

COMMUNITY PRESERVATION COMMITTEE
COMPREHENSIVE PLAN
BRUCE FREEMAN RAIL TRAIL EXTENSION FROM STATION ROAD
TO ROUTE AND PROPOSAL FOR POCKET PARK

OCTOBER 30, 2021

Applicant's responses to questions, comments, and requests for clarification from Community Preservation Committee

- Could this project be combined/melded with the Bruce Freeman Rail Trail Design and Construction South of Mass Central Rail Trail application?

Yes, it could be done, and should be done. However, it would mean an immediate and intensive effort to complete the designs quickly so as to take advantage of economies of scale of design and construction. I believe MassDOT and DCR would support such an effort as it would bring both the BFRT and the MassCentral to a major cross street, i.e., Rt. 20 at Sudbury's commercial district. What makes it doable is: 1) the very short distance from the diamond to Rt. 20, less than a quarter of a mile, 2) DCR's proposal; and willingness to design and pave the full width of the MassCentral corridor and construct a traffic circle at the diamond, 3) the lack of any stream or water crossing, 4) minimal nearby wetlands, 5) the lack of any steep fall off or embankment which could otherwise complicate the design process. (My photos document the ease of designing and constructing the corridor in the extension.)

- Has the DCR secured funding for the paving of the service road? What is the source of this information?

Yes.

Per Paul Jahnige, DCR official, has confirmed paving of service road in personal communication to me.

See: MassDOT STIP Investments Report, Boston Region, Bicycle and Pedestrian, Project 610660, attached.

Boston Region MPO; This project has been on the FFY 2020-2024 Draft TIP Programming since March 2019.

- The CPC is a bit unclear as to the details surrounding the diamond/trail intersection location (abandonment, ownership of land, etc.). Please clarify.

The diamond is a 90-degree railroad cross-track where the north-south Bruce Freeman Rail Trail will intersect with the east-west Mass Central Rail Trail. It is located 1,156 feet north of Rt. 20 and 150 feet west of Union Avenue. The diamond can be seen in the winter months, looking north from the driveway between Union Avenue and Chiswick Park when the foliage has died in the cooler months. The diamond is about 75 feet west of the small building where AAA Limousine (and before that Crumble Station) was located.

The east-west former railroad corridor, i.e., right-of-way, is owned by the MBTA / Commonwealth. It leased the corridor to Eversource for the underground transmission line. The utility access road will be surfaced by DCR to become the Mass Central Rail Trail.

The former railroad corridor north of the diamond, (owned or operated by different railroads) is now owned by the MBTA / Commonwealth. It extends northward to the Concord line and then continues further north through Concord, Acton, Carlisle Chelmsford, Westford into Lowell.

The railroad corridor south of the diamond, about 1200 feet to Route 20, and then continuing southward, about 1.1 miles to the Framingham City line, is owned by the Town of Sudbury. It was acquired last December from the CSX Corporation. The Town holds the deed to that land.

By decision of the Surface Transportation Board the 4.80 miles of the former CSX corridor (Sudbury and Framingham sections) were exempted from the requirements of abandonment.

Stated a bit differently, the Commonwealth owns the former railroad corridor north, east and west of the diamond. Sudbury owns the former railroad corridor south of the diamond.

The PowerPoint attached to the CPC application has several diagrams.

Also, see attached PowerPoint, 1 slide.

- What is the status of the ~~EFSB~~ decision and when will that be resolved?
- What is the status of the Surface Transportation Board's decision and when will that be resolved?

The Surface Transportation Board's (STB) decision of December 23, 2019, regarding sale of the railroad corridor has been resolved. The conditions of the decision have been fulfilled and the decision has been rendered moot because the sale of the CSX corridor to Sudbury took place before expiration of the STB's deadline of December 1, 2020.

- Please provide more information as to how you arrived at the funding amounts for the consultant and the appraisal.

My estimate for funding for the consultant is based on my recollection and understanding of the fee charged by Michele Ciccolo who served as consultant to the Town including services for the BFRT several years ago. In 2016 a Project Manager/Senior Consultant at her firm, the Ciccolo Group, charged at \$85.00/hour. An Associate consultant charged at \$80.00/hour at that time. I estimate the hourly fee would now be around \$100.00/hr. In the alternative a flat fee could be negotiated. I estimate 600 hours of work at \$100/hr. for a consultant's fee cost of \$60,000.

Any consulting fee expenditure would be offset by the savings of not having the work done by a Sudbury employee.

The fee for appraisal is based on my communications with Alan Foster, The Foster Company. The fee quoted by Alan Foster was \$2,900, however I increased it to slightly to take into account the possible need for a Licensed Site Professional and an increased cost in a year or so.

The appraisal fee for the abandoned gas station on Rt.20 may well be moot. See question and answer immediately below, as the property may be unavailable.

- Regarding the gas station property at the intersection of Nobscot Road/Route 20, is it known if this property is for sale?

As a result of recent personal communication with the property owner, Scott Mitchell, it is my understanding that it is not for sale. Also, Summit Partners is no longer listing the property.

Per the owner, a letter of intent has been signed for the property. If this deal receives approval from the necessary town boards and is permitted, then the concept of a pocket park at that location would be moot.

The property owner and I talked about the number of banks, drive throughs, and kiosks in the immediate area.

- Please confirm the southern termination point of the BFRT which is current in design and scheduled to begin construction in 2022.

For answers to both parts of this inquiry, see Update: 2021-08-19 Bruce Freeman Rail Trail Phase 2D. **“Goal: Create rail Trail from Concord line south ending at Station Road”** Attached Ex. 1

Per the Town’s 25% design submission plans and the 75% design submission plans to MassDOT, the southern terminus of the BFRT is at the diamond, just north of Route 20, that is, where the north-south BFRT intersects with the east-west MassCentral corridor.

At the October 19, 2021, Select Board meeting the design consultant, Fuss & O’Neill’s representative, stated the construction would begin in the summer of 2022.

At the August 31, 2021, Select Board meeting the Project Manager verbally corrected the Project Status KPI Update from 22-04-23 to June 25, 2022,

The attached schedule notes “Construction Starts Summer, 2022”

N.B. I cannot personally guarantee that construction will begin in summer 2022, as that is out of my control and subject to decisions and actions by DOT. I am

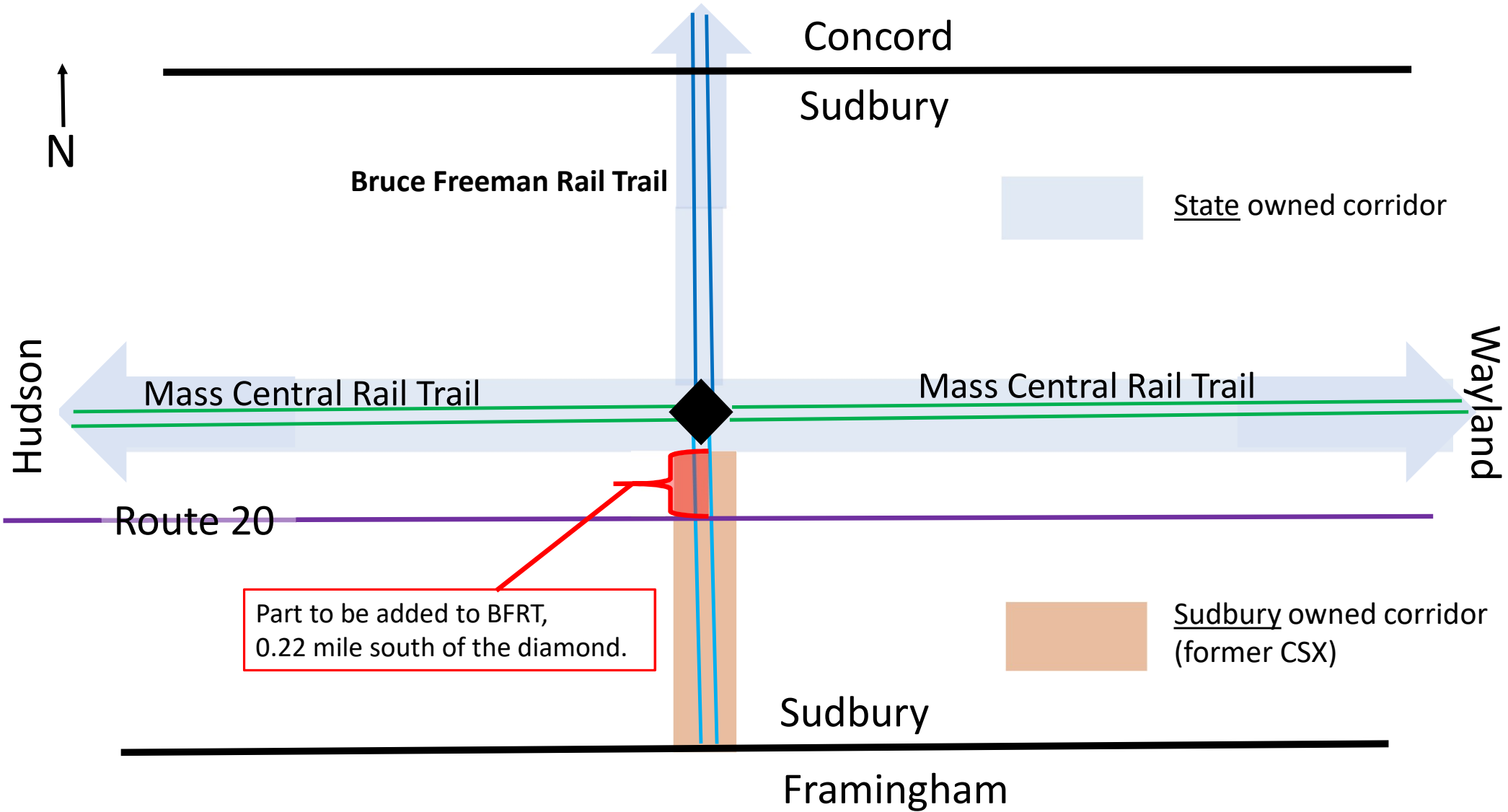
reiterating what I have heard and seen. I am 100% behind construction starting in 2022.

- What is your view on the likelihood of the southern portion of the BFRT from the diamond/trail intersection location southward becoming a MassDOT project in terms of construction? What is the long-term plan to pay for the construction of this section of the BFRT?

The likelihood is extremely high. I would say it is virtually certain. The MPO official responsible for managing the TIP (TIP Manager) has told me he believes there is a very high likelihood of the MPO funding construction of the segment of the corridor from the diamond to Route 20. Also, the Baker /Polito administration has long promoted the BFRT and repeatedly said the plan is for the BFRT to stretch almost 25 miles from Lowell to Framingham. In addition, there is a policy of creating a network of rail trails and connecting population centers with rail trails as part of the policy of encouraging non-motor transportation and recreation. The two rail trails intersecting in Sudbury are an integral component of those policies.

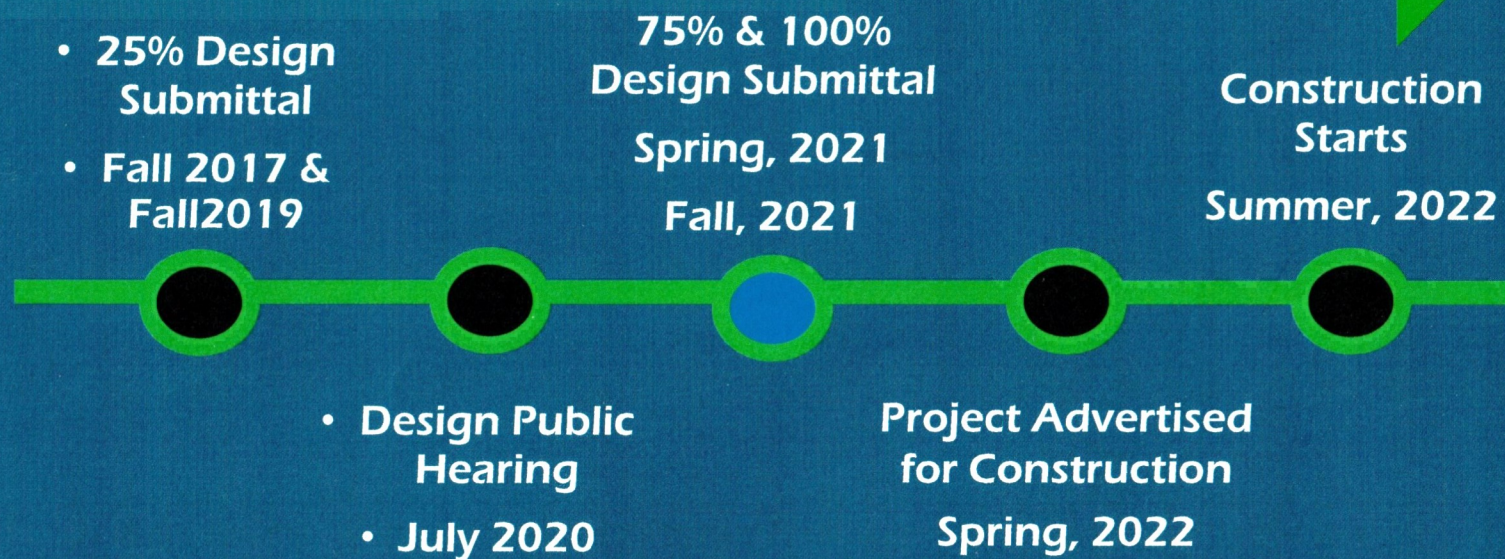
The plan is for the Sudbury BFRT to apply for TIP funding for construction. As before, the town would be responsible for paying for the design, then federal and state funds would pay for construction.

Respectfully submitted,
Len Simon



State, Federal, Municipal Partnership

Project Schedule



- Town Supports Design – over one million dollars in design investment.
- MassDOT and Federal Highway Administration, through the Boston Metropolitan Planning Organization (MPO), cover design cost estimated at \$13 million (FFY 2022)
- MassDOT Rail Division owns the corridor
- Town leases land from MassDOT and is responsible for the ROW process at design



STIP Investments Report Boston Region

STIP: 2021 - 2025 (A)

Year	MassDOT Project ID	MPO	Municipality	MassDOT Project Description	District	Funding Source	Adjusted TFPC	Total Programmed Funds	Federal Funds	Non-Federal Funds
	2025 610665	Boston Region	Stoneham	STONEHAM- INTERSECTION IMPROVEMENTS 4 AT ROUTE 28 (MAIN STREET), NORTH BORDER ROAD AND SOUTH STREET		HSIP	\$4,205,001	\$4,205,001	\$3,784,501	\$420,500
Roadway Reconstruction								\$37,942,846	\$34,148,561	\$3,794,285
	2025 607977	Boston Region	Multiple	HOPKINTON- WESTBOROUGH- RECONSTRUCTION OF I-90/I-495 INTERCHANGE	3	NHPP-I	\$307,779,198	\$15,000,000	\$13,500,000	\$1,500,000
	2025 607977	Boston Region	Multiple	HOPKINTON- WESTBOROUGH- RECONSTRUCTION OF I-90/I-495 INTERCHANGE	3	NFP-I	\$307,779,198	\$22,942,846	\$20,648,561	\$2,294,285
Section 2C / State Prioritized Expansion Projects								\$14,286,959	\$11,429,567	\$2,857,392
Bicycle and Pedestrian								\$14,286,959	\$11,429,567	\$2,857,392
	2025 610660	Boston Region	Multiple	SUDBURY- WAYLAND- MASS CENTRAL RAIL TRAIL (MCRT)	3	CMAQ	\$4,524,001	\$4,524,001	\$3,619,201	\$904,800
	2025 610674	Boston Region	Newton	NEWTON- RECONSTRUCTION OF COMMONWEALTH AVENUE (ROUTE 30), FROM EAST OF AUBURN STREET TO ASH STREET	6	CMAQ	\$7,448,380	\$5,914,556	\$4,731,645	\$1,182,911
	2025 610680	Boston Region	Natick	NATICK- LAKE COCHITUATE PATH	3	CMAQ	\$3,848,402	\$3,848,402	\$3,078,722	\$769,680

50058
DO

SERVICE DATE – DECEMBER 26, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 565 (Sub-No. 1X)

NEW YORK CENTRAL LINES, LLC—ABANDONMENT EXEMPTION—IN MIDDLESEX
COUNTY, MASS.

Decided: December 23, 2019

By decision and notice of interim trail use or abandonment (NITU) served on October 12, 2001, the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by New York Central Lines, LLC (NYC) of 4.80 miles of railroad known as the Albany Division, Fitchburg Subdivision, between milepost QBS 0.00 at Framingham and milepost QBS 4.80 at South Sudbury, in Middlesex County, Mass. (the Line), subject to trail use, public use, and standard employee protective conditions.

The October 2001 decision included a NITU under the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29 authorizing a 180-day period for the Town of Sudbury (Sudbury) to negotiate an interim trail use/rail banking agreement with CSXT¹ for a 1.4-mile portion of the Line extending north from the Framingham town line to the intersection of the former Penn Central Transportation Company line at milepost QBS 4.80. By decision served on December 12, 2006, a second NITU was issued authorizing a 180-day period for the Town of Framingham (Framingham) to negotiate an interim trail use/rail banking agreement with CSXT for a 3.4-mile portion of the right-of-way between milepost QBS 0.00 at Framingham and milepost QBS 3.40 at the Framingham town line.

The negotiating periods under the NITUs have been extended a number of times, most recently to December 1, 2019. By requests filed on November 25, 2019, Sudbury and Framingham seek to extend their respective NITU negotiating periods for an additional year, until December 1, 2020. On December 11, 2019, CSXT filed a reply agreeing to the extension requests.

On December 11, 2019, the National Association of Reversionary Property Owners (NARPO) filed a letter objecting to extensions of the negotiating periods. Citing the Board's final rule in Limiting Extensions of Trail Use Negotiating Periods, EP 749 (Sub-No. 1) et al. (STB served Dec. 4, 2019), NARPO suggests that, at most, the Board should extend the negotiating periods until February 3, 2020, the day after the final rule becomes effective.

The final rule in Docket No. EP 749 (Sub-No. 1) modifies the Board's regulations regarding the number and duration of, and standard for granting, extensions of the NITU negotiating period (as well as the duration of the initial NITU negotiating period). However,

¹ CSXT is the successor to NYC. See CSX Corp.—Control—Conrail Inc., FD 33388 (Sub-No. 94) (STB served Nov. 7, 2003).

because those changes do not become effective until February 2, 2020, they are not applicable to Sudbury's and Framingham's pending extension requests. Sudbury and Framingham should note, though, that the changes adopted in the final rule will apply to any future extension requests.

Where, as here, the carrier has not consummated the abandonment and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended. See Rail Abans.—Use of Rights-of-Way as Trails—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987); see also Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Vill. v. Mo. Pac. R.R., 95 F.3d 654, 659 (8th Cir. 1996). Accordingly, because these requirements have been met, the NITU negotiating periods will be extended for an additional year, to December 1, 2020.

It is ordered:

1. Sudbury's and Framingham's requests for extensions of the NITU negotiating periods are granted; the NITU negotiating periods are extended until December 1, 2020.
2. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.

AUGUST 19, 2021

EX-1

Update: 2021-08-19

Bruce Freeman Rail Trail Phase 2D

<https://sudbury.ma.us/pcd/2017/10/01/bruce-freeman-rail-trail-update-info/>

Beth Suedmeyer,
Staff Project Lead

Goal: Create rail trail from Concord line south ending at Station Road.



4.b

Original Target	Current Target
2024	2024

Risk		Controls (Options)
FY22 State Funding at risk Final Design misses advertising deadline	Low	<ul style="list-style-type: none"> Final Design on schedule Ongoing dialogue with MassDOT re: schedule and progress
Final Design Funds may be insufficient to complete	Low	<ul style="list-style-type: none"> Final Design Contract under budget.

Original Plan	Current Budget
\$1,171,967	\$1,269,000

Milestone	Original	Current (Actual)	Notes
25% Design with Sketch Plans Submitted to MassDOT	2019-08-30	(2019-11-27)	DONE.
MassDOT Sketch Plans Reviewed and Design Public Hearing Scheduled	2019-11-15	(2020-06-22)	DONE. MassDOT didn't route sketch plans for review until late Jan 2020. Letter from BOS to MassDOT 2020-02-12. Covid. Last of Comment Resolution Meetings June 22, 2020.
MassDOT Design Public Hearing	2019-11-04	(2020-07-30)	DONE. July 16-30, 2020
Final Design RFP release	2020-08-31	(2020-08-31)	DONE. Released with 9/25 deadline for responses.
Final Design Contract Signed	2020-10-31	(2020-11-05)	
75% Design Submitted to MassDOT	2021-04-08	(2021-05-12)	MassDOT comments on the submission received 2021-07-08. Comment resolution process underway.
100% Design Submitted to MassDOT	2021-10-25	2021-12-23	Delay not anticipated to affect advertising target or construction timeline
Final Design (PSE) Submitted to MassDOT	2021-12-15		
MassDOT Advertises Construction RFP	2022-04-23		FY22 funding requires advertising by June 2022.
Trail complete	2024		MPO TIP Funding programmed for FY22. Estimate 2 year construction.

Funding Source	Appropriated	Unspent	Contracts
2014 Town Meeting (for 25%)	\$202,492	\$0	25% Design - Original
Donation Friends of BFRT (for 25%)	\$58,700	\$0	25% Design - Original
Planning, DPW, Town Manager budgets	\$30,550	\$0	25% VHB Am
2016 Town Meeting (75% design)	\$150,000	\$0	Fuss & O'Neil
2017 Town Meeting (for advancing design)	\$330,000	\$0	<ul style="list-style-type: none"> 25% Structu Jacobs (\$146 Leaves \$180,000 for 75/100% Des
Planning, DPW, Town Manager budgets	\$36,675	\$0	25% Jacobs Amendment
2018 Special Town Meeting (for advancing design)	\$650,000	\$414,010.60	Fuss & O'Neil
TOTAL	\$1,458,417	\$414,010.60	

Attachment 4.b: BFRT SB Project Status KPI Update 21-08-19

JUNE 10, 2022
6-25-22

CLOSE TO
6 MOS

BEFORE 100%

MOVED BACK 2 MOS - OCT 25, 21 TO DEC 23, 21

Packet Pg. 13

Tracking Status: 2021-08-19