

# Memorandum for the Record

## Boston Region Metropolitan Planning Organization Meeting

### September 3, 2015 Meeting

10:00 AM – 11:15 AM, State Transportation Building, Conference Rooms 2&3, 10 Park Plaza, Boston, MA

David Mohler, Chair, representing Stephanie Pollack, Secretary and Chief Executive Officer, Massachusetts Department of Transportation (MassDOT)

### Decisions

The Boston Region Metropolitan Planning Organization (MPO) agreed to the following:

- approve Amendment One to the FFY 2015 Unified Planning Work Program (UPWP) and associated adjustments to the work program for the *Fairmount Line Station Access Analysis* project
- approve Amendment Five of the FFYs 2015-18 Transportation Improvement Program (TIP), incorporating updates presented today
- release Draft Amendment Six to the FFYs 2015-18 TIP for a ten-day public review period

### Meeting Agenda

#### 1. Public Comments

There were none.

#### 2. Chair's Report—*David Mohler, MassDOT*

D. Mohler gave a PowerPoint presentation about the status of the *Green Line Extension* project. In late August, the public learned that the cost estimate for the project has increased significantly from the \$1.992 billion estimate that was the basis of a Full Funding Grant Agreement (FFGA), signed in January 2015, between the Commonwealth and the Federal Transit Administration (FTA). Under the agreement, the FTA will provide \$996 million in federal New Starts funds and the Commonwealth will be responsible for paying for the rest of the project.

A chart was shown that gave a breakdown of costs by construction and project category (i.e. tracks and viaduct structures, stations, maintenance facility and support buildings, site work and special conditions, signal and power systems, land acquisition and right-of-way, vehicles, and professional services). Each line item included contingency costs based on the project's level of design prior to the signing of the FFGA. There was a

separate line item of unallocated contingency funds also. The total contingency for the project is 30.72% of the total project cost.

This project is using the Construction Manager / General Contractor (CM/GC) project delivery method. The total of the first four contracts awarded came in over budget, though the overage remains within the unallocated contingency amount. Those contingency funds, however, are being depleted as the work progresses.

The next contract for Phase 2/2A of the project – which includes the Lechmere and Union Square stations and the Washington Street Bridge – was estimated to cost \$387 million at the 60% design phase when the FFGA was approved. Now, at the 100% design stage, MassDOT's cost estimate has increased to \$487 million. The CM/GC has priced this phase of the project even higher, at \$889 million. The MBTA is now negotiating with the CM/GC to lower the cost of Phase 2/2A and conducting value engineering to identify ways to save costs.

The cost estimate for the total Green Line Extension project is now expected to rise from \$1.992 billion to between \$2.7 billion and \$3 billion. Options to address the cost increase include the following:

- Reducing the scope of the project by downsizing, delaying, or eliminating certain aspects of the project, such as vehicle maintenance and storage facilities, stations, or the Community Path
- Identifying other funding sources, which could include the following:
  - reallocating the \$158 million in federal funds that the Boston Region MPO has programmed for a future extension of the Green Line from College Avenue to Route 16 in Medford; this option would require MPO approval
  - working with municipal partners to implement value sharing mechanisms, such as transit impact fees or tax increment financing for stations
  - identifying municipal, private, or philanthropic funding for the Community Path Extension
- Changing the procurement method from CM/GC to design/build and rebidding the project
- Cancelling or “mothballing” the project; this is not an option preferred by MassDOT and the MBTA and it carries risk of forfeiting federal funding and of litigation

This information was presented to the MBTA's Fiscal Management and Control Board (FMCB) in August and it will be presented to the MassDOT Board of Directors on September 9.

The Chair of the FMCB has requested that MassDOT and the MBTA conduct a “lessons learned” analysis. A consultant will be hired to document how the project’s finances have reached this point. The Chair is particularly concerned about a \$392 million line item in the project budget for professional services.

MassDOT and the MBTA are accepting public comments and ideas regarding the Green Line Extension financing issue. Emails may be sent to [planning@dot.state.ma.us](mailto:planning@dot.state.ma.us) or [info@glxinfo.com](mailto:info@glxinfo.com). Other opportunities for public comment will occur at the upcoming annual hearing on the State Implementation Plan (SIP), which has yet to be scheduled.

### ***Discussion***

Brad Rawson, Inner Core Committee (City of Somerville), expressed the City of Somerville’s commitment to continuing to work in partnership with the Commonwealth, the MPO, and federal partners to solve the problems that have arisen with the financing of Green Line Extension. He also expressed optimism that the project and all of its benefits will be delivered in a responsible manner from a fiscal and environmental standpoint. He noted that Governor Baker and Mayor Curtatone are both committed to working through this process.

Laura Wiener, At-Large Town of Arlington, asked whether cancelling the project is actually an option considering that the state is legally required to construct it. D. Mohler pointed out that the Green Line Extension is included in the SIP, the plan which contains projects that must be constructed as mitigation for the Central Artery/Tunnel project. He stated that the MassDOT is not abandoning its commitment to the Green Line Extension. Cancelling or mothballing the project would require a regulatory and legal procedure to amend the SIP.

Jim Gillooly, City of Boston, asked if MassDOT has a sense of what could be achieved if the designs or number of planned Green Line stations were scaled back. D. Mohler made reference to estimates that show that up to \$40 million could be saved by downsizing the designs of the seven stations on the line. No assessments have been made regarding savings that could be achieved by reducing the number of stations.

Ken Miller, Federal Highway Administration (FHWA), asked whether rebidding the project would end the CM/GC relationship, and what the risks are to rebidding. D. Mohler said that the process allows contracts to be bid without severing the CM/GC relationship. If the cost estimate made by the CM/GC for a particular contract is not within ten percent of MassDOT’s estimate, that contract may be put out to bid. However, by doing so, MassDOT would be running the risk that the other bids may come in higher.

Eric Bourassa, Metropolitan Area Planning Council (MAPC), asked if there are incentives and disincentives for the CM/GC to deliver on time or under budget. D. Mohler was not aware that there are incentives or disincentives.

Jay Monty, At-Large City of Everett, asked if an assessment was made to determine why the first four contracts were over budget. D. Mohler replied that some analysis has been done and more detailed analyses will be forthcoming. Part of the problem is due to the changes in cost estimates (for construction materials, for example) from the time that the contracts were first put together. Cost estimates are based on bids from previous years. The revised estimate of between \$2.7 billion to \$3 billion for the entire project is based on the assumption the cost estimates going forward are as off-base as the estimates from the first group of contracts.

E. Bourassa inquired about the timeline for decision making, considering that the MPO will be engaging in the development of the TIP next spring. D. Mohler replied that there is no specific timeline yet, however, the timeline will be short and decisions will be made well prior to the TIP process.

### **3. Committee Chairs' Reports**

There were none.

### **4. Regional Transportation Advisory Council Report**

There was none.

### **5. Executive Director's Report—*Karl Quackenbush, Executive Director, Central Transportation Planning Staff (CTPS)***

K. Quackenbush reported that the MPO's next meeting, on September 17, will be held in Somerville.

### **6. Unified Planning Work Program Amendment One—*Michelle Scott, MPO Staff***

Draft Amendment One to the FFY 2015 UPWP was released for a public review period that began on August 3 and closed on September 1. M. Scott provided a recap of the amendment and reported on the public comments received.

The proposed amendment would remove the *Safety Analysis of Intersections Near MAGIC Schools* project from the FFY 2015 UPWP and transfer its \$12,250 budget to the *Fairmount Line Station Access Analysis* project. It would also remove the *Land Use Baseline for Bus Rapid Transit (BRT)* task from MAPC's *Corridor/Subarea Planning*

*Studies* and transfer its \$11,180 budget to another task, *Opportunities for and Impediments to Creating Transit-Oriented-Development*.

The MPO received one comment during the public review period from the Minuteman Advisory Group on Interlocal Coordination (MAGIC). MAGIC expressed support for the amendment with the caveat that the *Safety Analysis of Intersections Near MAGIC Schools* project is postponed (rather than eliminated) for the purpose of refining the project's scope for inclusion in the FFYs 2017 UPWP. The comment also noted that the Town of Acton has expressed interest in orienting the new project's scope toward studying the feasibility of Complete Streets infrastructure improvements as a means of improving safety for children traveling to school. The comment suggests that the study could forecast how much Complete Streets improvements might reduce vehicular trips, congestion, and demand for parking on school campuses, as well as assess existing constraints (i.e. street widths, right-of-way, wetlands, etc.) to implementing Complete Streets improvements, and provide cost analyses for making such improvements.

M. Scott noted that the MPO's UPWP Committee has been maintaining a list of potential topics related to school transportation that could be considered during the development of the FFY 2017 UPWP.

A motion to approve Amendment One to the FFY 2015 UPWP and associated adjustments to the work program for the *Fairmount Line Station Access Analysis* project was made by the At-Large City of Newton (David Koses), and seconded by the At-Large Town of Lexington (Richard Canale). The motion carried.

## **7. Transportation Improvement Program Amendment Five—Sean Pfalzer, MPO Staff**

Draft Amendment Five of the FFYs 2015-18 TIP was released for a public review period that began on August 3 closed on September 1. S. Pfalzer provided an overview of the public comments received and discussed other proposed updates to the TIP that would be incorporated into this amendment.

The MPO received two public comments on the amendment. One was from the Essex National Heritage Commission, which requested that the MPO program a \$370,000 National Scenic Byways Program grant in the FFY 2015 element of the TIP.

Another was from the Town of Canton, which expressed support for the amendment as it will address a cost increase to the *Ramp Construction on Interstate 95 (Northbound) and Improvements on Dedham Street and Canton Street (Canton, Norwood, Westwood)* project and change the project's funding source from non-federal aid to

federal aid. The comment noted that the project will enhance access to the Westwood/Route 128 commuter rail and Amtrak station, and enhance the ability of the Town of Canton to preserve current businesses and pursue its economic redevelopment strategy for this corridor.

In addition to programming the \$370,000 National Scenic Byways Program grant in the FFY 2015 element, several other updates to the TIP have been proposed since the amendment was released for public review.

The cost estimate for the *Assabet River Rail Trail (Acton, Maynard)* project has increased by \$1.3 million based on a recalculation of contingency costs that occurred between the submission of the 75 % and 100 percent design plans. The additional funds would be provided through the statewide Congestion Mitigation and Air Quality Improvement (CMAQ) Program and statewide Transportation Enhancement Program.

Also, there are two projects to be programmed that would be funded with federal redistribution monies: the \$2.6 million *Intersection and Signal Improvements at Route 30 (South Avenue) and Wellesley Street (Weston)* and the \$2.1 million *Adaptive Traffic Control Signal System Installation on Cambridge Street, Middlesex Turnpike, and Burlington Mall Road (Burlington)* project. Both would be funded through the CMAQ Program. (D. Mohler reported that the Commonwealth has been awarded \$56 million in federal redistribution funds. A portion of those funds will be used for the projects in Weston and Burlington.)

The original amendment addresses a cost increase of \$1.68 million for the *Improvements to Commonwealth Avenue, from Amory Street to Alcorn Street (Boston)* project.

A motion to approve Amendment Five of the FFYs 2015-18 TIP, incorporating the updates as presented today, was made by the MassDOT Highway Division (John Romano), and seconded by the City of Boston (J. Gillooly). The motion carried.

Following the vote, S. Pfalzer apprised members of the possibility of a sixth amendment to the FFYs 2015-18 TIP that would remove the *Tri-Community Bikeway (Stoneham, Winchester, Woburn)* project from the FFY 2015 element. This project may not be ready for advertising by September 30, the close of the fiscal year, due to outstanding environmental issues.

If the project cannot be advertised in FFY 2015, staff would propose releasing a Draft Amendment Six to the TIP which would reprogram the funds for the bikeway project to the *Route 128 Add-a-Lane (Needham, Wellesley)* project in the FFY 2015 element. This

would assume that once the bikeway project's environmental issues are addressed, the project could be amended into the FFY 2016 element of the FFY 2016-20 TIP and that the cash flows for the *Route 128 Add-a-Lane* project would be adjusted as necessary in that element.

D. Mohler added that MassDOT does not yet have a right-of-way certificate for the *Tri-Community Bikeway* project and does not expect to have it by the end of this fiscal year. MassDOT is, however, in discussion with its federal partners about getting a conditional right-of-way approval and will know by the MPO's next meeting on September 17. An abbreviated public review period will allow for the MPO to take action on Amendment Six at that meeting, if necessary, and make it possible for the project to be programmed subsequently in the FFY 2016 element of the TIP. MassDOT expects that the project will be ready for advertisement in October or November.

A motion to release Draft Amendment Six to the FFYs 2015-18 TIP for a ten-day public review period was made by the MAPC (E. Bourassa), and seconded by the City of Boston (J. Gillooly).

During a discussion, Richard Reed, MAGIC (Town of Bedford), asked why the MPO would not be asked to amend the FFY 2016 element of the FFY 2015-18 TIP to incorporate this change. D. Mohler replied that the FFY 2016 element of the FFYs 2015-18 TIP is not consistent with the State Transportation Improvement Program (STIP), which is being reviewed by the federal agencies now. D. Mohler expressed MassDOT's commitment to supporting the *Tri-Community Bikeway* project in FFY 2016, and noted that the amendment would free up funding for the project to move into that TIP element.

Members then voted on the motion to release Draft Amendment Six to the FFYs 2015-18 TIP for a ten-day public review period. The motion carried.

## **8. Boston Region MPO Transportation Planning Certification Review— *Leah Sirmin, Federal Highway Administration (FHWA), and Nicolas Garcia Federal Transit Administration (FTA)***

The FHWA and FTA provided the MPO with their final report on their review of the MPO's transportation planning process. L. Sirmin and N. Garcia gave an overview of the review process, and the federal agencies' findings and recommendations.

L. Sirmin began by explaining the purpose of the review, which is conducted every four years to ensure that the metropolitan planning process is being carried out in accordance with federal law and regulations. The federal agencies consider the interaction between the MPO, the state DOT, and transit providers. They conduct a

desk review of the MPO's certification documents and other materials, an on-site review, and a public outreach meeting. During this review period the federal agencies received a substantial number of written comments.

The federal reviewers found that the MPO is in full compliance with federal law and regulations, therefore no corrective actions are required. They found that the transportation planning process is working well in this region. There are some items, however, that the federal agencies would like to continue working on with the MPO.

N. Garcia continued by commending the MPO on several areas of its work. He noted that the federal agencies had identified ferry transportation as an area of concern going into the review. During the review, they were pleased to learn about the Ferry Compact, and are encouraging the MPO to continue to work with MassDOT on improving ferry transportation. He also remarked on the great progress that the MPO has made to improve access to its public meetings for populations protected under Title VI of the Civil Rights Act and the Americans with Disabilities Act. And, he commended the MPO for integrating safety throughout the planning process.

N. Garcia discussed some of the recommendations that the federal agencies are making to the MPO. The recommendations include improving the transparency of the MPO's 3C planning documents to include analyses of how funds and projects will be distributed by transportation mode and geographic region. They are also asking the MPO to update its memorandum of understanding (MOU) for air quality and the Boston region inter-agency MOU (to reflect the new boundary of the Boston Urbanized Area in the 2010 census).

The federal agencies are also recommending that the MPO come to an agreement that allows for all the regional transit authorities (RTAs) in the region to have their voices heard in the MPO process. In support of the federal Models of Regional Planning Cooperation initiative, the agencies made recommendations for ways that the Boston Region MPO could improve coordination with other MPOs in the area, potentially leading to the development of joint Long-Range Transportation Plans. Other recommendations are focused on Title VI and non-discrimination activities, though it was noted that significant progress has already been made in those areas.

N. Garcia concluded by noting that the MPO was found to be fully compliant with federal regulations. He recognized the MPO staff for their cooperation and engagement during the review. He stated that the federal agencies will continue to work with staff to develop action plans to implement the recommendations.



K. Miller added that MPO members will also be asked to be engaged on developing the action plans. He remarked on one of the recommendations by noting that, under federal regulations, all RTAs in the region must be represented on the MPO board. The MBTA is an MPO member, but the MetroWest RTA and the Cape Ann Transportation Authority (CATA) are not.

***Discussion***

J. Gillooly asked the federal representatives if they anticipate any changes to the guidelines for how MPOs are expected to operate in the coming years. N. Garcia remarked on the new requirement in the MAP-21 legislation for performance-based planning.

D. Mohler then discussed the state-level commission that is charged with studying potential reforms to the MPOs in the Commonwealth. The commission is considering the potential for revising the number and jurisdiction of MPOs. K. Miller noted that the federal agencies are encouraging the consolidation of MPOs to improve efficiency.

Dennis Giombetti, MetroWest Regional Collaborative (Town of Framingham), raised the question of whether the MPO should act on the recommendations from the federal review or wait for the commission's findings. He expressed interest in having the MPO act soon on the recommendation to provide representation on the MPO board for the RTAs in the region. He also expressed concern about the need to address coordination issues across jurisdictions.

D. Mohler conveyed his understanding that the federal agencies would like the MPO to act on their recommendations irrespective of the work of the commission. K. Miller reminded members that the MPO process is a federally mandated process, so that federal rules will apply regardless of the commission's recommendations. D. Mohler also noted that the recommendation concerning RTA representation is the only one that will be affected if the commission decides to redefine MPO boundaries.

K. Miller inquired about the timeline for the commission's work. E. Bourassa replied that the commission had originally been expected to release a report soon, but the chairs are considering extending the timeline through next spring. He also noted that, in addition to considering the composition of the MPOs, the commission is charged with considering issues regarding the public engagement process and transparency.

K. Miller and N. Garcia noted that the state of Connecticut is in the process of consolidating its MPOs. K. Miller also reported that the federal agencies are conducting a certification review of the Pioneer Valley Planning Commission and will be reviewing the Old Colony Planning Council in the spring.

D. Giombetti suggested that the MPO discuss the issue of RTA representation soon. D. Mohler discussed the steps that need to occur to address the recommendation, including contacting the MWRTA and CATA and having MPO members discuss whether adding members is the appropriate way to get RTA representation. L. Sirmin added that the federal agencies would like to see a timeline for addressing individual recommendations in the MPO's action plans.

N. Garcia pointed to the MPO for the Portland, Maine area as an example of an MPO that has found a way to represent multiple RTAs on its board; there is one representative for all RTAs on the board.

E. Bourassa asked if the federal reviewers considered the representation of other transit providers, such as transportation management associations (TMAs), when making their recommendations. N. Garcia replied that federal law refers to the participation of public transit providers only. The federal agencies would not object, however, if the MPO chose to broaden its scope to involve TMAs.

K. Quackenbush reported that the commission would like to interact with the MPO in October and then hold a public hearing right afterwards. Staff to the commission are developing a survey to elicit information from the public as well.

Lourenço Dantas, Massachusetts Port Authority, requested that the MPO receive a presentation about the commission. E. Bourassa suggested Sheri Warrington as a possible presenter.

L. Dantas asked about the timeline for the action plans. L. Sirmin explained that the federal agencies have not developed a specific timeline, but that they would like the MPO to act soon. Elizabeth Moore, Director of Policy and Planning, noted that staff will be working with the federal partners to develop timelines for implementing the specific recommendations. D. Mohler added that a number of the recommendations can be addressed by staff, but that staff should identify those policy-related recommendations that will need to be addressed by the MPO or its subcommittees.

K. Miller noted that the federal agencies would expect the MPO to act on their recommendations in a shorter period of time than was the case following past reviews. E. Moore noted that staff considered the recommendations when preparing the MPO's certification documents this year, so that some of the recommendations have already been implemented. L. Sirmin added that staff already addressed some of the recommendations pertaining to Title VI and civil rights.

## **9. Members Items**

K. Miller announced that the US Office of the Inspector General will be conducting a review of the STIP and TIP process in Massachusetts this fall. The review, which will take place between October 5 and 9, will include a meeting with the MPO on October 8. More information will be provided about the topics to be covered.

E. Bourassa provided an update on the upcoming MPO elections. The open seats are for one at-large town (any town in the region), one at-large city (any city in the region), a municipality in the North Suburban Planning Council subregion, and a municipality in the Three Rivers Interlocal Council subregion. The Town of Arlington has submitted its nomination for the At-Large Town seat. The election will take place at MAPC's Fall Council meeting on October 29. More information is posted on the MPO's website. Municipalities in the region have been notified of the upcoming election.

John Romano, MassDOT Highway Division, thanked K. Quackenbush and the MPO staff for their work on the certification review.

## **10. Adjourn**

A motion to adjourn was made by the MassDOT Highway Division (J. Romano), and seconded by the MetroWest Regional Collaborative (Town of Framingham) (D. Giombetti). The motion carried.

## Attendance

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<b>Members</b>	<b>Representatives and Alternates</b>
At-Large City (City of Everett)	Jay Monty
At-Large City (City of Newton)	David Koses
At-Large Town (Town of Arlington)	Laura Wiener
At-Large Town (Town of Lexington)	Richard Canale
City of Boston (Boston Redevelopment Agency)	Lara Mérida
City of Boston (Boston Transportation Department)	Jim Gillooly
	Tom Kadzis
Federal Highway Administration	Ken Miller
Federal Transit Administration	Nicolas Garcia
	Leah Sirmin
Inner Core Committee (City of Somerville)	Brad Rawson
Massachusetts Department of Transportation	David Mohler
	David Anderson
MassDOT Highway Division	John Romano
Massachusetts Port Authority	Lourenço Dantas
MBTA	Janice Ramsay
MBTA Advisory Board	Micha Gensler
MetroWest Regional Collaborative (Town of Framingham)	Dennis Giombetti
Metropolitan Area Planning Council	Eric Bourassa
Minuteman Advisory Group on Interlocal Coordination (Town of Bedford)	Richard Reed
Three Rivers Interlocal Council (Town of Norwood/Neponset Valley Chamber of Commerce)	Tom O'Rourke

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<b>Other Attendees</b>	<b>Affiliation</b>
Lynn Ahlgren	MetroWest Regional Transit Authority
Ed Carr	
Steve Olanoff	Three Rivers Interlocal Council (Town of Norwood)
Constance Raphael	MassDOT District 4
Greg Sobczynski	MassDOT Office of Diversity and Civil Rights
Ellen Spring	Office of State Representative Denise Garlick
Bill Steelman	Essex National Heritage Commission
Michael Trepanier	MassDOT Environmental
Trey Wadsworth	MassDOT Office of Transportation Planning

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**MPO Staff/Central Transportation Planning Staff**

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Karl Quackenbush, Executive Director  
Robin Mannion, Deputy Executive Director  
Mark Abbott  
David Fargen  
Maureen Kelly  
Sean Pfalzer  
Michelle Scott  
Alicia Wilson

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