



Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

Report Issued under Section 15A of the Authority's Enabling Act
on the
Proposed 2018 Summer Operating Schedules
of the
Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

Introduction

Section 15A of the Enabling Act of the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (the "SSA") requires the SSA to post and advertise in newspapers with general circulation in Falmouth, Barnstable, Martha's Vineyard, Nantucket and New Bedford all of its proposed schedule changes at least 60 days prior to their effective date. St. 1960, c. 701, §15A. Accordingly, the SSA placed advertisements of its proposed 2018 Summer Operating Schedules for the period from May 11 through October 22, 2018 in the following newspapers:

- *The Inquirer and Mirror* and *The Martha's Vineyard Times* on July 20, 2017; and
- *The Cape Cod Times*, *The Falmouth Enterprise*, *The Standard-Times* and the *Vineyard Gazette* on July 21, 2017.

The SSA's Enabling Act also provides that, if the SSA receives a petition within 30 days of those advertisements that is signed by not less than 50 persons who are residents of any of those communities requesting a public hearing on the proposed schedule changes, the SSA is to conduct a public hearing within 14 days of receiving the petition. In addition, the hearing is to take place in the community where the greatest number of petitioners reside. On August 19, 2017, the SSA received a petition with respect to its proposed 2018 Summer Operating Schedules that was signed by 52 residents of the Town of Falmouth (**Appendix A**). Therefore, the SSA held a public hearing on its proposed schedules at the Falmouth Public Library on August 28, 2017.

The Petitioners’ Objection to the SSA’s Proposed Schedules

In their petition, the 52 Falmouth residents “object to the continued scheduling of freight trucks from Woods Hole prior to 6:30AM due to the sleep deprivation caused by the noise impact of early morning SSA-related truck traffic on Falmouth and Woods Hole residents.” As advertised, the SSA’s proposed 2018 Summer Operating Schedules for the Martha’s Vineyard route (**Appendix B**) would include the following trips from Woods Hole prior to 6:30 a.m.:

- 5:30 a.m. *Governor* (from May 11th through October 22nd)

- 6:00 a.m. *Island Home* (from May 11th through June 12th and from June 19th through October 22nd) and *Nantucket* (from June 13th through June 18th)

The Public Hearing on the Proposed Schedules

SSA Members Robert F. Ranney (Nantucket), Robert R. Jones (Barnstable) and Elizabeth H. Gladfelter (Falmouth), as well as Port Council member Robert S. C. Munier (Falmouth), attended the public hearing on the proposed 2018 Summer Operating Schedules. The SSA’s General Manager Robert B. Davis, Treasurer/Comptroller Gerard J. Murphy, General Counsel Steven M. Sayers, and Operations Manager Mark K. Rozum, also attended the hearing. Fifty other people signed in at the hearing, and 16 of them gave testimony that day.

1. Doug Jones (Falmouth Selectman, 399 Quissett Avenue) – Mr. Jones stated that, although the Falmouth Board of Selectmen have not specifically discussed the SSA’s proposed 2018 Summer Operating Schedules, they have requested that freight traffic be limited to after 6:30 a.m., whether it be spring, winter or summer. Mr. Jones also stated that traffic in Falmouth has increased over the years, and that he would like the SSA to be sensitive to that. Finally, Mr. Jones noted that the SSA has reported significant surpluses over the last few years and, accordingly, if a freight service from New Bedford has to be subsidized, he felt that the SSA should be the one to subsidize the service and that it has the funds to do so.

2. Nat Trumbull (11 Church Street) – Mr. Trumbull stated the Falmouth residents strongly support the SSA, that they want it to succeed, and that they are more than happy to come to its aid whenever it is in trouble. He also stated that the residents appreciate the SSA’s removal of the 5:30 a.m. freight trip from Woods Hole for five weeks of its 2018 Spring Operating Schedule, even though the five weeks represent only ten percent (10%) of the entire calendar year and the 6:00 a.m. trip from Woods Hole will continue to carry trucks.

Mr. Trumbull then noted that he had handed out to the audience copies of slides that he was going to show that day, and he drew everyone’s attention to the SSA’s Enabling Act, observing that, despite the priority given by the Enabling Act to the islands, its mandate is for all of the residents of the Commonwealth and there is even specific mention of their health and living conditions. Accordingly, Mr. Trumbull said, the Enabling Act does not give the SSA a license to disrupt the lives of Falmouth residents, and the SSA has become

a bad neighbor because good neighbors don't act as the SSA has been acting no matter what the circumstances and what the needs.

Mr. Trumbull declared that the SSA knows perfectly well that it is causing trucks to come down Woods Hole Road too early, that the noise that those trucks are creating is more than an irritant or a nuisance, that it is abusive and that it is an invasion of the residents' homes and their peace and quiet. Mr. Trumbull acknowledged that the residents expect some noise from the SSA's operation, but he stated that the continued insistence of scheduling early morning trucks is more like bullying. Once the trucks begin running in the morning, Mr. Trumbull said, it is quite hard to get back to sleep because of the ongoing noise.

Mr. Trumbull also noted that Woods Hole is not an industrially zoned part of Falmouth and that all of the area except the SSA's terminal is residentially zoned. Mr. Trumbull further noted that, while residents have heard arguments that Woods Hole Road is a state highway, that is not true with respect to the entire route that trucks take to the terminal, such as Palmer Avenue, North Main Street, and the road between the Crane Street Bridge and the terminal. Thus, Mr. Trumbull said, the route is not entirely a state highway. In addition, Mr. Trumbull observed that there are around 250 households who lie within 150 feet of Woods Hole Road, that those households have more than one person in them, and that this number does not include those who live on Palmer Avenue and North Main Street.

Mr. Trumbull stated that, in June 2017, hundreds of residents submitted a petition for voluntary quiet hours, but that the SSA did not discuss that petition in its report on its proposed 2018 Winter and Spring Operating Schedules and, instead, left that request completely unanswered.

Mr. Trumbull then stated that he had been informed that there may be some problems with the traffic statistics that are posted on the SSA's website. Mr. Trumbull noted that, as shown on the website, they do not indicate that there were any changes in definitions or measurements of any of the number of trucks over the years, but that he had been cautioned that there may be some imprecisions in those numbers. Nevertheless, Mr. Trumbull said, he suspected that the changes in definitions do not affect the larger picture of the long-term trends over the last 25 years. Mr. Trumbull observed that, through the miracle of compound interest, the SSA has seen a 50% increase in truck traffic every decade and a doubling of its truck traffic every 20 years. Indeed, Mr. Trumbull said, it is not unusual for there to be 500 trucks on a weekday in June or July and that, while one can dispute whether those trucks are 15 feet, 25 feet or 50 feet in length, they are not terribly skewed one way or the other.

Mr. Trumbull acknowledged that this might seem like an argument for having a 5:30 a.m. ferry or even earlier ferries, and he observed that the SSA has been able to accommodate some expansion of its truck traffic by flowing into that timeframe. But Mr. Trumbull stated that it has come at the expense of the SSA's neighbors and that the early morning freight trips should not be seen as some sort of safety valve or vent for larger numbers of trucks.

Mr. Trumbull also observed that if the SSA were to no longer carry fuel trucks early in the morning, it will have to deal with them later in the day when traffic is busy. But he declared that the fuel trucks are not going to make a huge difference in the larger scheme of things, that there are hundreds of vehicles moving in the morning and that the trucks are not causing a problem then. Rather, Mr. Trumbull said, slowdowns occur from other people who make turns onto and off of the road, and it is an urban legend to say that the SSA is solving Falmouth's traffic congestion by transporting trucks earlier in the morning.

Mr. Trumbull also stated that he has heard the argument that residents bought property in Woods Hole knowing what was coming and that they should deal with it. While he said that he is amenable to some of that argument, Mr. Trumbull noted that the SSA has drastically changed the conditions of what it is doing on Woods Hole Road and the time of day that it is doing it. Mr. Trumbull declared that none of the residents expected trucks to be going up and down the road before 5:00 a.m. and that these changing conditions caused by the SSA are not the residents' responsibility.

Mr. Trumbull then noted that, not only was the petition for quiet hours left undiscussed in the SSA's report, there also had not been any discussion of the letter from the Falmouth Selectmen in which they stated that a 5:30 a.m. freight departure from Woods Hole presents an unreasonable burden to their community and asked the SSA to give serious consideration to changing the first freight departure to 6:30 a.m.

Mr. Trumbull then stated that the residents are delighted that the SSA was going forward with the report that has been issued by Craig Johnson of Flagship Management regarding the possibility of a freight ferry service between New Bedford and Martha's Vineyard. In this regard, Mr. Trumbull noted that Mr. Johnson had found that the necessary repairs to the New Bedford State Pier will not cost \$20,000,000, as previously thought, but more in the range of \$5,000,000. However, Mr. Trumbull observed that this activity will require an initial investment and that the SSA will need to apply to the Commonwealth for financing, but he stated that he was confident that the Falmouth Selectmen will support that application and expressed his hope that this will take place.

Mr. Trumbull then stated that the SSA's survey of the passengers on its 6:00 a.m. trip from Woods Hole who need to get to Martha's Vineyard seemed perfectly legitimate to him, but he took issue with bundling those passengers with the cars and trucks being carried on that trip. Mr. Trumbull also asked if the SSA could conduct a small survey of Woods Hole residents to ask them if the noise bothers them or not, saying that it would be interesting to know the results of such a survey. In addition, Mr. Trumbull said, the SSA could perform a sound study of all of its mitigation efforts at the Woods Hole terminal to see if they have lowered the sound of all of the truck movements at 5:00 a.m. to a level that will not disturb the residents.

Mr. Trumbull also asked the SSA to take a yield management approach to its freight tariffs whereby the SSA would charge less for trips during the evening when there is less truck demand. In this regard, Mr. Trumbull observed that there are probably some freight shippers who are willing to travel during the evenings if they are able to pay slightly less.

Noting that the SSA's report on its proposed 2018 Winter and Operating Schedules described four alternatives that the SSA was considering with respect to its proposed 2018 Summer Operating Schedules, Mr. Trumbull stated that he hoped the SSA will pursue all of those potentially good approaches to solving the 5:30 a.m. freight trip issue. Finally, Mr. Trumbull asked what else residents have to do to get the SSA to stop operating the 5:30 a.m. freight trip – keep calling public hearings, put up lawn signs on Woods Hole Road, or even lie down on Woods Hole Road. Mr. Trumbull observed that the SSA has left the residents with very little outlet to express their concern about what is happening on that road.

3. Jeremy Goodale (Goodale Construction) – Mr. Goodale stated that he has negotiated a rate with a freight shipper for deliveries, but that he gets charged for every hour that the shipper sits on the SSA's boat and, accordingly, it would significantly impact his costs if the shipper had to travel from New Bedford. Mr. Goodale also stated that he thought the SSA will find that it is going to have a hard time maintaining a schedule out of New Bedford due to the weather and, in the winter, it is going to have a lot of cancellations. In any event, Mr. Goodale said, having freight shippers travel from New Bedford is going to drive the cost of his business up significantly.
4. Deborah Siegal (West Falmouth) – Ms. Siegal stated that she attended the June 20, 2017 public hearing to learn more and support her neighbors, and that she is here this time because she and her husband have spent the summer being awakened at 4:15 or 4:30 many mornings even though they live in West Falmouth more than one-half mile from Route 28. After declaring that the noise has become egregious, Ms. Siegal stated that they are not the only ones who hear the trucks, that she has taken polls of other West Falmouth residents who live farther away from Route 28 than she does. Further, Ms. Siegal said, when you wake up at 4:30 a.m., you usually don't go back to sleep. Accordingly, Ms. Siegal stated that she would like to emphasize that there are many more people who are being negatively affected by the truck noise and traffic that is going to the SSA.
5. Al Colarusso (Vineyard Haven) – Mr. Colarusso stated that he runs Exit 3 Truck from both Middleborough and the island and that he has made more than 1,000 deliveries to the island over the past 16 years. Mr. Colarusso then complimented the SSA, saying that it runs a first-class operation and that he speaks from experience. In 2000, Mr. Colarusso said, he was on the *Minnesota* over the summer and it took 2 hour and 15 minutes to go from New Bedford to Martha's Vineyard and 2 hours and 15 minutes to go back to New Bedford. Mr. Colarusso asked the audience if they know who pays for that and then stated that, while he thinks it is a good idea for cars to go to the island from New Bedford, it is not a good idea for people who are working for a living. Further, Mr. Colarusso observed that when truckers go to the island, they are bringing medicine, gas and oil because the ferry is the highway for 125,000 people. So basically what Falmouth residents are saying, Mr. Colarusso said, is that 125,000 people on the island can pay more, or wait more, or go without. In this regard, Mr. Colarusso noted that, if a trucker were to travel later in the day, it takes longer and he might miss a return boat, resulting in his trip taking two days. Mr. Colarusso also asked, as far as the SSA being a bad neighbor, whether Falmouth

residents were also going to tell people on Route 495 that they cannot go to work at 5:00 a.m. any more.

6. Walt Schanbacher (14 Cowdry Road) – Mr. Schanbacher observed that his property is directly between the SSA and the United States Coast Guard, and he wanted to thank the people from the SSA, including Mark Rozum and Kevin Smith, who have been good friends and neighbors over the years. But Mr. Schanbacher stated that the SSA has not been a good neighbor, that the Coast Guard has been a great neighbor, that there is a big difference, and that he thought the SSA is violating its Enabling Act. Mr. Schanbacher then asked why there isn't a town bylaw prohibiting any noise before 6:30 a.m., noting that there is such a law where he lives much of the year that prohibits people from doing things such as mowing their lawns early in the morning. Mr. Schanbacher also asked what the SSA's long-term plans are and whether its goal is for Woods Hole to become an industrial port, because it isn't one now. Whenever he talks to the Coast Guard, Mr. Schanbacher said, they have been very responsive, and he also has to compliment the people he has talked to with the SSA, but the fact is that he has not had any kind of equivalency to what he has received from the Coast Guard. Mr. Schanbacher also recounted how every morning around 4:30 he turns on the air conditioner because it is the only way he can sleep, which he doesn't do in the winter time and, as a result, hears the noise more in the winter than in the summer. Mr. Schanbacher stated that this is the only way he can block out the noise, and that even though the SSA has done the best it can to stop it, he has not heard anything like an accommodation for any of this. Mr. Schanbacher also congratulated the SSA for having this public hearing, and he recounted the famous event in the 1990s when he had people in his back lawn. Although Mr. Schanbacher stated that he has been thrilled with the SSA's response whenever he has people in his back lawn, Woods Hole is not an industrial port and he again asked if the SSA's long-range plan is to have Woods Hole become an industrial port for the benefit of the islands.

7. Nan Logan (482 Woods Hole Road) – After Ms. Logan stated that she lives on Woods Hole Road and loves living there, she recounted how she had tried to find what the SSA's freight rates are to the island and discovered that the SSA's website does not have them. Ms. Logan noted that that information would be very useful to have online, as having to call someone to find out what the freight rates are did not seem satisfactory.¹ Ms. Logan then stated that she looked forward to a time in the future when everyone can look back and say, "Weren't we silly before we had the imagination and courage to go forward with a view of the SSA that works for everyone?" In this regard, Ms. Logan noted that, if there is a subsidy for New Bedford service in the form of a price differential that will encourage freight shippers who can more easily go from New Bedford do so, that is the type of creativity and vision that Falmouth residents are looking for and would support. Ms. Logan stated that she looks forward to seeing that.

¹ In response to Ms. Logan's request, the SSA will post its freight tariffs on its website. Meanwhile, the SSA's current freight tariffs were included as Appendix I to the previous report it issued on August 15, 2017 on its proposed 2018 Winter and Spring Operating Schedules, which can still be found on the SSA's website by clicking on the "About" tab and then on "News" in that webpage's dropdown menu.

8. Brian von Herzen (Executive Director of the Climate Foundation, 3 Little Harbor Road) – Mr. von Herzen stated that while the United States Coast Guard has been a very good neighbor, so far the SSA stands in contrast, mentioning how the Coast Guard has rotated its dock lights, but the SSA has not rotated its parking lot lights despite repeated requests.² Mr. von Herzen also stated that the SSA has more than doubled its truck traffic in the last 13 years and has increased the hours of those trucks from 7:00 a.m. to 4:45 a.m. This morning, Mr. von Herzen said, he heard a truck destined for the SSA backing up at 4:45 a.m. However, Mr. von Herzen stated that it is now generally accepted, with the case law in place for airport noise pollution and others, that such pollution traveling on private property is a taking of property value requiring just compensation under the Fifth Amendment of the United States Constitution. Mr. von Herzen also stated that the Boston Municipal Code sets the standard for noise that is unreasonable or excessive and sets regulations on what kind of noise levels are acceptable after certain hours. In this regard, Mr. von Herzen stated that, under the Boston Municipal Code, anything louder than 50 decibels from 11:00 p.m. to 7:00 a.m. is considered unreasonable.

Mr. von Herzen then asked why anyone should allow moneyed interests to pit citizen against citizen on this issue when there are far more holistic solutions that can address the root cause of the problem and address the concerns of both Cape and Island citizens, declaring that there are plenty of ways to solve this problem. Mr. von Herzen stated that if a boat travels at two-thirds its speed, it uses one-half the amount of fuel, and that there are funds available from the Commonwealth of Massachusetts to reduce the carbon intensity of the SSA's transportation infrastructure. Mr. von Herzen also declared that the development of a second lifeline will help the citizens of New Bedford, Falmouth and the island all together, and that this is a win, win, win situation. Mr. von Herzen declared that the residents were asking that day for the SSA to respect the Boston limits for noise and to hear their prayer for relief from nighttime disturbance, and that the SSA's neighbors, who have looked the other way for far too long as the SSA has taken their nighttime peace and quiet, look forward to the SSA's proactive response to this issue since it is the present authority to which to appeal for these requests. Mr. von Herzen asked the SSA to please resolve this issue now as reasonable citizens and follow the laws that have been set down by the United States Constitution, including the Fifth Amendment prohibition against unreasonable takings.

9. Clarence Barnes (Barnes Moving and Storage and Barnes Trucking) – Mr. Barnes stated that he has been a customer of the SSA since 1960 and that, when the trucks get off the boats, he lives near the ferry and also hears the noise at night. Mr. Barnes stated that island residents did not ask the President to come to the island with his entourage and that they did not ask people to pay millions of dollars for houses on the island. Mr. Barnes also

² SSA Operations Manager Mark K. Rozum was not aware that Mr. von Herzen had asked the SSA to rotate any parking lights at its Woods Hole terminal. Accordingly, Mr. Rozum spoke to Mr. von Herzen on his way out of the hearing that day, gave Mr. von Herzen his card, and asked him to call to set up a meeting to identify which light(s) are the problem. Mr. Rozum has not heard from Mr. von Herzen since then.

stated that he begged to differ with the quote of the SSA's Enabling Act, saying that the SSA was created for the welfare of the people of Martha's Vineyard and Nantucket. While Mr. Barnes observed that the island has grown, he stated that island residents still have to eat and get their furniture moved, and that they need the services that Falmouth residents and everyone else need. Mr. Barnes noted that he is a member of the Martha's Vineyard Commission and that the SSA just can't make the problem go away because it just isn't going to. Mr. Barnes then suggested that the SSA take cars from New Bedford, but not trucks because it is very expensive, observing that it costs \$600 for a truck to travel round trip from Woods Hole, plus the driver and more money to have him sit around. Mr. Barnes declared that people cannot stop progress, even though he feels badly for them. Mr. Barnes also suggested that the Town of Falmouth fine truck drivers \$100 for using their Jake (engine) brakes, and that he thought that things have quieted down a lot. But Mr. Barnes observed that this is just a fact of life and changing the boat for an hour is going to cost a lot of money for people in the business of transportation.

10. John Leite (JWL Transport and Auto Salvage) – Mr. Leite observed that some of the things that had been said today are misleading at best, declaring that the SSA is doing exactly what it is charged with under its Enabling Act, namely, providing a service to the islands. As far as the industrial activity is concerned, Mr. Leite said, Woods Hole is not an industrial port; rather, the ferry service is an extension of a highway and the highway happens to be the boat. Mr. Leite observed that industrial activity would be more like the port of Boston, where shipping containers and things like that are transferred, while the Woods Hole terminal is used specifically for transportation from one port to another. Mr. Leite stated that freight shippers just want the right like everyone else to come and go, and that the way they come and go is by using this boat. In this regard, he asked whether the Bourne Bridge should be shut down for the people who live in the village area around there. Mr. Leite stated that not allowing early morning freight trips would cause economic hardship here, observing that freight shippers employ people and that they have only so much time to make trips. While it may not sound like a lot, Mr. Leite said, freight shippers make multiple trips all week long and starting late and getting in late would be an economic hardship that would have to be passed on to the consumer, which would not be fair. Mr. Leite also noted that the idea of a potential freight service from New Bedford keeps coming up as a way to stop the first boat of the morning, but he said that this is a movement to get everything to operate out of New Bedford. Mr. Leite also observed that New Bedford service failed the first time it was tried and also when the SSA ran a pilot program in 2000, and that it is not going to work for trucks. By contrast, Mr. Leite said, New Bedford service is great for cars and the SSA should put all of the cars it wants that come out of that corridor, but that it is not going to work for trucks. Finally, Mr. Leite noted that there will be an association of truckers on Martha's Vineyard and that they will have a loud voice because they think the SSA is doing exactly what it is charged to do.
11. A.J. Clarke (J.P. Noonan) – Mr. Clarke stated that J.P. Noonan is a frequent shipper on the early boat year round and that it handles primarily hazmat materials. Mr. Clarke also stated that J.P. Noonan feels that, as a safety issue, the earlier they travel the better, as traveling at that time keeps the trucks away from the cars and the possibility of an accident. Mr. Clarke observed that the SSA merely is responding to the demand for service, that it is

trying to keep its customers happy, and that its customers are the residents of Martha's Vineyard. Mr. Clarke also observed that the requests continue to increase and that this summer the SSA just barely managed to keep up with the demand. Accordingly, Mr. Clarke said, if a couple of trips were eliminated during the summer when the demand is the greatest, it would be a real hardship for people on Martha's Vineyard. Mr. Clarke also noted that, as far as the SSA trying to keep everyone happy, he believed that it does the best that it can possibly do. Mr. Clarke declared that the real problem is the growth on Martha's Vineyard and the increased demand, but he observed that traveling from New Bedford would conservatively add three hours to a trip, so someone somewhere would have to assume the cost for those additional three hours. Thus, while Mr. Clarke stated that he understands the residents' complaints, he said that he doesn't have any solutions.

12. Ted Fitzelle (187 Penzance Road) – Mr. Fitzelle stated that he has lived in Woods Hole for 50 years and that he is the Town's representative on the SSA's Woods Hole parking lot committee. Mr. Fitzelle then recounted how both islands were originally served by both New Bedford and Woods Hole, and then by Woods Hole alone. When Woods Hole was overburdened, Mr. Fitzelle said, service for Nantucket was moved to Hyannis. Mr. Fitzelle declared that Woods Hole is once again overburdened and it is once again time again to use New Bedford. Mr. Fitzelle also recounted how, when retired SSA General Manager Wayne C. Lamson had been asked about the overuse of Woods Hole, his response was that the SSA has to support the islands. Mr. Fitzelle declared that this is an incorrect reading of the SSA's Enabling Act, and that the SSA's mission is the increase of commerce and prosperity and the improvement of health and living conditions. Accordingly, Mr. Fitzelle said, earlier freight boats should be corrected rather than ignored.
13. Greg Carroll (Carroll's Trucking and Bruno's Waste Removal) – Mr. Carroll stated that he has been a truck driver for 28 years and remembers when he hustled to get down to the boat, missing it and then jumping in standby with trucks idling their engines. By contrast, Mr. Carroll said, over the past five years the SSA has made tremendous efforts to control the noise, and that even some of his own trucks who have shown up at the Woods Hole terminal before 5:00 a.m. have been asked to leave. Mr. Carroll also stated that he has seen the SSA doing things over time to try to improve the relationship between the noise and the community, such as assigning boats that truck drivers can drive on without backup alarms as a courtesy to the SSA's neighbors, even though those boats don't hold as many trucks. Mr. Carroll also observed that he has seen the growth and that he doesn't know of a perfect solution, but that the SSA has made a lot of efforts communicating with truck drivers. Mr. Carroll also stated that he was there to support the neighbors and the SSA in any way that they can work together. Mr. Carroll also stated that traveling with the SSA is a challenge right now, noting that some of the reservations he used to have been changed from a four-hour turnaround to a six-hour turnaround.
14. Nawrie Meigs-Brown (Woods Hole) – Ms. Brown stated that she lives in Woods Hole above the Coast Guard station and that, while she understands that 125,000 residents of Martha's Vineyard need to be served, she did not think that Falmouth residents who are impacted by the early morning traffic should be sacrificed for those Vineyard residents. With respect to the Coast Guard's relationship with the neighbors, and the startling contrast

between that relationship and the SSA's relationship with its neighbors, Ms. Brown observed that the Coast Guard is in a huge construction phase and that they are making every effort not to start the noise before 7:00 a.m. Ms. Brown noted that the Coast Guard has a lot of work to accomplish but that they still listen to the neighbors every time they call. Ms. Brown also noted that she lives more than 150 feet beyond Woods Hole Road, that between 4:00 a.m. and 6:00 a.m. it sounds as if she is living on an interstate, and that it really is a remarkable noise.

15. Carol Wagner (526 Woods Hole Road) – Ms. Wagner stated that she has lived on Woods Hole Road for 36 years, and that Woods Hole residents are being told that they better accept the fact that they bought property on a state highway even though it doesn't resemble Route 495 or Route 128. Ms. Wagner stated that Woods Hole residents accept the fact that they live where they are, but that she wished the people who live on Martha's Vineyard would accept the fact that they live on an island and that an island does not have a highway to their front doors, their business, their beaches, and their commerce. Ms. Wagner stated that the SSA was created by its Enabling Act to bring necessities and to be a lifeline for the islands and that she was not sure that full-grown trees, large boulders, and very expensive clothing are necessities for people living on an island. In this regard, Ms. Wagner observed that lifelong island residents are also shocked by the growth, and she stated that, by increasing the size of its boats, the SSA is enabling commerce to grow and grow and grow on the island. Ms. Wagner then recommended an article in the September issue of Real Simple magazine on noise and how to reclaim your peace and quiet, observing that it discusses factual information about decibel levels and different kinds of noise and made her realize why, each mid-October, she begins to feel better and healthier in general. Finally, Ms. Wagner declared that it is all about what the problem is with the noise and the overuse of Woods Hole Road.
16. Bob Buckley (Sun Island Delivery) – Mr. Buckley stated that for 35 years Sun Island has hauled product to Martha's Vineyard, that its main product is food, and that it has more than 50 customers who need food the same day it is brought into Sun Island's Hyannis terminal. Mr. Buckley stated that the system has worked for 35 years, that Sun Island has done its best to get the food to the islands, and that, as all of its employees live on the Cape, its money is being spent locally. Mr. Buckley also observed that the SSA is basically a bridge to the islands and he stated that he did not see how in a democracy anyone can tell someone else how they can't spend their money. If the SSA were to start eliminating early morning boats, Mr. Buckley said, that would just make it harder for freight shippers to get reservations. Mr. Buckley stated that, while he feels sorry for the people in Falmouth, he did not know how the SSA could address this in a manner that keeps everybody happy.

Written Testimony Regarding the Proposed Schedules

Although Section 15A of the SSA's Enabling Act requires it only to consider the testimony given at the August 28th public hearing, the SSA decided that, because parties who may be affected by the proposed schedule changes may not be able to attend the public hearing, it should in fairness also consider any written testimony that is submitted regarding the proposed schedule changes.

Therefore, in its Notice of Public Hearing, the SSA stated that it would consider such written testimony that is submitted electronically to schedules@steamshipauthority.com or addressed to General Manager Robert B. Davis.

Copies of all of the written testimony received by the SSA are included as **Appendix C** to this report and, therefore, they do not need to be (and are not) described herein. The following individuals submitted written testimony:

1. Roberta Brooks (65 McCallum Drive).
2. A. J. Clarke (J. P. Noonan Transportation).
3. Anne Halpin (319 Woods Hole Road)
4. Donna Hammers (326 Woods Hole Road).
5. Robert A. Hurst (Edgartown).
6. Myla and Jon Kabat-Zinn (46 Buzzards Bay Avenue).
7. Lauren Leveque (67 Church Street).
8. Ann Little Newbury (34 Albatross Street).
9. Trina Novak (19 Standpipe Hill Road).
10. James Osborn (Vineyard Haven).
11. Nat Trumbull (11 Church Street).
12. Brian von Herzen (3 Little Harbor Road) (submitted by Nat Trumbull).
13. Stephen and Carol Wagner (526 Woods Hole Road).

History of the SSA’s Early Morning Trips from Woods Hole

The history of the SSA’s early morning trips from Woods Hole is described in the previous report it issued on August 15, 2017 on the SSA’s proposed 2018 Winter and Spring Operating Schedules (the “August 15, 2017 Section 15A Report”). In summary:

- Until 2007, the SSA’s first regularly scheduled trip from Woods Hole was a freight trip that left at 6:15 a.m. that was designated as a hazardous cargo trip on Mondays through Fridays throughout the year (as well as on Saturdays during the summer operating schedules).
- Since 2007, the SSA has regularly scheduled the first trip of the *Island Home* (or a substitute ferry) to leave Woods Hole at 6:00 a.m., the same time that the *Martha’s Vineyard* (or another substitute ferry) historically has made (and continues to make) its first daily sailing from Vineyard Haven.
- In September 2011, the SSA tried out a revised schedule for the *Governor* on a trial basis, having its first trip leave Woods Hole at 5:45 a.m. instead of 7:30 a.m. through the remainder of the 2011 Late Summer Operating Schedule.

- Since 2012, the SSA has regularly scheduled the first trip of the *Governor* to leave Woods Hole at 5:30 a.m. during the summer operating schedules.
- In 2013, the SSA began regularly scheduling its first freight trip to leave Woods Hole at 5:30 a.m. during the spring operating schedules as well, but this 5:30 a.m. trip will not be operated during next year’s (2018) spring operating schedule.
- In 2015, the SSA also regularly scheduled its first freight trip to leave Woods Hole at 5:30 a.m. during the fall operating schedule. However, in 2016 the SSA stopped operating this trip during the fall operating schedule on December 8, 2016; and in 2017 the SSA will not be operating this trip after October 27, 2017.

**The SSA’s Efforts to Mitigate Noise from Its
Early Morning Operations at the Woods Hole Terminal**

The SSA’s efforts to mitigate noise from its early morning operations at the Woods Hole terminal are described in its August 15, 2017 Section 15A Report. In summary, the list of actions that have been taken include:

- The SSA changed its methods of staging trucks at the terminal during the early morning so they do not have to back up (or use their backup alarms) when being staged before being loaded onto the ferries. As a result, the use of trucks’ backup alarms has been eliminated almost entirely.³
- The SSA stopped assigning the *Katama*, *Gay Head* or *Sankaty* to operate the 5:30 a.m. freight trip, as all of those boats require trucks to back up, and use their backup alarms, when they are being loaded onto those boats. The SSA now assigns only the *Governor*, *Woods Hole* or another drive-through ferry to run that 5:30 a.m. freight trip, because trucks drive forward onto those boats when they are loaded.
- The SSA delayed the opening of the Woods Hole terminal to 5:00 a.m. and prohibits trucks from entering the terminal before that time.

³ At the August 28, 2017 public hearing, Brian von Herzen testified that he had heard a truck “destined” for the SSA backing up at 4:45 a.m. that morning. But, as Mr. von Herzen appears to acknowledge by saying only that the truck was “destined” for the SSA, the truck was not at the Woods Hole terminal when it was using its backup alarm. Rather, the SSA’s neighbor, Pie in the Sky, regularly receives deliveries at 4:45 a.m. and the SSA has repeatedly heard that delivery truck use its backup alarm when it makes its deliveries at that time to Pie in the Sky. When that same truck later arrives at the Woods Hole terminal at 5:15 a.m. to continue making deliveries on Martha’s Vineyard, the SSA consistently stages it, along with all of the other trucks at the terminal that time in the morning, so that it does not have to – and does not – use its backup alarm.

- The SSA has added a message to its variable message sign on Route 28 advising drivers traveling down the highway between 3:00 a.m. and 5:00 a.m. that no trucks are allowed to enter the Woods Hole terminal prior to 5:00 a.m.
- The SSA has sent five letters to its freight shippers since October 2015 reminding them that their truck drivers are not allowed to idle their engines unnecessarily while they are at the terminal, that they should obey the speed limit as they drive down Woods Hole Road, and that they should not use their Jake brakes while they are on the road.
- The SSA has put up a total of eight signs at various location around the terminal reminding customers of the Massachusetts “Anti-Idling” Law.
- The SSA began kicking out truckers who repeatedly violate the SSA’s policies and then also began cancelling their reservations when necessary to ensure that the SSA’s regular freight customers adhere to the SSA’s policies, including the prohibition against arriving at the terminal prior to 5:00 a.m.
- Beginning July 10, 2017, the SSA also began prohibiting any standby trucks from arriving at the Woods Hole terminal until 6:30 a.m., and also established the following new procedures for all other trucks arriving at the terminal:
 - Only trucks with reservations for the 5:30 a.m. trip are allowed to show up at the terminal beginning at 5:00 a.m.
 - Trucks with reservations for the 6:00 a.m. trip are not be allowed to show up at the terminal until 5:15 a.m.
 - Trucks with reservations for the 6:30 a.m. trip are not be allowed to show up at the terminal until 5:45 a.m.
 - Trucks with reservations for the 7:00 a.m. trip are not be allowed to show up until 6:00 a.m.
 - And all other trucks, including standby trucks, are not be allowed to show up at the terminal until 6:30 a.m.

The SSA’s Traffic Statistics

The SSA has long posted on its website traffic figures showing the number of passengers, automobiles and trucks it has carried to and from Martha’s Vineyard and Nantucket by month since 1993. However, for the purposes of its own fare structure, the SSA originally classified certain vehicles less than 20 feet in length that it carried (including pickup trucks) as “automobiles” even though, for registry purposes, the Massachusetts Registry of Motor Vehicles classified those same vehicles as “trucks.” Subsequently, in two phases that took place in 2004 and 2009, the SSA reclassified those vehicles so that all vehicles carried by the SSA are now classified in the same manner as the Registry of Motor Vehicles classifies them. Unfortunately, the reclassification of those vehicles by the SSA in 2004 and 2009 resulted in its website traffic figures depicting a **lower** increase in the number of automobiles carried by the SSA since 2003 than it has actually carried, and a correspondingly **greater** increase in the number of trucks carried by the SSA since 2003 than it has actually carried.

However, in 1997, the SSA also began keeping track of the number of trucks it carries that are 20 feet or more in length. Therefore, by using those figures, one can arrive at a more accurate comparison of the number of trucks 20 feet or more in length that have been carried by the SSA each month since 1997, as well as all other vehicles carried by the SSA during that same time period (**Appendix D**). Those statistics show that the largest increase in the number of trucks 20 feet or more in length carried by the SSA between Woods Hole and Martha’s Vineyard took place from 1997 through 2002 and that, since then, the growth has tapered off and become more cyclical with the rise and fall of the economy. Specifically:

- the SSA carried 38.4% more trucks 20 feet or more in length between Woods Hole and Martha’s Vineyard in 2016 than it carried in 1997; but it only carried 7.0% more trucks 20 feet or more in length in 2016 than it carried in 2006. The year that saw the greatest growth in traffic of trucks 20 feet or more in length was 1998 (8.1%), and there have been six years (2003, 2005, 2008, 2009, 2011 and 2012) when the SSA carried fewer trucks 20 feet or more in length than it had carried the prior year.
- There has been a greater increase in the number of trucks 20 feet or more in length carried between Woods Hole and Martha’s Vineyard by the SSA during the summer months of June, July and August. The SSA carried 41.4% more trucks 20 feet or more in length during those months in 2016 than it carried in 1997; but it only carried 7.9% more trucks 20 feet or more in length during those months in 2016 than it carried in 2006.
- During June, July and August of this year (2017), the SSA carried 4.9% more trucks 20 feet or more in length between Woods Hole and Martha’s Vineyard than it carried during those same months in 2016.

Noise Regulations

In a written comment to SSA General Manager Robert B. Davis, dated September 19, 2017, Mr. Trumbull stated that he has measured the background sound levels at the intersection of Church Street and Woods Hole Road and the sound generated by trucks traveling to the SSA’s Woods Hole terminal for the 5:30 a.m. freight trip. Mr. Trumbull also stated that he believes that the noise generated by those trucks rises to a level where they violate state air pollution regulations, specifically, the Air Pollution Control Regulations of the Massachusetts Department of Environmental Protection (“MassDEP”), 310 CMR 7.00, and MassDEP’s Noise Policy.

MassDEP’s noise regulations provide that “No person owning, leasing or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.” 310 CMR 7.10(1). Thus, the regulations limit the use of “*unnecessary*” noise. To the extent that the noise is necessary and the trucks traveling to the SSA’s Woods Hole terminal are operated as intended and outfitted with silencing equipment conforming to that provided by their manufacturers, their sound levels are not in violation of 310 CMR 7.10.

MassDEP’s regulations also provide examples of noise that violate the regulations, as follows:

310 CMR 7.10(1) shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man made sounds that cause noise.

310 CMR 7.10(2). Thus, MassDEP’s examples of noise that violate the regulations are prolonged sounds such as unattended burglar alarms or construction or demolition equipment that is not fitted with available enclosures or other equipment which would suppress the sound. By contrast, so long as a truck driver driving down Woods Hole Road does not willfully or negligently permit unnecessary noise emissions while driving the truck, and the truck is fitted with the manufacturer’s sound suppression equipment, its sound complies with 310 CMR 7.10 because it is neither “unnecessary” nor “prolonged.”

MassDEP’s regulations also recognize that the type of noise generated by freight trucks and other motor vehicles is not generally regulated by 310 CMR 7.10(1), but rather by 310 CMR 7.11(1)(a). That regulation provides:

All motor vehicles registered in the Commonwealth shall comply with pertinent regulations of the Registry of Motor Vehicles relative to exhaust and sound emissions.

Although compliance with the Registry of Motor Vehicle’s “sound emissions” regulations is thus incumbent upon each motor vehicle owner (see also 540 CMR 4.03), the Registry does not have any “sound emissions” regulations for commercial vehicles. Notably, the only vehicles for which the Registry has specified decibel limits for “sound emissions” are motorcycles, and the allowable noise level for motorcycles in the Commonwealth, when operating at ½ redline speed, is 99 dB(A). 540 CMR 3.02(2). The 76-78 dB(A) noise level for the freight truck traveling down Woods Hole Road that Mr. Trumbull recorded is thus well below the allowable limit for motorcycles.

Further, most of the freight trucks carried by the SSA are owned and operated by motor carriers⁴ engaged in interstate commerce, and the Federal Noise Control Act, 42 U.S.C. §§ 4901-4918, preempts noise regulation of motor carriers in interstate commerce at the state and local level. Under the Federal Noise Control Act, “no State or political subdivision thereof may adopt or enforce any standard applicable to the same operation of such motor carrier, unless such

⁴ For the purposes of 42 U.S.C. § 4917, a “motor carrier” includes “a person providing motor vehicle transportation for compensation,” which is how that term is defined in 49 U.S.C. § 13102 (see 42 U.S.C. § 4917(d)), as well as “a motor private carrier,” as that term is also defined in 49 U.S.C. § 13102.

standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section.” 42 U.S.C. § 4917(c)(1). Pursuant to its authority under that Act, the Environmental Protection Agency (the “EPA”) has promulgated the following regulations for motor carriers in motion:

No motor carrier subject to these regulations shall operate any motor vehicle of a type to which this regulation is applicable which at any time or under any condition of highway grade, load, acceleration or deceleration generates a sound level in excess of 83 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of land of travel on highways with speed limits of 35 MPH or less; or 87 dB(A) measured on an open site with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 MPH.

40 C.F.R. 202.20(b).

Thus, when Mr. Trumbull recorded the noise level of a truck as it traveled down Woods Hole Road to be 76-78 dB(A), he confirmed that the noise level of that truck meets the EPA’s standards.

Generally Accepted Times of Travel

At the August 28, 2017 public hearing, Mr. von Herzen also asked the SSA to comply with the standards for noise established by the Boston Municipal Code, which he stated sets regulations on what kind of noise levels are acceptable after certain hours. But those regulations expressly provide that they do not apply to the “operation of any motor vehicle on any public way, nor to the noise produced thereby” (Regulations for the Control of Noise in the City of Boston, Regulation 2.1(c)) and, even if they did purport to apply to the operation of motor vehicles on Boston’s public ways, they nevertheless would be preempted by the Federal Noise Control Act with respect to motor carriers engaged in interstate commerce.

Nor is there any indication that individuals, businesses or transportation systems in Boston or anywhere else in Massachusetts are required to delay their trips or the start of their operations until after 7:00 in the morning, as requested by Mr. von Herzen. Indeed:

- Based upon personal observation, thousands of trucks travel on highways and streets well before 7:00 a.m. each day both in Boston and everywhere else in the Commonwealth.
- Many of the MBTA’s bus routes start service before 5:30 a.m., including its Silver Line routes, and the first bus on Route 1 is scheduled to leave Dudley for Harvard at 4:37 a.m.⁵
- The MBTA also starts subway service before 5:30 a.m., with the first Green Line departure from Riverside scheduled each weekday at 4:56 a.m.

⁵ Similarly, the first Peter Pan bus from Falmouth on weekdays is scheduled to leave Depot Avenue at 5:15 a.m. Several Plymouth & Brockton buses also are scheduled to leave the Hyannis Transportation Center on weekdays well before 7:00 a.m., namely, at 2:50 a.m., 3:50 a.m., 4:45 a.m., 5:00 a.m., 5:25 a.m., 6:00 a.m. and 6:35 a.m.

- The MBTA’s commuter trains also provide early morning service, and several of its rail lines have departures earlier than 5:00 a.m. (*e.g.*, South Station at 3:50 a.m.; Forge Park/Route 495 at 4:55 a.m.; Rockport at 4: 55 a.m.; Wachusett at 4:50 a.m.; and Worcester at 4:45 a.m.).
- Although Massport has adopted noise abatement rules and regulations that restrict landings and takeoffs on certain runways as well as some ground operations, and prohibit old, noisy engine technology during sensitive nighttime hours, its Logan International Airport in Boston is open to aircraft flights 24 hours a day and regularly scheduled commercial flights leave as early as 5:00 a.m.

Therefore, as far as the SSA has been able to determine, no noise regulations on the federal, state or local level have been interpreted to prohibit the travel of trucks and other vehicles on public ways during the early morning hours of the day. To the contrary, many people across Massachusetts are traveling in cars, buses, trucks and trains at the same time that trucks are driving down Woods Hole Road to board the SSA’s 5:30 a.m. ferry.

Similarly, the country’s other ferry systems that serve as the only means of vehicle transportation for islands and other areas with relatively large populations regularly start their operations during the summer earlier than 5:30 a.m.:

- Ferries operated by the State of Alaska (the Alaska Marine Highway) operate 24 hours a day, leaving and arriving at their various ports of call at all hours of the day and night.
- The North Carolina Ferry System has its first scheduled weekday departures from Southport at 5:30 a.m., from Cherry Branch at 5:00 a.m., from Minnesott Beach at 5:25 a.m., from Hatteras at 5:00 a.m., and from Ocracoke at 5:00 a.m. (and at 4:30 a.m. from October through mid-May).
- Washington State Ferries has its first scheduled weekday departures from Bremerton at 4:50 a.m., from Bainbridge Island at 4:45 a.m., from Seattle at 5:30 a.m., from Kingston at 4:55 a.m., from Mulkilteo at 5:05 a.m., from Clinton (South Whidbey Island) at 4:40 a.m., from Fauntleroy at 4:25 a.m., from Southworth at 4:20 a.m., from Vashon at 4:05 a.m., from Fort Defiance at 5:05 a.m., and from Anacortes at 4:15 a.m.

Comparing the SSA’s operations with these other highway, bus, subway, train and ferry transportation systems, it does not appear unreasonable for the SSA to schedule its first ferry trip from Woods Hole at 5:30 a.m. If anything, freight shippers traveling to Martha’s Vineyard need to leave earlier than those driving to other communities on the mainland, as it takes an additional 45 minutes by water (plus waiting time at the dock) before they can begin making their deliveries on the island, and then another waiting period at the dock and an additional 45 minutes back by water before they can begin their drive home from Woods Hole.

Providing Freight Shippers with a Price Incentive to Travel Late in the Day

At the August 28, 2017 public hearing, Mr. Trumbull also asked the SSA to take a yield management approach to its freight tariffs whereby the SSA would charge less for trips during the evening when there is less truck demand. In this regard, Mr. Trumbull observed that there are probably some freight shippers who would be willing to travel during the evenings if they are able to pay slightly less.

As the SSA already mentioned at page 35 of its August 15, 2017 Section 15A Report, while the SSA from time to time has considered “premium pricing” for certain popular sailing times of the day and popular travel days of the week, in 1997 it was advised that increasing fares during popular travel times and/or days would not necessarily decrease the number of people traveling at those times and/or days. Indeed, the SSA’s consultants at that time, Joseph Savage and Frank Mahady, found that the amount of automobile traffic was just as likely to go up after a fare increase as go down, and they concluded that people make decisions as to whether or not to take their cars for reasons that do not have much to do with the amount of the fare. Further, Messrs. Savage and Mahady cautioned the SSA not to use fare increases in an attempt to control growth on the islands, and they emphasized that certain market segments of the SSA’s customer base will be burdened by any fare increase imposed by the SSA.

For these reasons, the SSA does not believe that it would be appropriate to increase the fares of freight shippers who travel early in the morning, as they may have little choice but to travel at that time and increasing their fares would only result in burdening their customers with higher prices for their goods. The SSA also questions whether freight shippers will be willing to travel during the evening hours even if offered a discounted fare to do so. Not only would most freight shippers have to completely change their operations so that their drivers can drive during the evening, but they also would have to make certain that their customers are willing to accept deliveries after regular business hours. In addition, if their trucks are unable to return by the end of the day, their drivers will need to have a place to sleep overnight on the island and the additional costs incurred by the freight shippers will undoubtedly be greater than the discount offered by the SSA.

Discussion

- A. The SSA believes that its proposed model for a freight ferry service between New Bedford and Martha’s Vineyard would provide that service with the greatest chance of success over the long term.**

Several Falmouth residents have referred to Section 6 of the SSA’s Enabling Act (St. 1960, c. 701, as amended) in support of their request that the SSA eliminate early morning freight trips from Woods Hole, which they say are depriving them of sleep at that time of the morning due to the noise impact of SSA-related truck traffic, because that section states that the SSA’s exercise of its powers “will be in all respects for the benefit of the people of the commonwealth, for the

increase of their commerce and prosperity, and for the improvement of their health and living conditions.” Enabling Act, § 6. On the other hand, several freight shippers also have referred to the SSA’s Enabling Act in support of their position that the SSA is required to provide those early morning freight trips, which they say are needed so that they can deliver food and other commodities to island residents without a huge increase in cost, because the Enabling Act states that:

- the SSA was created “in order to provide adequate transportation of persons and necessities of life for the islands of Nantucket and Martha’s Vineyard” (Section 1);
- “the operation and maintenance of the steamship line by the Authority will constitute the performance of essential governmental functions” (Section 6) and
- “except in cases of emergency or necessity,” the SSA is to provide ferry runs or such transportation of passengers, vehicle and freight “from the port of Woods Hole to and from the island of Martha's Vineyard” (Section 15).

The freight shippers view the SSA’s ferry service as an extension of the highway (similar to a bridge) between Falmouth and Martha’s Vineyard, and believe they should have the right to travel on that highway (or bridge) the same way that freight shippers have the right to travel on all of the other state highways, including the Bourne and Sagamore Bridges, during the early morning.⁶

While some Falmouth residents have acknowledged that eliminating early morning freight trips might increase the cost of delivering goods to Martha’s Vineyard, they believe that it is appropriate for island residents and visitors to pay for that cost increase rather than having the SSA provide the island’s increased freight service solely at the expense of its Falmouth neighbors whose

⁶ It is not surprising that mainland residents and island residents have different perspectives on the SSA’s operations. As the Supreme Judicial Court observed decades ago, neither Nantucket nor Martha’s Vineyard “can boast of any considerable amount of general agriculture or of natural resources. Neither produces enough to supply to its inhabitants more than a small fraction of the necessities of civilized living. But both islands enjoy a summer climate which, together with ample means of recreation on land and sea, has attracted a great many people as summer visitors, so that the entertainment of vacationists has become a large industry.” New Bedford v. New Bedford, Martha’s Vineyard and Nantucket Steamship Authority, 330 Mass. 422, 428 (1953). The Court continued:

It is apparent ... from facts of common knowledge and may be taken as established, that the volume of business handled by the authority, as to both passengers and freight, is and will remain highly seasonal in character, varying from the needs of a small permanent population on the islands in the winter to the needs of a summer population many times larger. It is further apparent that steamboat service is vital to the economic survival of the islands at all seasons, but is not a matter of life or death to either Falmouth or New Bedford at any season.

Id. at 430. In Town of Bourne v. Plante, 429 Mass. 329, 333-334 (1999), the Court noted that its observations in the New Bedford case remain relevant today.

peace and quiet during the early morning hours is being invaded. They also believe that the SSA should provide alternative freight service from New Bedford in order to eliminate its early morning freight trips from Woods Hole, and that the SSA should subsidize that New Bedford service (presumably by increasing its rates of fare to and from Woods Hole).

As discussed in the SSA's August 15, 2017 Section 15A Report, the SSA already has been investigating the feasibility of a freight ferry service between New Bedford and Martha's Vineyard and has proposed a potential model for the service that the SSA believes has the greatest chance of success over the long term. The parameters of that proposed model include having a private ferry operator provide the service, and not having the SSA subsidize the service, although the SSA would contribute towards it in several other ways, such as allowing the private operator to use the SSA's reservations system and the SSA's Vineyard Haven terminal (to the extent the private operator's vessel does not interfere with the SSA's own operations), and coordinating its sailing schedules with the private operator's schedules to the extent possible so that freight shippers can (if they want) use one service to travel to the island and the other service to travel back to the mainland (or vice versa).

Because the SSA also considers a potential freight ferry service between New Bedford and Martha's Vineyard a project that would have regional impact, its staff recommended, among other things, that the SSA work with the Cape Cod Commission, the Martha's Vineyard Commission, and public officials of all of the municipalities that could be affected by a New Bedford freight service for the purpose of submitting a joint request to the appropriate agency or agencies of the Commonwealth of Massachusetts and/or other local or regional governmental entities (1) to fund the construction, operation and maintenance of a suitable freight ferry terminal in New Bedford; and (2) to provide annual funding to the SSA for the New Bedford freight service in a sufficient amount to cover the difference each year between (a) the amount of the SSA's direct and allocated costs of the service, and (b) the amount of fares the SSA derives from the service.

Earlier this year, the SSA hired Craig Johnson of Flagship Management to further explore the possibility of a freight ferry service between New Bedford and Martha's Vineyard that would be operated by a private vessel operator. Although Mr. Johnson is now with Flagship, in 2000 and 2001 he was with Seabulk/Hvide and was in charge of their operation in New Bedford that provided freight service to Martha's Vineyard pursuant to the request for proposals the SSA had issued at that time. On August 10, 2017, Mr. Johnson issued his initial report in which he concluded that a private ferry operator could successfully provide a freight ferry service between New Bedford and Martha's Vineyard consistent with the SSA's proposed service model (**Appendix E**). The SSA is moving forward based upon that report and plans to meet with the New Bedford Harbor Development Commission and other interested stakeholders to discuss how best to proceed.

B. The SSA's Position is Informed by Its History and Its Enabling Act.

The SSA believes that this approach to any potential freight ferry service between New Bedford and Martha's Vineyard best balances its statutory responsibilities to provide adequate transportation for the islands of Nantucket and Martha's Vineyard with its efforts to minimize the

impact of its operations on all of its port communities, as informed by the legislative history of its Enabling Act and the SSA's own experience over the last 75 years. It should not be forgotten that the SSA was not always the entity that provided transportation service to the islands. For many years until 1945, the New York, New Haven and Hartford Railroad operated the steamship line. However, by the end of the first half of the twentieth century, the railroad simply could not afford to operate the island steamboats anymore, and neglect was the inevitable result. By 1945, when the system was purchased by Massachusetts Steamship Lines, Inc., the operation had been reduced to just two ships, both of which were over twenty years of age. The system's physical plant had seen little upgrading since 1912 and the terminals were reported to be in generally poor condition.

From 1945 to 1948, Massachusetts Steamship Lines rendered reasonably adequate service to the islands with three vessels, but increased operating costs prevented the accumulation of sufficient surplus funds or the earnings of adequate net revenues to support a program of renewals and replacement of vessels or improvements to shore facilities. It soon became apparent that the Massachusetts Steamship Lines, like the railroad before it, could not afford to maintain the system in proper operating condition.

In December 1947, the United States Coast Guard revoked the certificate of the former Hackensack, New Jersey car ferry which the Massachusetts Steamship Lines had purchased and renamed the *Islander*. After negotiations and repairs, the Coast Guard agreed to restore her certificate, but only on the condition that a definite program be established to state reasonable target dates for replacing the vessel. Nevertheless, attempts to finance the steamship line from private sources of capital failed, creating an emergency which prompted the Legislature to appoint a Commission to study the situation.

In sum, the Commission found that the people on the islands relied upon the steamship line for all food and other supplies, mail and personal contact with the mainland. Indeed, the Commission observed that, even though air transportation had been available for a number of years, the island residents continued to look upon water transportation as their life line. The Commission's Report stated:

A majority of the Commission believe that the Commonwealth has an interest in continuing the islands as income-producing parts of the state economy, which would justify a contribution of credit by the State. They also believe that the separation of the islands from the rest of the State lays upon the Commonwealth some obligation to furnish a road by water to the islands. The analogy of a highway is not destroyed by the accident that the intervening space is water, and a six-mile highway, even to the Vineyard, would cost the Commonwealth many times the moderate expense of rehabilitating the steamship line.

Report of the Special Commission to Make a Study Relative to the Operation of Steamship and Other Means of Water Transportation between New Bedford, Woods Hole, Martha's Vineyard and Nantucket (May 1948) ("1948 Commission Report"), at p. 10.

Similarly, the Engineers' Report that was completed upon the Commission's direction stated:

The islands of Martha's Vineyard and Nantucket, although physically separated from the mainland, are, nevertheless, an integral part of the Commonwealth of Massachusetts, and, as such, merit consideration of its transportation problem by the state as a whole. To the same extent as other areas of the Commonwealth, separated by streams, are connected by bridges constructed at general state expense, these islands should perhaps be connected to each other and to the mainland by an acceptable means of transportation. That means may well be a ferry system.

1948 Commission Report, at p. 22.

Faced with the pressing need to assure a permanent, convenient and economical means of transportation for the islands to and from the mainland, the Commission ultimately recommended public ownership and operation of the system in the form of a public authority. Although the authority was charged with maintaining sufficient revenues through its tariff structure, it quickly proved unable to meet the cost of operations out of current revenues. Indeed, from its inception, the authority ran almost twelve years of constant debt. As a result, the authority's facilities continued to suffer from deferred maintenance and its fleet was only barely sufficient to meet demand.

In the late 1950s, the Legislature appointed a second Commission to again look at the authority's situation, and the second Commission found that the problems faced by the authority in 1959 were no different than those which brought about the downfall of the Massachusetts Steamship Line in the 1940s. For example, the Commission identified the authority's "over-all problem" as "the recurrence of annual deficits due to increased costs of operation which are not met by adequate revenues," a problem "increased by the highly seasonal nature of the economy of the two islands." The Commission also recognized that:

[T]he responsibility of the Commonwealth for insuring adequate transportation to the islands is apparent, since the boat line is the only means of transporting freight and automobiles to the islands and therefore exists as their "state highway" to the mainland. Furthermore, since the burden of the line's deficit operation is shared by the four communities served ..., the operation of the Authority has a vital effect upon their tax rates and financial stability. The problem is especially acute in the small island communities which have the greatest need for the Authority's service, but are, due to their small tax base, most vulnerable economically. Since the Authority is a creation of the General Court and an agency of the Commonwealth, the Commonwealth has the primary responsibility to oversee its continued operation in conformity with its intended purpose for the benefit of the communities served.

Report of the Special Commission Established to Make an Investigation Relative to the Operation of the New Bedford, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (January 1959) (1959 Commission Report), at pp. 5-6.

The Commission further reported:

It has been said that the transportation to the islands is the most expensive in this country. It has also been said that this line is the only monopoly in the world which loses money. Despite the high rates charged, the revenues do not meet the cost of operation, and any increase in rates will, except in automobile transportation, price the Authority out of competition with the airlines and small private carriers. Since virtually everything used on the islands is carried by the Authority vessels, these freight charges add immensely to the cost of living on the islands, year-round. ...

1959 Commission Report, at p. 8.

The Commission then expanded upon its perception of the Authority's purpose:

The fundamental purpose of the Steamship Authority is “to provide adequate transportation of persons and necessities of life for the islands of Nantucket and Martha’s Vineyard.” The line exists solely as a means of transportation and should be operated in the first instance for the benefit of the island communities which are completely dependent upon it. ...

Id. The Commission continued:

Unless and until the Authority can operate without incurring an annual deficit, there will exist a continuing threat to the economic life of the island communities. It is not the mere fact of the additional tax rate increase, but the realization that this increase is something over which these communities have absolutely no control and are utterly powerless to prevent, which poses the greatest threat. The attempt by the Authority to reduce the deficit by means of an increase in rates and fares again falls heaviest on the islands, as they are consignees of most of the freight shipments. Either way the islands are in a precarious position. Not only are their costs of living materially increased, but their attractiveness as summer resorts is visibly impaired by the deficit operation of the Authority.

1959 Commission Report, at p. 9.

In 1960, as a result of the second Commission's report, the Legislature passed a new enabling act for the SSA which, among other things, eliminated New Bedford as one of the mainland ports from which the SSA was required to operate. Subsequently, “the SSA has provided reliable service to the island without running a deficit.” Report of the Governor’s New Bedford, Cape and Island Ferry Service Task Force (April 2001) (Governor’ Task Force), at p. 2.

The fundamental economics which prompted the Legislature to eliminate New Bedford as one of the mainland ports from which the SSA was required to operate have not substantially changed since 1960, as New Bedford geographically remains four times as far from Martha’s

Vineyard by sailing route as Woods Hole. Similarly, the islands still have highly polarized population dynamics (albeit to a somewhat lesser degree than in the past), and their survival still depends upon the lifeline service which the SSA provides. And, importantly, the SSA continues to serve virtually the islands' entire freight transportation needs.

It was in these circumstances that, in 2001, the Governor's Task Force cautioned that "[t]inkering with what has been a successful public authority needs ... to be approached with reluctance and, certainly, with caution." Governor's Task Force Report, at p. 2. Therefore, while the Governor's Task Force observed that Falmouth residents "agitate for the relief of pressure on their roads" by having the SSA direct some island-bound vehicles to an off-Cape port, and that "New Bedford is well situated to perform that function," it also recognized that "[i]t is the people of the Islands – particularly the year round residents – who need reliable ferry service provided as economically as possible." *Id.*, at 2, 3. Accordingly, while the Governor's Task Force recommended that the SSA plan for off-Cape service from New Bedford, it declared:

Finally we do not prescribe that the SSA must carry freight from New Bedford. As a regional planning matter, that is desirable but the SSA is best equipped by experience and staffing to work out *service that can pay its way*. We repeat, the SSA has succeeded in providing safe and reliable service to the Islands without running a deficit and we do not wish to tamper with a machine that is not broken.

Governor's Task Force Report, at p. 4 (emphasis added).

It is for all of these reasons (as well as for the reasons described in the SSA's previous reports) that the SSA rejects the polarized positions on both sides of this issue. Despite the fears and concerns of freight shippers and island residents that freight service from New Bedford will impose onerous if not prohibitive burdens on their operations and unreasonably increase the cost of their living, making it more difficult to live and work on the island, the SSA intends to continue its exploration of potential freight ferry service from New Bedford that can be operated in a manner that will benefit all affected parties. On the other hand, the SSA strongly believes that, in order to protect the economy of both the islands and southeastern Massachusetts, as well its own financial health and the financial future of its employees, any such service needs to pay its own way or, if not, should be subsidized by the Commonwealth of Massachusetts or another entity other than the SSA in the same way that mainland residents' transportation to and from their homes and businesses are subsidized by the federal and state governments.

It is also appropriate for the Commonwealth to provide any subsidy that may be needed for a freight service from New Bedford because the SSA's operations benefit the residents and economies of not only the two islands, but the Commonwealth's mainland communities as well.⁷ As the first Legislative Commission recognized, the islands are "income-producing parts of the

⁷ It is in this context that the SSA believes the Legislature declared, in Section 6 of the SSA's Enabling Act, that the SSA's exercise of its powers "will be in all respects for the benefit of the people of the commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions."

state economy.” 1948 Commission Report, at p. 10. In 1994, the Urban Harbors Institute of the University of Massachusetts – Boston found that the SSA added substantial economic input to the local economies, with primary effects adding \$17,000,000 per year and secondary effects, such as freight hauler activity and passenger spending, contributing an estimated additional \$41,500,000 per year. The Urban Harbors Institute also found:

In exchange for the superimposition and intrusion that the host communities must bear from the presence of the island ferry terminals, they derive benefits in employment and business stimulation that are spun off of the island economies. That is a process that is heightened by the ferry system’s propensity to generate unique local transportation effects. These local effects are created by the nature of freight flow to the islands. Because truckers must obtain reservations in order to avoid wasting up to a day in getting to the islands, most long distance truck movements to the islands terminate on the mainland in Hyannis and Woods Hole. From those locations shipments are transferred via warehouses or wholesale suppliers from long-distance trucking companies onto the trucks of specialized island carriers. It is the activities of these island carriers that generate impacts to the host and dependent communities; an impact that would not occur if a highway bridge rather than a ferry system linked the islands to the mainland.

University of Massachusetts – Boston Urban Harbors Institute, “The Impact of a Ferry System upon Its Communities,” at p. 9 (May 1994) (the “Urban Harbors Institute Report”).⁸

Not surprisingly, the Urban Harbors Institute found that local employment is probably the ferry system’s biggest primary impact, which is magnified by the spin-off benefits to employee dependents and increased local spending (Urban Harbors Institute Report, at p. 68), but it further found:

Because of the way that freight is handled on the ferries, as opposed to, for example, a toll highway, they have tended to encourage the development of local businesses which owe part or all of their business to island-related trade. This in turn has created job opportunities and fortified the year round economy of the host communities. Although the most visible of these businesses are in Hyannis, our freight survey indicated that Falmouth also gains employment, a presumed increase in its tax base and economic inputs that tend to fortify its year round rather than seasonal economy. All of these benefit the social well-being of the town, though they may detract from its aesthetic appearance and have the potential to cause localized environmental problems. According to our estimates, the ferry services and the Steamship Authority freight haulers that are located in Falmouth and Hyannis contribute 2.4% and 4.0% respectively of the job base in these communities. This does not count the employment opportunities attributable to

⁸ In the Urban Harbors Institute Report, the island communities are referred to as “dependent communities,” and Falmouth and Barnstable, which host the Woods Hole and Hyannis terminals, are referred to as “host communities.”

stimulation of the tourist trade and effect in attracting retirees and non-resident home owner/builders to Falmouth and Hyannis.

Urban Harbors Institute Report, at p. 70.

In addition, although Falmouth Selectman Doug Brown has suggested that the SSA should subsidize freight ferry service from New Bedford from the surpluses it has generated over the past few years, there are substantial reasons why it would be inappropriate for the SSA's surpluses to be used for this purpose. As shown by the history of the SSA's failed predecessors (pp. 21-24, *supra*), the SSA needs to generate consistent annual surpluses not only to meet its substantial bond interest and principal payment obligations,⁹ but also to maintain its ferry system in proper operating condition through an appropriate and comprehensive program of maintenance, improvements, renewals and replacements of its vessels and facilities.¹⁰ Further, the surpluses it generates do not remain available to subsidize its ongoing operations, let alone the operations of other entities and ferry operators. Instead, Section 9 of the SSA's Enabling Act requires the SSA to set aside its revenues at regular intervals in the following order, in the following amounts, and for the following purposes:

- First: to an operations fund, an amount sufficient to pay the cost of maintenance, repair and operation of the steamship line for the current month and the next ensuing month, and to maintain working capital for such purposes in an amount not exceeding one thirty-sixth of the operating budget for the then current fiscal year;
- Second: to a sinking fund, an amount sufficient to provide for the payment of the interest on and for the amortization and payment of the principal of all bonds as the same shall become due and payable;
- Third: to a replacement fund, if so provided in the resolution authorizing the issuance of bonds, such amount, if any, as the Authority may deem necessary or advisable for depreciation of property and for obsolescence and losses in respect to property sold, destroyed or abandoned, and for improvements to and

⁹ The SSA's current annual scheduled debt service requirements are around \$8,500,000.

¹⁰ For example, the SSA is currently constructing a new administrative office building on Palmer Avenue in Falmouth, which is expected to cost almost \$15,000,000; it is undertaking the mid-life refurbishment of the *Martha's Vineyard*, which is expected to cost around \$18,000,000; and it is completely reconstructing its Woods Hole ferry terminal, which is expected to cost more than \$72,000,000. In addition, last year the SSA acquired its newest boat, the *Woods Hole*, which cost more than \$40,000,000, and within a few years it will need to acquire another vessel (presumably at similar or greater cost) as part of its ongoing program of replacements and renewals. The SSA cannot finance all of these and its other capital projects simply by issuing bonds, as its Enabling Act limits the amount of bonds it can have outstanding at any given time to \$100,000,000 and currently the total amount of its outstanding bonds, net of unamortized premiums of \$8,267,597, is \$71,565,000.

acquisitions of real and personal property, provided that accumulated amounts not needed for the foregoing purposes may from time to time be transferred to the sinking fund to be used for the purchase or redemption of bonds;

Fourth: to a reserve fund, an amount sufficient to maintain said fund at a level equal to five per cent of the principal amount of all bonds outstanding or six hundred thousand dollars, whichever is greater; and

Fifth: to the sinking fund, all of the remaining revenues, to be used within a reasonable time for the purchase or redemption of bonds or, in the Authority's discretion, to be transferred to the replacement fund or to the capital improvement fund to be used for any purposes for which bonds may be issued.

Therefore, if the SSA were to subsidize freight ferry service from New Bedford, it would have to do so by raising its fares. But the SSA believes that it would be completely unfair for its ratepayers to be responsible for the additional operational costs that will be necessary to provide freight service from New Bedford when freight service can continue to be provided from Woods Hole and when island residents, unlike other residents of the Commonwealth, already are paying almost the entire cost of their transportation from that port.

Instead, the SSA believes that if fares charged for freight shippers to travel voluntarily on the New Bedford route are not sufficient to pay for that service's entire cost, the deficiency should be paid for by the federal government and the Commonwealth, which pay for all of the other state highways, and/or one or more additional sources of funding other than the SSA, or the service should be stopped because it will have been shown not to be financially self-sustaining. As shown at pp. 21-24, *supra*, both Legislative Commissions that completed studies which formed the basis of the SSA's Enabling Act recognized "the principle that some obligation to maintain the Islands' transportation rests on the Commonwealth" (1948 Commission Report, at p. 10) and that "the responsibility of the Commonwealth for insuring adequate water transportation to the islands is apparent, since the boat line is the only means of transporting freight and automobiles to the islands, and therefore exists as their 'state highway' to the mainland." (1959 Commission Report, at pp. 5-6). The principle thus recognized by both Legislative Commissions – namely, that some obligation rests on the Commonwealth to furnish a road by water to the islands – has as much force today as it had in 1948 and 1959, especially since the "road" that is proposed to be furnished is one that is 28 miles long to New Bedford instead of 8 miles long to Woods Hole and is primarily being "built" not to provide adequate transportation of persons and necessities of life for the islands but rather to relieve traffic congestion in Woods Hole.

The Governor's Task Force Report also recognized in 2001 that island residents "need reliable ferry service provided as economically as possible" and recommended that any freight service from New Bedford be a "service that can pay its way." Governor's Task Force Report, at 3, 4. The SSA agrees, and believes that any New Bedford freight service must effectively pay for itself or be funded by one or more entities other than the SSA in order to be fair and equitable to the residents of Martha's Vineyard. It should not be subsidized by the SSA in any way that would require any increase in the fares that are charged to travel through Woods Hole. Ideally, the fares charged to customers traveling between New Bedford and Martha's Vineyard should pay for the

entire cost of that route (including an appropriate allocation of the costs of staffing, operating and maintaining the SSA’s terminal on Martha’s Vineyard, the costs of the SSA’s ticketing and reservations system, and the SSA’s other administrative overhead expenses), but if they are not sufficient, the SSA’s other ratepayers should not have to make up the difference.

C. The SSA should continue to operate the 6:00 a.m. trip from Woods Hole with the *Island Home* (or the *Nantucket*) as set forth in its proposed 2018 Summer Operating Schedules.

The petition submitted by the 52 Falmouth residents objects to the continued scheduling of **any** freight trucks from Woods Hole prior to 6:30 a.m., including not only the SSA’s proposed 5:30 a.m. freight trip from Woods Hole, but also its proposed continuation of the 6:00 a.m. regular ferry trip from Woods Hole with the *Island Home* (or the *Nantucket*), which the SSA has operated since 2007 and carries a combination of passengers, automobiles and trucks. As Mr. Trumbull testified at the August 28, 2017 public hearing, the petitioners do not object to the SSA’s operation of a 6:00 a.m. ferry for passengers who have perfectly legitimate reasons to get to Martha’s Vineyard at that time in the morning, but they take issue with the SSA’s bundling those passengers with cars and trucks on the ferry.¹¹

The Falmouth Selectmen also have written a letter to the SSA, dated June 19, 2017, in which they have taken the position that “a 5:30 AM freight departure from Woods Hole presents an unreasonable burden to our community” and implored the SSA “to give serious consideration to changing the first freight departure to 6:30 AM for calendar year 2018 and thereafter,” observing, among other things, that in January 2017, 35 Falmouth residents had written to the SSA

¹¹ Mr. Trumbull previously submitted an online petition with respect to the proposed 2018 Winter and Spring Operating Schedules that requested “the establishment of voluntary quiet hours on the part of the Steamship Authority for its freight truck traffic” between 10:00 p.m. and 6:30 a.m., which he testified would be similar to the Barnstable Municipal Airport’s voluntary quiet hours. But, as indicated on its website, the Barnstable Municipal Airport’s voluntary quiet hours are from 10:00 p.m. and 6:00 a.m., not 6:30 a.m. Further, the Barnstable Municipal Airport only “encourages” airlines and general aviation operators to limit their flights during those hours. Operations still occur during those hours (which, according to the Airport, usually consist of flights resulting from weather delays, med flights or early-morning aircraft repositioning flights), and the Federal Aviation Administration “does not allow the airport to mandate these quiet hours or allow the airport to violate [sic] anyone not complying with the airport’s request.” In short, the SSA does not believe that asking its freight customers to observe “voluntary quiet hours” similar to those established by the Barnstable Municipal Airport would be effective for the SSA’s Woods Hole terminal operations. Nor would the observance of voluntary quiet hours be appropriate if, as a result, the SSA’s ability to perform its essential governmental functions was significantly impaired. As far as the SSA is aware, the Barnstable Municipal Airport does not have a statutory mission similar to that of the SSA of being the principal means of transportation for necessities of life to the islands of Nantucket and Martha’s Vineyard.

“seeking to change the first freight departure from 5:30 AM to 6:30 AM.” However, in that letter, the Falmouth Selectmen have not asked the SSA to also consider changing the regular ferry’s 6:00 AM departure to a later time and, whether rightly or wrongly, the SSA has construed the focus of the Selectmen’s letter to be solely the 5:30 a.m. freight boat trip.

Similarly, most, if not all, of the testimony submitted with respect to both this petition and the previous petition regarding the SSA’s proposed 2018 Winter and Spring Operating Schedules strongly objected only to the operation of the SSA’s 5:30 a.m. freight trip, either explicitly or by objecting to trucks being on Woods Hole Road and other Falmouth roads prior to 5:00 a.m. so that they can make the 5:30 a.m. freight trip. Except for the general wording of the petition, no one other than Mr. Trumbull specifically objected to the 6:00 a.m. at all. But more importantly, as more fully described in the SSA’s August 15, 2017 Section 15A Report:

- Since the SSA began operating its 6:00 a.m. trip from the Woods Hole with the *Island Home* in 2007, the trip has provided essential transportation for a substantial number of mainland residents who commute to work on Martha’s Vineyard, and many of those regular commuters would be significantly and adversely affected if this trip were rescheduled to leave later than 6:00 a.m.
- In addition to carrying a large number of daily commuters to the island, the 6:00 a.m. trip from Woods Hole carries trucks of varying sizes by which goods are shipped to Martha’s Vineyard. A large number of contractors from Falmouth and other mainland communities also travel on the 6:00 a.m. trip with their commercial vans and box trucks. The 6:00 a.m. trip from Woods Hole typically arrives at Vineyard Haven at 6:45 a.m., providing its passengers with just a sufficient amount of time to report to work or deliver goods on the island when it is customary for businesses and institutions to begin their operating day. It also gives them a greater opportunity to return to the mainland later in the day within generally recognized business hours. Rescheduling this trip to leave later in the morning would not only delay the delivery of goods on the island, but also require contractors who travel from the mainland with their commercial vans or trucks to start work on the island later in the day. In turn, the freight drivers and contractors would not be able to return to the mainland until later in the day, leaving them less time to spend with their families.
- In addition, because the 6:00 a.m. trip from Woods Hole is not designated as a “hazardous cargo” trip, it does not carry any of the large gasoline or propane tanker trucks that are carried on “hazardous cargo” trips. Indeed, the SSA carries more than twice the number of larger trucks (*i.e.*, 4-space trucks) on its first daily hazardous cargo trip from Woods Hole than it carries on its 6:00 a.m. trip. Thus, the noise impact of the 6:00 a.m. trip from Woods Hole should be less than the noise impact of a “hazardous cargo” trip that typically carries more than twice the number of the larger 4-space trucks.

For all of these reasons, the SSA continues to believe that the scheduling of a 6:00 a.m. trip from Woods Hole for passengers, cars and commercial trucks is appropriate and necessary to provide adequate transportation not only for the island, but also for people and businesses on the mainland who work on the island and deliver goods there.¹²

D. The SSA needs to operate its 5:30 a.m. freight trip from Woods Hole during its Summer Operating Schedules.

As recounted earlier in this report, since 2012, the SSA has regularly scheduled the first trip of the *Governor* to leave Woods Hole at 5:30 a.m. during its summer operating schedules when it is operating four vessels on the Martha's Vineyard route and, from the outset, the *Governor* has repeatedly left full. That 5:30 a.m. freight trip also allows the *Governor* to leave Vineyard Haven at 6:30 a.m. and results in the boat departures from both Woods Hole and Vineyard Haven being spread out more evenly in the early morning, when there is a greater demand for service and many freight shippers and island residents want to travel.

In 2013, the SSA also began regularly scheduling its first freight trip to leave Woods Hole at 5:30 a.m. during its spring operating schedules and, in 2015, the SSA regularly scheduled the 5:30 a.m. freight trip during its fall operating schedules as well. But in response to concerns raised by the Woods Hole community, on December 8, 2016 the SSA stopped operating the 5:30 a.m. freight trip during its 2016 Fall Operating Schedule; it also decided not to operate the trip this year after October 27, 2017; and it eliminated the 5:30 a.m. freight trip entirely from its proposed 2018 Fall Operating Schedules as well. Similarly, after considering testimony submitted in connection with its originally proposed 2018 Winter and Spring Operating Schedules, the SSA's modifications to those schedules included the elimination of the 5:30 a.m. freight trip that originally had been proposed for the 2018 Spring Operating Schedule.

Thus, even though there were (and still are) good reasons to schedule the 5:30 a.m. freight trip from Woods Hole on a year-round basis, in light of the competing interests of the Woods Hole community the SSA has eliminated that trip during the winter, spring and fall seasons. Implicit in those decisions, however, was the SSA's conclusion that it could continue to fulfill its statutory obligation of providing adequate transportation for the island of Martha's Vineyard during those times of year without the 5:30 a.m. freight trip. Unfortunately, it cannot reach the same conclusion with respect to the summer season.

There should be no mistake in anyone's mind that the SSA's paramount interest is to ensure that the islands of Martha's Vineyard and Nantucket are provided with adequate transportation of persons and necessities of life on a year-round basis. The island economies are and will continue to be strongly affected by the cost of their transportation service to and from the mainland, whether it is paid for entirely through passenger, freight and automobile rates or through a combination

¹² The 6:00 a.m. trip is even more essential to providing adequate transportation for the island during the summer season, when traffic congestion makes it more difficult for people to travel later in the day, and all of the trips made by the SSA's vessels already are at their practical vehicle capacity on weekdays until after 7:00 p.m. *See* pp. 31-34, *infra*.

thereof. Either inadequate service or unnecessarily expensive service will jeopardize their future. Frequency and reliability of service are still the key to their stability and well-being. Accordingly, the interest of the islands is paramount and must be the overriding consideration in evaluating the SSA's proposed operating schedules.

If the SSA were to reschedule its first freight trip from Woods Hole during the summer so that it left at 6:30 a.m. instead of 5:30 a.m., it would be very difficult if not impossible to absorb the trucks that would have traveled on the 5:30 a.m. trip onto later trips in the morning. As discussed in the SSA's August 15, 2017 Section 15A Report and as shown in Appendix F to that report, all of the trips made by the SSA's larger passenger/vehicle ferries from Woods Hole in 2016 already were at their practical vehicle capacity during summer business days until after 7:30 p.m., with every trip from 7:00 a.m. through 7:30 p.m. operating on average at more than 90% of its vehicle capacity. While the SSA's freight trips from Woods Hole during the same business days operated on average at a slightly lower percentage of their vehicle capacities from 5:30 a.m. through 5:15 p.m. (ranging from 83.9% to 99.6%), the difference is mostly attributable to the SSA's ability to make much more efficient use of the larger freight decks on its larger passenger/vehicle ferries, particularly with the number of smaller cars that are carried on those trips which can be loaded to fill up what otherwise would be empty space on the freight deck. It also is even more difficult to use the entire amount of a freight boat's freight deck on hazardous cargo trips (when more large trucks are carried) and, on the *Governor*, when the combined weight of all the trucks carried on the vessel increases the vessel's draft to a depth that requires the SSA to restrict the number of passengers (and their cars) that can be carried on a particular trip.

In 2017, the SSA carried 4.9% more trucks that were 20 feet or more in length between Woods Hole and Martha's Vineyard than it carried during those same months in 2016. As a result, the SSA's trips were filled to even greater capacity during the summer of 2017 than they were during the summer of 2016. Indeed, as A.J. Clarke of J.P. Noonan observed at the August 28, 2017 public hearing, this past summer the SSA barely managed to keep up with demand. Thus, even if the SSA were to carry no more trucks next summer than it carried this summer, it will still need the 5:30 a.m. freight trip during its 2018 Summer Operating Schedules to ensure that it is able to provide adequate freight service between Woods Hole and Martha's Vineyard during the business hours that freight shippers operate.

As also discussed in the SSA's August 15, 2017 Section 15A Report and shown in Appendix F of that report, the situation is the same for trips from Martha's Vineyard to Woods Hole during the summer. The 5:30 a.m. freight trip adds another trip off-island for island residents in the morning when they need to travel, as many of them cannot accomplish the purposes for which they are traveling if they are unable to leave the island until later in the day (only to arrive in Woods Hole after mainland businesses close for the day), and it has a domino effect throughout the day that makes more space available when it is needed. By contrast, very few people want to leave the island later during the evening because, after the ferry docks, they still have to drive from Woods Hole to their homes or other final destinations. Thus, scheduling the freight trips earlier in the day has worked out much better in providing additional capacity when people want and need to travel.

And even if the SSA were able to transport all of the trucks that need to travel to Martha's Vineyard at reasonable times during the morning without the 5:30 a.m. freight trip – which it does not believe it can do during the summer – scheduling the first freight trip for a later time would result in more trips leaving with the same number of trucks in a shorter time period, which would require more positioning of those trucks at the Woods Hole terminal, including more backing up with their backup alarms, in order for them to be staged and loaded on the vessels. It would also require space on the SSA's larger passenger/vehicle ferries that is currently allocated for automobiles to be used for trucks, resulting in either a delay of automobiles getting to the island until later in the day or people choosing not to go to the island because they cannot travel when they want or need to do so.

In addition, by having the 5:30 a.m. freight trip from Woods Hole during the summer, more trucks traveling to the SSA's Woods Hole terminal will be driving on Woods Hole Road and other roads in Falmouth earlier in the morning when there is less traffic congestion in Falmouth. As reported in the Town of Falmouth's Transportation Master Plan for Route 28/Main Street ("Falmouth Transportation Master Plan") (April 2016), peak traffic volumes on Falmouth's Route 28 corridor are consistently high throughout the day. Specifically, the Falmouth Transportation Master Plan found that the weekday morning peak hour on Route 28 occurs between 7:00 AM and 8:00 AM (Falmouth Transportation Master Plan, at p. 23) and that thereafter, unlike other suburban areas where the morning commute time period is the distinct peak period for traffic volumes, "traffic volumes are consistently high on Route 28 in Falmouth from 8:00 AM to 7:00 PM" (Falmouth Transportation Master Plan, at p. 22).

Thus, although Mr. Trumbull observed at the August 28, 2017 hearing that SSA-related truck traffic is not causing Falmouth's traffic congestion problem, there is still a huge benefit to the SSA's freight shippers in being able to avoid that traffic by arriving earlier in the morning at the SSA's Woods Hole terminal. The SSA is also able to transport more trucks earlier in the day to Martha's Vineyard, which gives them more time to make their deliveries in the morning (for example, before stores are busy with customers and restaurants are preparing to serve lunch) before traffic gets similarly congested there, as well as to return back to the mainland during generally accepted business hours.

Further, not all Falmouth residents agree with Mr. Trumbull's observation that SSA-related truck traffic is not a contributing factor to Falmouth's traffic congestion problem. For example, in her written comments regarding the SSA's proposed 2018 Summer Operating Schedules, Falmouth resident Roberta Brooks stated that she has had to adjust when she leaves her house for work, pleasure or appointments, as she cannot exit her street off of Woods Hole Road "during peak hours of 10:15 am – 9:15 pm or later." At the August 28, 2017 public hearing, Falmouth Selectman Doug Jones also stated that traffic in Falmouth has increased over the years, and he asked the SSA to be sensitive to that. Therefore, by starting its operating schedule earlier in the day so that more freight trucks going to and from the Woods Hole terminal can travel prior to Falmouth's morning peak traffic hour that begins around 7:00 a.m., the SSA believe that it helps reduce those peak traffic hour volumes, even if only slightly, for the benefit of both its customers and everyone else who is driving around Falmouth after 7:00 in the morning.

Although the SSA also considered whether it could delay the *Governor's* first trip by 15 minutes so that it would leave at 5:45 a.m. instead of 5:30 a.m., it concluded that such a schedule would present significant operational issues.¹³ As the SSA experienced in 2011, scheduling the *Governor's* first trip to leave at 5:45 a.m. would result in it arriving back at Woods Hole at 7:30 a.m. and still being in Slip 2 when the *Island Home* arrives at 7:45 a.m. Although this would not necessarily pose a problem with the SSA's other vessels, the *Governor* is longer than the SSA's other freight boats and sticks out farther into the water when it is docked. During the short time in 2011 when the SSA initially scheduled the *Governor's* first trip to leave at 5:45 a.m., this caused the *Island Home's* Captains to express their concern about the safety of approaching Slip 1 in Woods Hole during foggy mornings with the *Governor* sticking out so far.

Another variation of this alternative, namely, delaying the 5:30 a.m. freight trip from Woods Hole by 45 minutes to 6:15 a.m. instead of eliminating the 5:30 a.m. trip entirely so that the first freight trip leaves Woods Hole at 6:30 a.m., essentially would have the same adverse effect on the SSA's ability to provide adequate transportation for Martha's Vineyard as eliminating the 5:30 a.m. trip entirely. Given its current freight traffic demand and the nearly 100% utilization of the available vehicle spaces on all of its ferries during the summer until the early evening hours, the SSA does not believe that it would be able to provide adequate freight service between Woods Hole and Martha's Vineyard during the business hours that freight shippers operate if its first daily freight trip during the summer were delayed by 45 minutes. Nor can the SSA further compress its operating schedules so that its first trip can leave later in the morning without affecting trips that are scheduled later in the day. The SSA already has shortened the vessel turnaround times of the first three trips that arrive in both Woods Hole and Vineyard Haven each morning from the usual 30 minutes to 15 minutes so that the SSA's operating day does not have to start even earlier, and it cannot realistically compress its vessels' turnaround times any more.

And even though the SSA thought it might be able to delay the 5:30 a.m. freight trip during its late summer operating schedule when it carries fewer trucks, as shown in **Appendix F**, all of the trips made by the SSA's larger passenger/vehicle ferries from the island during that entire schedule in 2016 already were at their practical vehicle capacity on weekdays until after 7:00 p.m., with every trip from 6:00 a.m. through 6:15 p.m. operating on average at more than 90% of its vehicle capacity. While, again, the SSA's freight trips from the island during the same business days operated on average at a slightly lower percentage of their vehicle capacities from 6:30 a.m. through 6:30 p.m., as explained at p. 32, *supra*, the difference is mostly attributable to the SSA's ability to make much more efficient use of the larger freight decks on its larger passenger/vehicle ferries. Thus, the *Governor* needs to leave Woods Hole well before the *Sankaty* arrives there at 6:15 a.m. from Vineyard Haven, to ensure that there is an available slip for the *Sankaty*;¹⁴ and, as

¹³ When the *Governor* is assigned as a freight boat on the Martha's Vineyard route, it has to berth overnight in Woods Hole because it has no sleeping quarters for its crew. (Its crewmembers either go home to sleep overnight or stay in the accommodations that the SSA has for them at 228 Palmer Avenue in Falmouth.) All of the SSA's other freight boats have sleeping quarters for their crews and, therefore, can berth overnight on the island.

explained above, the *Governor's* 5:30 a.m. departure cannot be delayed until 5:45 a.m. for other operational reasons. In addition, by leaving Woods Hole at 5:30 a.m., the *Governor* is then able to leave Vineyard Haven earlier in the morning to provide island residents with more time to accomplish the purposes for which they are traveling to the mainland.

E. The SSA should change the allocation of trucks carried on the 5:30 a.m. freight trip so that they are all less than 40 feet in length.

But just because the SSA has to operate the 5:30 a.m. freight trip from Woods Hole during the summer in order to provide adequate transportation for the island of Martha's Vineyard during that time of year, it does not necessarily have to carry large freight trucks on that trip. In this regard, the largest trucks carried by the SSA are generally the 64-foot long tanker trucks that carry gasoline, propane and other hazardous materials and are required to travel on the SSA's "hazardous cargo" trips. During the SSA's proposed 2018 Early Summer Operating Schedule (May 11 through June 18, 2018) and Late Summer Operating Schedule (September 8 through October 22, 2018), the hazardous cargo trips leaving Woods Hole are scheduled for 6:30 a.m. (Mondays through Saturdays) and 2:50 p.m. (Wednesdays). Therefore, to the extent practical, the SSA can carry smaller trucks on the 5:30 a.m. freight trip during those early and late summer operating schedules, and then carry larger trucks later in the day.

If the SSA were to limit the size of the trucks it carries on the 5:30 a.m. freight trip – for example, carrying only trucks that are less than 40 feet in length on that trip – there should be substantially less noise generated by trucks driving to the SSA's Woods Hole terminal in the early morning hours. For the purpose of highway traffic noise analyses, motor vehicles fall into one of five categories:

1. automobiles – vehicles with two axles and four wheels, including light trucks (with a gross vehicle weight generally less than 9,900 pounds);
2. medium trucks – vehicles with two axles and six wheels (with a gross vehicle weight generally less than 26,400 pounds);
3. heavy trucks – vehicles with three or more axles (with a gross vehicle weight generally greater than 26,400 pounds);
4. buses – all vehicles designed to carry more than nine passengers; and
5. motorcycles – all vehicles with two or three tires and an open-air driver/passenger compartment.

As one would expect, the noise from an automobile traveling at 30 miles per hour (which may be around 62 decibels) is less than the noise from a medium truck traveling at the same speed (which

¹⁴ Due to construction activities associated with the SSA's Woods Hole terminal reconstruction project, beginning in September 2018 (and through mid-May 2019), the SSA will have only two slips available at its Woods Hole terminal for docking its vessels and berthing them overnight.

may be around 73 decibels), which in turn is less than the noise from a large truck also traveling at the same speed (which may be around 80 decibels).¹⁵

By carrying only smaller trucks on the 5:30 a.m. freight trip, the SSA presumably will end up carrying a few more trucks on that trip than it now carries with a combination of smaller and larger trucks. But the increase in the number of trucks carried will not significantly increase the amount of noise that is generated by the trucks. The general rule is that doubling the number of equal noise sources produces only a 3 decibel increase in the sound pressure level, which studies have shown is barely perceptible to the human ear. For example, two trucks, each generating 60 decibels of sound, when added together, will result in a sound level of 63 decibels, not 120 decibels.

The SSA also anticipates that most, if not all, of the trucks under 40 feet in length that are carried on the 5:30 a.m. freight trip will be similar to the box truck that routinely drives down Woods Hole Road and back during the summer around 4:00 in the morning to make deliveries to Jimmy’s on Luscombe Avenue in Woods Hole.¹⁶ As far as the SSA is aware, no Woods Hole resident has ever complained about the noise generated by that truck, which indicates that the level of noise generated by smaller trucks carried on the 5:30 a.m. freight trip should be acceptable to Woods Hole residents as well.

Another general rule about sound is that the faster a vehicle travels, the more noise it generates. As part of its efforts to mitigate the amount of noise generated from its early morning Woods Hole terminal operations, the SSA periodically has sent letters to its freight shippers reminding them that their truck drivers are not allowed to idle their engines unnecessarily while they are at the terminal, that they should obey the speed limit as they drive down Woods Hole Road, and that they should not use their Jake brakes while they are on the road.¹⁷ The SSA will

¹⁵ Sound levels are a measure of pressure in air from its source to the surroundings, and are measured in decibels. Because the decibel scale is a logarithmic scale, changes in sound levels are not linear and sound levels cannot be added by ordinary arithmetic means. The intensity or “power” of a sound doubles roughly every 10 decibels.

¹⁶ Generally, these smaller trucks are food trucks, common carriers (*e.g.*, Federal Express and U.P.S.), home products and appliance supply trucks, independent trades and services (*e.g.*, plumbing, electrical and landscaping), and mail and newspaper delivery trucks. All of these freight shippers need to travel to the island as early as possible in the morning to ensure that they can make all of their multiple deliveries, or get in close to a full day’s work, or provide the public with their mail and daily newspapers.

¹⁷ In addition, emails sent by the SSA’s truck coordinators have an automated signature line that includes the following information in red: “**MV STANDBY Any trucks at the terminal before 6:30am will not be allowed to travel standby that day and may end up forfeiting that reservation. The only trucks allowed at the terminal before 6:30am are trucks scheduled for the prior boats, those trucks cannot be at the terminal more than ½ hour prior to your booked reservation or also risk forfeiting your reservation. Thank you.**”

also, during its bulk freight reservation program, request freight shippers requesting reservations on the 5:30 a.m. freight trip from Woods Hole that their truck drivers should not exceed the speed limit on any roads in Falmouth or 35 miles per hour, whichever is lower, in order to reduce the noise from those trucks even more.

F. During the height of the summer, the SSA needs to add a fifth boat to the Martha’s Vineyard route in order to carry smaller trucks on the 5:30 a.m. freight trip.

As previously discussed, the SSA is able to carry only smaller trucks on the 5:30 a.m. freight trip during its 2018 early and late summer operating schedules because that trip is not designated as a “hazardous cargo” trip during those periods. Rather, the hazardous cargo trips from Woods Hole are then scheduled for 6:30 a.m. (Mondays through Saturdays) and 2:50 p.m. (Wednesdays), and are operated by the *Katama* (May 11 through 22, 2018), the *Woods Hole* (May 23 through June 18, 2018) or the *Sankaty* (September 8 through October 22, 2018). But during the height of the 2018 summer season (June 19 through September 7, 2018), the *Nantucket* is assigned to the Martha’s Vineyard route instead of one of those other freight boats and, because it is unable to carry the number of large hazardous cargo trucks that need to be transported to and from the island each day, the *Governor’s* first two trips in the morning from Woods Hole are scheduled to be hazardous cargo trips, the first leaving at 5:30 a.m. and the second at 7:30 a.m.

If the *Governor* did not operate its first 5:30 a.m. trip as a hazardous cargo trip, its second hazardous cargo trip would leave Woods Hole at 9:50 a.m., which would result in hazardous cargo trucks driving to the Woods Hole terminal through Falmouth’s heaviest mid-morning traffic, and then driving around Martha’s Vineyard during the island’s heavy mid-day traffic congestion as well. Not only would this increase traffic congestion during those busier times of day (particularly with large gasoline trucks driving through Five Corners in Vineyard Haven), but, with more cars and pedestrians on the road later in the morning, it would also increase the chances of an accident. As A.J. Clarke of J.P. Noonan stated at the August 28, 2017 public hearing, generally the earlier hazardous cargo trucks travel in the day the safer it is for everyone. The SSA agrees, and believes that having hazardous cargo trucks traveling earlier in the morning reduces the risk of an accident involving those trucks and, correspondingly, reduces the risk of personal injuries and damage to the environment that could result from an accident.

But this still does not mean that the *Governor’s* 5:30 a.m. freight trip from Woods Hole has to be designated as a hazardous cargo trip during the peak summer season. During that time, the SSA had planned to keep the *Sankaty* at its Fairhaven Vessel Maintenance Facility as a spare vessel that would be available to operate in the event one of the SSA’s other vessels needs to be

taken out of service for any reason.¹⁸ Instead, the SSA can assign the *Sankaty* to provide additional service for the Martha’s Vineyard route from June 19 through September 7, 2018 to provide up to four additional round trips per day five days a week, and it can designate the *Sankaty*’s first daily trip as a hazardous cargo trip. The SSA’s proposed new operating schedule for that time period is attached as **Appendix G** and, as shown on that schedule:

- The *Governor*’s 5:30 a.m. freight trip would no longer be designated as a “hazardous cargo” trip. As a result, during the entire summer season, the SSA would be able to limit the size of trucks carried on that trip to trucks that are less than 40 feet in length.
- The *Sankaty*’s 6:45 a.m. freight trip would be designated as a “hazardous cargo” trip. Because the SSA believes that the *Sankaty*, unlike the *Governor*, will be able to accommodate on one trip all of the trucks that carry hazardous cargo to and from the island on a daily basis, there is also no longer any need to designate the *Governor*’s 7:30 a.m. trip as a second “hazardous cargo” trip. As a result, all trucks carrying hazardous cargo would leave Woods Hole before Falmouth’s weekday peak traffic hour begins at 7:00 a.m.
- Similarly, there would be no need to designate the *Governor*’s two return trips that leave Vineyard Haven at 8:35 a.m. and 11:05 a.m. as “hazardous cargo” trips. Instead, the *Sankaty*’s return trip that leaves Vineyard Haven at 10:15 a.m. would be the sole designated “hazardous cargo” trip from the island on weekdays during the peak summer season.¹⁹
- Because the *Sankaty* would arrive at Vineyard Haven at 7:30 a.m., 15 minutes before the *Martha’s Vineyard*, the *Nantucket*’s 6:30 a.m. trip from Woods Hole would go to Oak Bluffs instead of Vineyard Haven. As a result, the first vessel to Oak Bluffs during the peak summer season would arrive there at 7:15 a.m. instead of 9:20 a.m.

The proposed modified operating schedule for the peak summer season will also provide more weekday freight trips from Woods Hole later in the morning, which will allow freight shippers who do not need (and may not want) to leave early in the morning later alternatives. Hopefully this will also reduce truck traffic to the Woods Hole terminal in the early morning hours. On the other hand, as noted at page 32, *supra*, having more freight trips leaving Woods Hole later in the morning may result in more truck congestion at the Woods Hole terminal then, with more trucks being positioned around the terminal, requiring them to use their backup alarms, in order

¹⁸ The SSA will not have a similar “spare” vessel during either its early summer operating schedule or its late summer operating schedule in 2018. Each of the SSA’s vessels needs to undergo a period of maintenance and repair on an annual basis, which generally takes between four to eight weeks (depending upon whether the vessel is scheduled to be dry-docked during that period). Due to this need for maintenance, all of the SSA’s vessels are scheduled to be either in service or in repair during its 2018 early and later summer operating schedules.

¹⁹ However, in order to accommodate island-based hazardous cargo shippers, the SSA will still have to schedule two additional hazardous freight trips on Wednesdays, one leaving Vineyard Haven at 6:30 a.m. and a second trip leaving Woods Hole at 2:50 p.m., as already set forth in the original proposed operating schedules.

for them to be staged and loaded on the vessels; although because the SSA will be adding trips in the morning instead of compressing its trips so that they leave later in the day, providing additional service at that time of day also has the potential of reducing congestion at the terminal during the morning by reducing the number of trucks waiting there to travel on a standby basis.

G. The SSA’s modifications to its original proposed 2018 Summer Operating Schedules for the Martha’s Vineyard route.

For the reasons explained in this report, the SSA has decided to maintain its original proposed 2018 Early Summer Operating Schedule (from May 11 through June 18, 2018) and its original proposed 2018 Later Summer Operating Schedule (from September 8 through October 22, 2018) for the Martha’s Vineyard route, with the new operating policies described herein. Also for the reasons explained in this report, in addition to adopting those new operating policies, the SSA has decided to make certain modifications to its proposed 2018 Summer Operating Schedule (from June 19 through September 7, 2018) for the Martha’s Vineyard route, as set forth in **Appendix G**. That modified schedule has been highlighted where it differs from the SSA’s originally proposed 2018 Summer Operating Schedule (from June 19 through September 7, 2018) for the Martha’s Vineyard route. The new operating policies adopted by the SSA include the following:

- limiting the size of the trucks the SSA carries on its 5:30 a.m. freight trip from Woods Hole to trucks that are less than 40 feet in length. As described in this report, this limitation should result in substantially less noise being generated by the trucks that drive to the SSA’s Woods Hole terminal in the early morning hours.
- Requesting freight shippers participating in its bulk freight reservation program who request reservations on the 5:30 a.m. freight trip from Woods Hole that their truck drivers should not exceed the speed limit on any roads in Falmouth or 35 miles per hour, whichever is lower, in order to reduce the noise from those trucks even more.
- Reviewing all of its other efforts to mitigate noise from the early morning operations of its Woods Hole terminal, including but not limited to prohibiting trucks from arriving at the terminal earlier than necessary to be processed and loaded onto the SSA’s ferries, to ensure that those efforts are followed and to see how they can be improved.

APPENDIX A

RE: Petition from residents of the Town of Falmouth

Date: August 19, 2017

Dear Steamship Authority General Manager Davis,

We object to the continued scheduling of freight trucks from Woods Hole prior to 6:30AM due to the sleep deprivation caused by the noise impact of early morning Steamship Authority-related truck traffic on Falmouth and Woods Hole residents.

We request that you conduct a public hearing, to be held in the Town of Falmouth within 14 days of receipt of this petition, on the Steamship Authority's proposed schedules from May 11, 2018 to October 22, 2018, per Section 15A of the SSA Enabling Act.

Sincerely,

1	Robert Jaye	7 Church Street Woods Hole MA 02543
2	Trina Novak	19 Standpipe Hill Rd
3	John Roslansky	57 Buzzards Bay Ave., Woods Hole, MA 02543
4	Damien Kuffler	49 Gosnold Rd., Woods Hole, MA 02543
5	Eugenie Kuffler	Gosnold Rd
6	Arden Edwards	P.O. Box 41, Woods Hole, MA 02543
7	Nicole Goldman	12 Sidney Street, Woods Hole, MA 02543
8	Justin Jaschke	157 Fay Road, Woods Hole MA 02543
9	Wallace Stark	9 Little Harbor Rd Woods Hole
10	Suzanne Kuffler	49 Gosnold Road
11	William Hallstein	36 South Road, Falmouth, MA 02540
12	Shirley Wozena	296 Woods Hole Rd., Falmouth, Ma. 02540
13	Monique Gregg	250 woods hole road
14	Philip n. Logan	482 woods hole road, woods hole, MA. 02543
15	Ann L Beliveau	224 Woods Hole Rd Falmouth Mass 02540
16	Roland E. Beliveau Jr	224 Woods Hole Rd. Falmouth Mass 02540
17	Clara Hulburt	8 Proctor Road
18	Susanna McKenna	90 Woods Hole Rd Falmouth MA 02540
19	Rebecca Truman	3 Little Harbor Road
20	Dawna Hammers	326 woods hole rd falmouth ma
21	John G. Bruce	14 School St. Woods Hole MA
22	Karen Colburn	12 Glendon Rd, Woods Hole

23	Carol Wagner	526 Woods Hole Road, Woods Hole 02543
24	Ann Sears	96 Locust St.
25	Kara Hume	7 Millfield St. Woods Hole, Ma 02543
26	Philip Richardson	146 Church Street, Woods Hole, MA 02543
27	Anne Halpin	319 Woods Hole Rd. Falmouth MA
28	Myla Kabat-Zinn	46 Buzzards Bay Ave., Woods Hole, MA 02543
29	Sandra Faxon	3 F.R. Lillie Rd Woods Hole, MA 02543
30	Kenyon Tweedell	41 Wilson Rd
31	Eric Edwards	174 Woods Hole Road
32	Joyce Stratton	22 Water St. Woods Hole, MA 02543
33	Richard Armstrong	57 Millfield St Woods Hole Mass 02543
34	Joan Power	47 mattapan street
35	Jonathan Goldman	12 Sidney Street
36	Nan Schanbacher	14 Cowdry Rd, Woods Hole, MA 02543
37	Walt Schanbacher	14 Cowdry Rd, Woods Hole, MA 02543
38	Ken Alexander	101 Cumloden Drive, Falmouth MA
39	Judith Richardson	146 Church St, Woods Hole
40	Wendy Blomberg	559 Woods Hole Road
41	Matthias Bossi	1 Wilson Road Woods Hole, MA 02543
42	Ronald Geering	246 Woods Hole Road, Falmouth, MA 02540
43	Barbara Blair	246 Woods Hole Road, Falmouth, MA 02540
44	Dianne McPherson	520 Woods Hole Rd
45	Diana Roth	10 Bell Tower Lane- Woods Hole, Ma 02543
46	Richard Balkin	3 oyster pond rd., Falmouth, MA
47	Kristin Alexander	38 Hilton Avenue Woods Hole, MA and 101 Cumloden Drive
48	Samantha Broun	7 Hackmatack Way Falmouth, MA 02540
49	Kent Swift	98 Gansett Rd Woods Hole Ma 02543
50	Andrew Solow	44 Quissett Ave Woods Hole MA 02543
51	Elena Trumbull	11 Church St., Woods Hole, MA 02543
52	Nat Trumbull	11 Church St., Woods Hole, MA 02543

APPENDIX B

**2018
Martha's Vineyard**

05/11/2018 - 06/18/2018

	TRIP	LV WH	DUE VH	DUE OB	VESSEL	TRIP	LV VH	LV OB	DUE WH
Daily					KAT/WH	200	5:30 AM		6:15 AM
Daily					MAR/NAN	6	6:00 AM		6:45 AM
Daily	201	5:30 AM	6:15 AM		GOV	202	6:30 AM		7:15 AM
Daily	5	6:00 AM	6:45 AM		IHM/NAN	8	7:00 AM		7:45 AM
Daily	203	6:30 AM	7:15 AM	HAZ/M-Sat	KAT/WH	204	7:30 AM		8:15 AM HAZ/Wed
Daily	7	7:00 AM	7:45 AM		MAR/NAN	10	8:15 AM		9:00 AM
Daily	205	7:30 AM	8:15 AM		GOV	206	8:35 AM		9:20 AM
Daily	9	8:15 AM	9:00 AM		IHM/NAN	12	9:30 AM		10:15 AM
Daily	207	8:35 AM	9:20 AM		KAT/WH	208	9:50 AM		10:35 AM HAZ/M-Sat
Daily	11	9:30 AM		10:15 AM	MAR/NAN	14		10:45 AM	11:30 AM
Daily	209	9:50 AM	10:35 AM		GOV	210	11:05 AM		11:50 AM
Daily	13	10:45 AM	11:30 AM		IHM/NAN	16	12:00 PM		12:45 PM
Daily	211	11:05 AM		11:50 AM	KAT/WH	212		12:20 PM	1:05 PM
Daily	15	12:00 PM		12:45 PM	MAR/NAN	18		1:15 PM	2:00 PM
Daily	213	12:20 PM	1:05 PM		GOV	214	1:35 PM		2:20 PM
Daily	17	1:15 PM	2:00 PM		IHM/NAN	20	2:30 PM		3:15 PM
Daily	215	1:35 PM		2:20 PM	KAT/WH	216		2:50 PM	3:35 PM
Daily	19	2:30 PM		3:15 PM	MAR/NAN	22		3:45 PM	4:30 PM
Daily	217	2:50 PM	3:35 PM	HAZ/Wed	GOV	218	4:05 PM		4:50 PM
Daily	21	3:45 PM	4:30 PM		IHM/NAN	24	5:00 PM		5:45 PM
Daily	219	4:05 PM		4:50 PM	KAT/WH	220		5:20 PM	6:05 PM
Daily	23	5:00 PM		5:45 PM	MAR/NAN	26		6:15 PM	7:00 PM
Daily	221	5:20 PM	6:05 PM		GOV	222	6:30 PM		7:15 PM
Daily	25	6:15 PM	7:00 PM		IHM/NAN	28	7:15 PM		8:00 PM
Daily	223	6:30 PM	7:15 PM		KAT/WH				
F,S,S&H	223				KAT/WH	224	** 7:30 PM		8:15 PM
Daily	27	7:30 PM	8:15 PM		MAR/NAN	30	8:30 PM		9:15 PM
F,S,S&H	225	** 7:45 PM	8:30 PM		GOV	226	** 8:45 PM		9:30 PM
Daily	29	8:30 PM	9:15 PM		IHM/NAN	32	9:30 PM		10:15 PM
F,S,S&H	227	** 8:45 PM	9:30 PM		KAT/WH				
Daily	31	9:45 PM	10:30 PM		MAR/NAN				

M/V Martha's Vineyard 05/11/2018 - 05/16/2018 & 05/23/18 - 06/18/18

M/V Island Home 05/11/18 - 06/12/18

M/V Katama 05/11/18 - 05/22/18

M/V Nantucket 05/17/18 - 05/22/18

M/V Nantucket 06/13/18 - 06/18/18

M/V Woods Hole 05/23/18 - 06/18/18

** Operates Fridays, Saturdays, Sundays & Holidays (5/28)

Bold indicates freight vessel - limited passenger capacity

** Unscheduled freight trips available to book, if necessary

Freight vessel trips will not appear on pocket schedules or color brochure

M/V Martha's Vineyard or
M/V Nantucket

triple crew - Operates 7 days a week from 6:00am - 10:30pm.

M/V Island Home or
M/V Nantucket

triple crew - Operates 7 days a week from 6:00am - 10:15pm.

M/V Katama or
M/V Woods Hole

triple crew - Operates Monday thru Thursday from 5:30am to 7:15pm,
Fridays, Saturdays, Sundays and Holidays from 5:30am to 9:30pm.

M/V Governor

triple crew - Operates Monday thru Thursday from 5:30am to 7:15pm,
Fridays, Saturdays, Sundays and Holidays from 5:30am to 9:30pm.

**2018
Martha's Vineyard**

06/19/2018 - 09/07/2018

	TRIP	LV VH	DUE VH	DUE OB	VESSEL	TRIP	LV VH	LV OB	DUE WH
Daily					NAN	200	5:30 AM		6:15 AM
Daily					MAR	6	6:00 AM		6:45 AM
Daily	201	5:30 AM	6:15 AM	HAZ/M-Sat	GOV	202	6:30 AM		7:15 AM HAZ/Wed
Daily	5	6:00 AM	6:45 AM		IHM	8	7:00 AM		7:45 AM
Daily	203	6:30 AM	7:15 AM		NAN	204	7:30 AM		8:15 AM
Daily	7	7:00 AM	7:45 AM		MAR	10	8:15 AM		9:00 AM
Daily	205	7:30 AM	8:15 AM	HAZ/M-FRI	GOV	206	8:35 AM		9:20 AM HAZ/M-Sat
Daily	9	8:15 AM	9:00 AM		IHM	12	9:30 AM		10:15 AM
Daily	207	8:35 AM		9:20 AM	NAN	208		9:50 AM	10:35 AM
Daily	11	9:30 AM		10:15 AM	MAR	14		10:45 AM	11:30 AM
Daily	209	9:50 AM	10:35 AM		GOV	210	11:05 AM		11:50 AM HAZ/M-FRI
Daily	13	10:45 AM	11:30 AM		IHM	16	12:00 PM		12:45 PM
Daily	211	11:05 AM		11:50 AM	NAN	212		12:20 PM	1:05 PM
Daily	15	12:00 PM		12:45 PM	MAR	18		1:15 PM	2:00 PM
Daily	213	12:20 PM	1:05 PM		GOV	214	1:35 PM		2:20 PM
Daily	17	1:15 PM	2:00 PM		IHM	20	2:30 PM		3:15 PM
Daily	215	1:35 PM		2:20 PM	NAN	216		2:50 PM	3:35 PM
Daily	19	2:30 PM		3:15 PM	MAR	22		3:45 PM	4:30 PM
Daily	217	2:50 PM	3:35 PM	HAZ/Wed	GOV	218	4:05 PM		4:50 PM
Daily	21	3:45 PM	4:30 PM		IHM	24	5:00 PM		5:45 PM
Daily	219	4:05 PM		4:50 PM	NAN	220		5:20 PM	6:05 PM
Daily	23	5:00 PM		5:45 PM	MAR	26		6:15 PM	7:00 PM
Daily	221	5:20 PM	6:05 PM		GOV	222	6:30 PM		7:15 PM
Daily	25	6:15 PM	7:00 PM		IHM	28	7:15 PM		8:00 PM
F,S,S	223	6:30 PM		7:15 PM	NAN	224		7:30 PM	8:15 PM
M-TH	223	6:30 PM	7:15 PM		NAN	224	**	7:30 PM	8:15 PM
Daily	27	7:30 PM		8:15 PM	MAR	30		8:30 PM	9:15 PM
F,S,S	225	** 7:45 PM	8:30 PM		GOV	226	**	8:45 PM	9:30 PM
Daily	29	8:30 PM	9:15 PM		IHM	32	9:30 PM		10:15 PM
F,S,S	227	** 8:45 PM	9:30 PM		NAN				
Daily	31	9:45 PM	10:30 PM		MAR				

Bold indicates freight vessel - limited passenger capacity

Trips 201, 206 to operate as hazardous 07/04 & 09/03

****Unscheduled trips on Mon, Tues, Wed & Thurs that are available to book, if necessary**

Freight vessel trips will not appear on pocket schedules or color brochure

M/V Martha's Vineyard

triple crew - Operates 7 days a week from 6:00am - 10:30pm.

M/V Island Home

triple crew - Operates 7 days a week from 6:00am - 10:15pm.

M/V Governor

triple crew - Operates Monday thru Thursday from 5:30am to 7:15pm,
Fridays, Saturdays, Sundays and Holidays from 5:30am to 9:30pm.

M/V Nantucket

triple crew - Operates Monday thru Thursday from 5:30am to 7:15pm,
Fridays, Saturdays, Sundays and Holidays from 5:30am to 9:30pm.

**2018
Martha's Vineyard**

09/08/2018 - 10/22/2018

	TRIP	LV WH	DUE VH	DUE OB	VESSEL	TRIP	LV VH	LV OB	DUE WH
					SAN	200	5:30 AM		6:15 AM
Daily					NAN/MAR	6	6:00 AM		6:45 AM
Daily	201	5:30 AM	6:15 AM		GOV	202	6:30 AM		7:15 AM
Daily	5	6:00 AM	6:45 AM		IHM	8	7:00 AM		7:45 AM
Daily	203	6:30 AM	7:15 AM	HAZ/M-Sat	SAN	204	7:30 AM		8:15 AM HAZ/Wed
Daily	7	7:00 AM	7:45 AM		NAN/MAR	10	8:15 AM		9:00 AM
Daily	205	7:30 AM	8:15 AM		GOV	206	8:35 AM		9:20 AM
Daily	9	8:15 AM	9:00 AM		IHM	12	9:30 AM		10:15 AM
Daily	207	8:35 AM	9:20 AM		SAN	208	9:50 AM		10:35 AM HAZ/M-Sat
Daily	11	9:30 AM		10:15 AM	NAN/MAR	14		10:45 AM	11:30 AM
Daily	209	9:50 AM	10:35 AM		GOV	210	11:05 AM		11:50 AM
Daily	13	10:45 AM	11:30 AM		IHM	16	12:00 PM		12:45 PM
Daily	211	11:05 AM		11:50 AM	SAN	212		12:20 PM	1:05 PM
Daily	15	12:00 PM		12:45 PM	NAN/MAR	18		1:15 PM	2:00 PM
Daily	213	12:20 PM	1:05 PM		GOV	214	1:35 PM		2:20 PM
Daily	17	1:15 PM	2:00 PM		IHM	20	2:30 PM		3:15 PM
Daily	215	1:35 PM		2:20 PM	SAN	216		2:50 PM	3:35 PM
Daily	19	2:30 PM		3:15 PM	NAN/MAR	22		3:45 PM	4:30 PM
Daily	217	2:50 PM	3:35 PM	HAZ/Wed	GOV	218	4:05 PM		4:50 PM
Daily	21	3:45 PM	4:30 PM		IHM	24	5:00 PM		5:45 PM
Daily	219	4:05 PM		4:50 PM	SAN	220		5:20 PM	6:05 PM
Daily	23	5:00 PM		5:45 PM	NAN/MAR	26		6:15 PM	7:00 PM
Daily	221	5:20 PM	6:05 PM		GOV	222	6:30 PM		7:15 PM
Daily	25	6:15 PM	7:00 PM		IHM	28	7:15 PM		8:00 PM
Daily	223	6:30 PM	7:15 PM		SAN	224	7:30 PM		8:15 PM
Daily	27	7:30 PM	8:15 PM		NAN/MAR	30	8:30 PM		9:15 PM
	225	** 7:45 PM	8:30 PM		GOV	226	** 8:45 PM		9:30 PM
Daily	29	8:30 PM	9:15 PM		IHM	32	9:30 PM		10:15 PM
	227	** 8:45 PM	9:30 PM		SAN				
Daily	31	9:45 PM	10:30 PM		NAN/MAR				

M/V Nantucket 09/08/2018 - 10/19/2018

M/V Martha's Vineyard 10/20/18 - 10/22/18

Bold indicates freight vessel - limited passenger capacity

** Unscheduled freight trips available to book, if necessary

Freight vessel trips will not appear on pocket schedules or color brochure

M/V Nantucket or
M/V Martha's Vineyard

triple crew - Operates 7 days a week from 6:00am - 10:30pm.

M/V Island Home

triple crew - Operates 7 days a week from 6:00am - 10:15pm.

M/V Governor

triple crew - Operates 7 days a week from 5:30am - 9:30pm.

M/V Sankaty

triple crew Operates 7 days a week from 5:30am - 9:30pm.

