to working with Eminent Domain. For Northern Pass they use their lack of the ability for "Modification of Rights on Private Property" as a reason for exceptions from the UAM from Plymouth:



to Coos:

- No viable alternative right of way or property rights exist in this area. NPT has been unable to secure alternative right of way despite significant efforts to do so. Using the existing transportation corridor of U.S. 3 addresses environmental and aesthetic concerns of many project commenters encouraging the use of previously disturbed areas rather than new right of way.

Is DOT in the habit of granting exceptions from the UAM because a contractor or individual lacks the property rights necessary for construction?

Eversource is "used to dealing with many more utility obstructions", yet a culvert in Plymouth that they should have planned for "will require a trench in excess of 35 feet deep. Additionally, a wider trench to maintain the greater separation of the conduits and cable would be required to accommodate the thermal design criteria for the electric cables esuling from the additonal depth.

The sheer depth and width of such a trench poses significant safety hazards and would require extraordinary work methods, in addition to complete road closure for 6-8 weeks."

Crossing under the existing culvert to meet the required 2-foot minimum separation will require a trench in excess of 35 feet deep. Additionally, a wider trench to maintain the greater separation of the conduits and cable would be required to accommodate the thermal design criteria for the electric cables resulting from the additional depth. The sheer depth and width of such a trench poses significant safety hazards and would require extraordinary work methods, in addition to complete road closure for 6-8 weeks. For safety reasons, NPT does not consider trenching under this culvert to be a practical, feasible, or viable option, nor does it believe NHDOT would agree to an extended road closure at this location. As a result, the only viable alternative at this location (other than the proposed exception request) would be trenchless construction using an HDD installation. (Note: NPT has provided Exhibit D showing an "open cut" trench approximately 35 feet deep for illustrative purposes only; it does not consider the use of open cut construction for a trench of that depth to be a feasible option).

NPT has evaluated a trenchless option to pass under the culvert. The trenchless installation would be unreasonably costly (a net estimated increase of \$2,069,100 to cross under the culvert). (See cost estimate attached in Exhibit E). Also, traffic impacts would be increased for a trenchless installation due to the addition of trenchless work areas and the extended duration of installation.

https://www.nh.gov/dot/media/northern-pass/documents/er-4_rev3.pdf

These are normal work conditions for Eversource/Northern Pass, according to Kenneth Bowes, so why are they pressing DOT for exemptions?

And, does DOT grant exceptions because the applicant failed to present the same application to all permitting agencies? What do DOT lawyers say about this?

One of the entry pits and one of the exit pits is located in the pavement because NPT must plan to install any facilities and conduct any work within 20 feet of the edge of pavement, consistent with the study area for the draft Environmental Impact Statement prepared by the U.S. Department of Energy (DOE) for purposes of reviewing NPT's application to DOE for a Presidential Permit and NPT's request for a special use authorization from the United States Forest Service. Specifically, as part of NPT's Presidential Permit process and NPT's request for a special use authorization from the United States Forest Service, the federal agencies have prepared a draft Environmental Impact Statement ("draft EIS"), and are on the verge of issuing a final EIS that is necessary to support issuance of all federal permits. The draft EIS analyzed an area of impact within 20 feet from the edge of pavement on each side of the road (the "EIS Study Area"). This study area limits the design area available to NPT. The federal agencies may only issue authorizations consistent with the analysis conducted in the National Environmental Policy Act (NEPA) process (e.g., the draft and final EIS), and therefore NPT must plan to install any facilities and conduct any work within the EIS Study Area.

<https://www.nh.gov/dot/media/northern-pass/documents/er-151.pdf>

Why should Northern Pass's incompetence or deliberate deception (they can't go down I-93 with the EIS conditions) be DOT's responsibility to rectify?

Two years ago DOT stated to NPT: "Design and construction will be required to follow the Utility Accommodations Manual when within the NHDOT right-of-way."

<https://www.nh.gov/dot/media/northern-pass/documents/report-09-01-15.pdf>

Will it?

Kris

DO THE TWO-STEP

There are really just two simple steps to effective participation in transportation projects:

One, do your research and find out what projects are out there and what they are about...what will they build? What impacts and benefits are expected? Then...

“I’m not much of a public speaker”

Two, you don’t have to make speeches in front of large groups of people in order to have your say. Get on a project mailing list so that you’re aware of the latest developments. Read project reports. Then, draw a picture, write a letter, take a photo, send an email, cut out magazine articles about things implemented in other places, make a phone call, talk at a meeting, join a workshop....

Through your input, the NHDOT strives to achieve full and fair participation of all affected communities.

Federal Policy sets the tone

The passage of the Intermodal Surface Transportation Efficiency Act (ISTEA), 1991, was a turning point in the way transportation facilities were planned and implemented. The focus was no longer on roadways, but on an integrated package of mobility options: roadways, transit, bikeways, and pedestrian pathways. ISTEA also paid attention to how these facilities contributed to the character and livability of communities. It recognized that no one was better equipped to make those determinations than the communities themselves, and promoted the importance of regular public input throughout the project planning and development processes. The successor to ISTEA, the Transportation Equity Act for the 21st Century (TEA-21), and other Federal regulations, such as Title VI of the Civil Rights Act of 1964, continue the emphasis on public involvement during transportation project development to achieve full and fair participation of all affected communities.

<https://www.nh.gov/dot/org/projectdevelopment/planning/documents/CitizensGuide-HavingYourSay.pdf>