

July 28, 2017

Via Federal Express/Electronic Mail

Todd Anthony Bianco, EFSB Coordinator
RI Energy Facilities Siting Board
89 Jefferson Blvd.
Warwick, RI 02888

Re: Invenergy Docket No. SB-2015-06

Dear Mr. Bianco:

On behalf of Invenergy Thermal Development LLC and the Clear River Energy Center Project (“Invenergy”), enclosed please find an original and three (3) copies of Invenergy’s Responses to the Town of Burrillville’s 31st Set of Data Requests.

Please let me know if you have any questions.

Very truly yours,



ALAN M. SHOER
ashoer@apslaw.com

Enclosures

cc: Service List

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD

IN RE: Application of Invenergy Thermal
Development LLC's Proposal for
Clear River Energy Center

Docket No. SB-2015-06

**INVENERGY THERMAL DEVELOPMENT LLC'S RESPONSES TO
THE TOWN OF BURRILLVILLE'S 31ST SET OF DATA REQUESTS**

In re: Maureen Chlebek's Pre-Filed Direct Testimony, dated June 30, 2017

Request 31-1 Chlebek's Testimony acknowledges that "larger trucks will encroach into the opposing travel lane to complete the maneuver." Provide support for Invenergy's contention that it is legal for a vehicle to cross into the opposing travel lane in this manner in Rhode Island, including all relevant statutes, regulations, and ordinances.

Response 31-1 To the extent the question seeks a legal opinion, I am not an attorney. However, in response to the Town's Data Request No. 31-1, it should be noted that at this intersection, the existing roadway is not of sufficient width for it to be practicable for larger vehicles to negotiate a left or right turn entirely while remaining to the right of the centerline. Nevertheless, minor encroachment into the opposing lane is sometimes necessary and appropriate. I am referring to guidance in R.I. Gen. Laws § 31-15-1 (stating the "roadways of *sufficient width* shall be driven upon the right half of the roadway") (emphasis added) and R.I. Gen. Laws § 31-16-2 (stating "(1) Right Turns. (i) Both the approach for a right turn and a right turn shall be made *as close as practicable* to the right-hand curb or edge of roadway" and "[w]henver *practicable* the left turn shall be made in that portion of the intersection to the left of the center of the intersection") (emphasis added).

It should be further noted that this is not a condition being created by Invenergy Thermal Development LLC ("Invenergy"); large trucks and school busses utilizing the roadway often are required to encroach on the southbound lane. It is also not an uncommon condition at intersections in the urbanized northeast.

RESPONDENT: Maureen Chlebek, McMahon Associates

DATE: July 28, 2017

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Request 31-2 Chlebek's Testimony states that throughout New England "there are numerous examples of low volume, low speed intersections with a layout that requires large sized trucks to cross into the opposing travel lane during turn maneuvers." Provide support for Invenergy's contention that it is legal for a vehicle to cross into the opposing travel lane in this manner in other New England states, including all relevant statutes, regulations, and ordinances.

Response 31-2 To the extent the question seeks a legal opinion, I want to again emphasize that I am not an attorney. However, in response to the Town's Data Request No. 31-2, it is my opinion that the laws of the New England states generally provide guidance for left and right turn maneuvers which state that that the left turn should be made in the portion of the right half of the roadway nearest the centerline and passing to the right of such centerline where it enters the intersection and that a right should be made as close as practicable to the right-hand curb or edge of the way. The laws do not state that the centerline cannot be crossed during the turn maneuver but instead speak to the position of the vehicle at the start and end of the turn maneuver, and use terms such as nearest and whenever practicable. Examples of New England turn laws are listed below for Maine, New Hampshire and Vermont.

Maine

- "Right turns. The operator shall make both the approach and a right turn *as close as practicable* to the right-hand curb or edge of the way." Me. Rev. Stat. tit. 29-A, § 2060 (emphasis added).
- "Left turns on 2-way roadways. At an intersection where traffic is permitted to move in both directions on each way entering the intersection, an approach for a left turn must be made in that portion of the right half of the way nearest the center line and by passing to the right of the center line where it enters the intersection. After entering the intersection, an operator must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

When practicable, the left turn must be made in that portion of the intersection to the left of the center of the intersection.

An operator intending to turn to the left must yield the right-of-way to traffic approaching from the opposite direction that is so close as to constitute an immediate hazard." Me. Rev. Stat. tit. 29-A, § 2060 (emphasis added).

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New Hampshire

- “Right Turns. Both the approach for a right turn and a right turn shall be made *as close as practicable* to the right-hand curb or edge of the roadway.” N.H. Rev. Stat. Ann. § 265:42 (emphasis added).
- “The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.” N.H. Rev. Stat. Ann. § 265:29.
- “The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. *Whenever practicable*, a left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as such vehicle on the roadway being entered.” N.H. Rev. Stat. Ann. § 265:42 (emphasis added).

Vermont

- “Right turn. Both the approach for a right turn and a right turn shall be made *as close as practicable* to the right-hand curb or edge of the roadway.” Vt. Stat. Ann. tit. 23, § 1061 (West) (emphasis added).
- “The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is either within the intersection or so close as to constitute an immediate hazard.” Vt. Stat. Ann. tit. 23, § 1047 (West).
- “Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. *Whenever practicable* the left turn shall be made in that portion

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of the intersection to the left of the center of the intersection." Vt. Stat.
Ann. tit. 23, § 1061 (West) (emphasis added).

RESPONDENT: Maureen Chlebek, McMahon Associates

DATE: July 28, 2017

INVENERGY THERMAL DEVELOPMENT
LLC
By its Attorneys,

/s/ Alan M. Shoer

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Dated: July 28, 2017

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2017, I delivered a true copy of the foregoing responses to the Town of Burrillville's 31st Set of Data Requests via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer