

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: INVENERGY THERMAL DEVELOPMENT LLC's :
APPLICATION TO CONSTRUCT THE : DOCKET No. SB-2015-06
CLEAR RIVER ENERGY CENTER IN :
BURRILLVILLE, RHODE ISLAND :

SURREBUTTAL OF JAMES W. COOGAN, P.E.
ON BEHALF OF THE TOWN OF BURRILLVILLE

1 **Q. Please state your name and business address.**

2 A. My name is James W. Coogan. My business address is 225 Chapman Street, Providence,
3 RI 02905.

4
5 **Q. On whose behalf are you testifying?**

6 A. I am testifying on behalf of the Town of Burrillville, Rhode Island as an expert witness in
7 the highway and traffic engineering related to the proposed Clear River Energy Center
8 (CREC, or the Project).

9
10 **Q. What is the purpose of your surrebuttal testimony?**

11 A. To respond to the rebuttal testimony, filed on September 1, 2017, of Mr. Robert Smith
12 who is a witness for the Applicant, Invenergy Thermal Development, LCC, in the fields
13 of road condition impacts and traffic.

14
15 **Q. Have you reviewed the testimony of Mr. Smith?**

16 A. Yes.

17
18 **Q. What aspect of the testimony are you responding to?**

19 A. In responding to the question “Mr. Coogan also requests that Invenergy’s commitment to
20 restoration [of deteriorated pavement] be defined. Is that common?” Mr. Smith offers
21 that “...providing a defined pre-construction commitment to roadway restoration...is
22 unprecedented.”

23

1 The question and the response, as well as the language in Mr. Smith’s direct testimony,
2 are a mischaracterization of my initial comment, which was directed at the commitment
3 made by the applicant included at the end of Appendix A of their Traffic Study. The
4 comment cited, from the Study, the “proponent’s commitment to the appropriate level of
5 restoration to those areas deteriorated beyond what would normally be expected.” I noted
6 that these “expectations” must be defined. The method by which it will be determined
7 that “deterioration beyond what would normally be expected” has occurred must be
8 defined. A commitment without parameters for its implementation is worthless, in my
9 opinion.

10
11
12 **Q. Do you have further surrebuttal testimony?**

13 A. Yes, to respond to the Second Advisory Opinion provided by the Rhode Island
14 Department of Transportation (RIDOT) dated August 15, 2017 regarding the Physical
15 Alteration Permit Application submitted on behalf Invenergy Thermal Development,
16 LCC.

17
18 **Q. Have you reviewed the Second Advisory Opinion provided by RIDOT?**

19 A. Yes.

20
21 **Q. What aspect of the second advisory opinion are you responding to?**

1 A. The Second Advisory Opinion was provided by RIDOT in response to the EFSB's
2 direction to "supplement its advisory opinion considering the new information that has
3 been provided... and the potential impacts upon traffic and road conditions associated with
4 the Facility during construction and operation."
5

6 **Q. What conclusions have you drawn from the second advisory opinion regarding
7 potential impacts during construction?**

8 A. Regarding the adverse traffic impacts during construction, which in my opinion will be
9 substantial, the second RIDOT advisory opinion is entirely mute.
10

11 **Q. What conclusions have you drawn from the second advisory opinion regarding
12 adverse traffic impacts during operations?**

13 A. Regarding the adverse traffic impacts during operations, the second RIDOT advisory
14 opinion acknowledges that assessment of these impacts is incomplete, and noted that the
15 physical alteration permit application is in the review process. The review is, therefore not
16 complete. RIDOT implicitly acknowledges that there will be adverse traffic impacts from
17 the project, stating: "Since the physical alteration permit application has been submitted
18 and is still under RIDOT review, any mitigation will be addressed accordingly, specifically
19 as it relates to traffic control, pavement resurfacing, and traffic detail."
20

21 **Q. Does this conclude your testimony?**

22 A. Yes.