



August 6, 2010

To: Mike O'Dowd  
MassDOT Accelerated Bridge Program  
Project Manager

Through: Nikole A. K. Bulger, P.E.  
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From: Nathaniel Curtis  
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RE: **MassDOT Division of Highways  
Fore River Bridge Replacement  
Meeting of Mayor Kay & staff, Representatives of the Fore River Bridge Neighborhood Association,  
Councilman Victor Pap, staff representing Representatives James Murphy and Ronald Mariano, and key  
project team members  
Meeting Notes of August 4, 2010**

On August 4, 2010, the selected members of the project team met with Weymouth Mayor Susan M. Kay, members of the Mayor's senior planning staff, Councilman Victor Pap, representatives of the Fore River Bridge Neighborhood Association, and staff members from the offices of Representatives James Murphy and Ronald Mariano.<sup>1</sup> While the conversation was generally free-flowing, primarily addressing questions and concerns raised by the representatives of the Fore River Bridge Neighborhood Association, an agenda was generally followed.<sup>2</sup>

## Question & Answer Session

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- C: Jeff Clark (JC): I think where we'd like to start is developing some kind of mechanism to address problems that may develop over the course of the project. We would like to engage in a dialog now about some sort of draft Memorandum of Understanding (MOU) that could be used to address construction impacts.
- A: Mike O'Dowd (MOD): My question back to you, because of all the projects you have had to endure, what construction-related impacts are you concerned about so that we can be proactive about addressing them.
- A: Paula Pineo (PP): We are concerned about a 24-hour work schedule and want to know what equipment would be used, what work would be done, etc.
- A: MOD: I may have said 24 hours in previous meetings, but perhaps I overstated that. Certain elements of the project might need to run 24 hours based on an emergency or impacts to traffic. I could also see where we might have to work around to the clock to accomplish something in the 72 hour window that the Coast Guard (USCG) will give us to close the navigation channel. In those instances, the contractor might have to work 24 hours. Certainly we can identify those operations and work activities. If I was to try to identify what the work hours would be on a regular basis, we would certainly work the standard MassDOT construction day of 7:00 a.m. to 3:30 p.m. plus a double shift that would have work ongoing from 6:00 a.m. to 7:00 p.m. or even 8:00 p.m. That's an option we'd give to the contractor if they requested it. Those things would need to go through the District Construction Engineer. If I understand the comments I've received from all our public meetings correctly, you are concerned because in your past experiences, there's been

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<sup>1</sup> Meeting attendance lists have been removed to protect the privacy of audience members.

<sup>2</sup> A copy of this agenda is provided as appendix 1.

very little information shared between the neighborhood, the town, the contractor and MassDOT. I get the impression there was minimal coordination, is that right?

- A: PP: You're correct. On previous jobs, we had meetings and that was about it. Also, I am curious to know if the job will be union built. We've had better luck in the past dealing with union-built jobs. At least then we can talk to the union representatives.
- A: MOD: Since this project is 80% funded by FHWA, it will be a prevailing wage job, but it could be a union or non-union contractor that wins the bid. I think that how well a job interacts with the community has everything to do with the management style of the contractor and the site supervisor, not whether or not it is a union job. Can you tell me more specifics about what you'd want to see in terms of stipulations in the contract?
- A: PP: It's the little things: I'd rather have flaggers at night instead of police cars with flashing lights, I don't want back-up beepers, and I want the dust controlled. They're small things, but they're big quality of life issues.
- A: MOD: Dust control is standard for all of our contractors. We always put stipulations in the contract, but decisions about application of water and/or calcium carbonate remain in the hands of the contractor and the resident engineer.
- A: PP: That's nice, but I want to see it in writing.
- C: JC: I think Mike is right that a lot of this does come down to the quality of supervision. I remember going to the project office for the Edgar Station project when the dust was clearly a problem and having to remind them to look out the window and apply dust control. You need the right people, I agree. However, I think it's good to have these things in writing; I really do want to see an MOU.
- C: Mayor Susan M. Kay (SK): Dust is an issue in Weymouth. We've shut down jobs all across Weymouth on account of dust.
- A: MOD: Let me jump forward a moment to address the flaggers. We do use them, but we allow the resident engineer or construction engineer to determine whether a flagger, state police officer or local police officer is most appropriate to maintain safety on the site. We leave it open for the people responsible for the safety of the construction site to make that decision. I can't be responsible for those decisions, but I can be someone you can call to get through to the construction people. The back-up beepers are appropriate for daylight operations, but for some night-time operations we have been using what we call "white noise" or flashing lights to ensure safety. We need to ensure that our staff and the contractor's people are safe and protected. I've been on sites where back-up alarms have saved people's lives and on sites where they have failed to protect people from injury. It's the onsite people who get to make that decision. That flexibility is not something we can take away in an MOU or the contract documents it's a site management decision.
- C: SK: Just so you know, we have a local ordinance regarding open holes. There are state mandates that govern open holes, too, and we'll have look into those at some point.

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Q: PP: Are we talking vertical lift or bascule here?

A: MOD: The vertical lift is identified in the Environmental Assessment (EA) as the recommended alternative, but the decision rests with Federal Highway (FHWA).

Q: PP: And if it is a vertical lift bridge, what sort of FAA lighting will you put on it? Will it be white by day and red by night like the power plant stack? That is what we would like to see.

A: MOD: We would comply with whatever the FAA wants in terms of lighting, but I believe that would be consistent with the power plant stack and the Chelsea Street Bridge, which is white by day and red at night.

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Q: PP: Have you filed a shadow study?

A: MOD: No, we have not.

A: Joanne Haracz (JH): The towers are over water, so generally there is no shadow study. We can certainly check into it for you, though.

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Q: Gary Peters (GP): I'm hearing work times outside 7:00 a.m. to 6:00 p.m. and I think that needs to be addressed in the MOU. Public health is something we haven't discussed yet. When the temporary bridge went in, MassDOT was totally unresponsive about kids getting woken up all night and first thing in the morning during MCAS season. There are times when you will have to decide whether it's more important to do something structural or preserve people's quality of life. An MOU gives us mechanisms to solve problems quickly. Dust represents a major public health issue. During the demolition of the 1936 bridge, we had children walking down the street with their jackets and sleeves over their mouths and noses because concrete was being crushed without proper dust control. I get worried about silicosis. There are a number of people in the neighborhood with compromised health, people who use oxygen machines. If you disturb their sleep, there will be a public health impact on the community. I confronted you folks about this when you demolished the old bridge and installed the temporary structure and you said it was the way it had to be done. It didn't go well last time.

A: MOD: Would it be fair to say that everyone would like a restriction in the bid documents to restrict work from 11:00 p.m. to 7:00 a.m. except under extraordinary and well-advertised circumstances? I am happy to set those working hours as a norm, but understand there will be times where it will be more than that.

A: GP: I think 6:00 a.m. starts that are disruptive can be shown as having public health impacts that can be well-documented.

C: JC: There are other impacts to consider. When the Greenbush Line was built trucks delivering items to the site would arrive at 3:00 a.m. and then sit idling in Weymouth Landing until work started. If you say the start is 7:00 a.m., then it really needs to be 7:00 a.m.

A: MOD: That is typical on a lot of projects. Usually the crews show up around 6:30 a.m. and start the machines because our expectation is that they are actually starting to work at 7:00 a.m. That's ordinary for contractors. If it becomes a sticking point, are you talking about physical work operations or mobilization?

A: JC: It's one thing to arrive at 6:30 a.m. and shut off your engine so you're on hand when work starts up. It's another thing to sit idling for several hours that people expect to be able to sleep in a residential neighborhood.

A: MOD: That's something we'd need to handle with our construction staff. We could put something in the contract noting an 11:00 p.m. to 6:30 a.m. restriction unless previously cleared with the district engineer. It would be good for each of the towns in the area to appoint a contact person to call once we get that far. Often times the construction staff doesn't react to the resident engineer, but if there's a point of contact designated by the Mayor it gets the reaction you'd like to see. What I'd like to do is institute a monthly meeting with our construction supervisor to meet and let the community know what's coming up. It's worked well for me on other projects and it keeps you informed. You may not love what's coming, but at least you know how to prepare for it.

A: SK: We can give you a list of contact people. Gary, are you happy with this? Do you have something more to say?

A: GP: No, I'm good on the stipulations. I'd like to see them in an MOU.

A: MOD: Well, not an MOU. My MOU is being here for you today. It's putting something into the bid document that the contractor has to abide by; I am trying to develop a relationship amongst all of us here that has enough courtesy, professionalism and respect in it that we don't have to go the MOU route.

C: GP: Every time you haven't had an MOU, it's been a failure for the community. When your contractor gets into construction and they are staring at a financial penalty for not meeting their quota, they'll run over the neighborhood to meet their quota. The MOU is absolutely, positively a requirement. Without it, I can assure you we will get in trouble again.

- C: JC: Speaking purely for myself here and possibly being out of line, I feel the MOU is the way to go. I want to see all these restrictions you've been discussing in the contract documents, but there will definitely be things outside the contract documents that we will need to talk about. The MOU provides assurances for the town and the neighborhood. There will be traffic impacts all along Route 3A and in the neighborhoods. If we have something on paper it will allay everyone's fears.
- A: SK: At the risk of sounding greedy, I'd like the MOU option to remain open along side the contract restrictions. The MOU doesn't need to be iron-clad. We can put language in it indicating that we understand that there are times where we will have to deviate from the established norms. I also like putting it in the bid documents so that the contractor understands the restrictions as well. I want to be open here, but I think with an MOU, the residents, and my office, will be happier.
- A: MOD: I'll get back to the Administrator with your request. Let me get back to your earlier bad experiences. My experience with power plants is that they have high incentive and disincentive clauses built into their contracts and that might get the builders to be more willing to override the wishes of the community. Thus far--and I won't rule them out--we have not discussed doing incentive/disincentive clauses in this contract. We do have liquidated damages, but that's not the same thing.

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- C: Victor Pap (VP): I also want to encourage the MOU discussions to go on. I am thinking about the short-term impacts on Bluff Road and around it. I think you've heard people's disdain for the vertical lift bridge and their preference for the bascule, but in terms of the MOU or the contract documents, I'd like to see something that addresses long-term impacts on sidewalk and roadways between the Fore River Bridge and the Back River Bridge, particularly uniform sidewalks that are up to ADA standards. When trucks go back and forth, roadways and sidewalks get beat up. The roadway issue is important for people all over the South Shore; a big pothole can be dangerous for both residents and commuters.
- A: MOD: I won't commit to how much improvement we can do beyond the limits of work. If there are pedestrian accommodations we will maintain them during all phases of construction.
- C: Victor Pap (VP): I'm not looking for a grand beautification please just leave it better than when you found it.

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- Q: SK: Can we move to the next agenda item now? Mike, would you give us something on the scheduling of the process?
- A: MOD: Sure. Permit filings are going forward now. We've just filed a bridge permit application with USCG that identifies the vertical and horizontal clearances. It doesn't say what structure we recommend, but it gives the dimensions of the opening. That's under review by USCG. I understand Mr. Peters has put in a Freedom of Information Act (FOIA) request and USCG will provide you with a copy of the permit application with the understanding it has not been reviewed by them in any way at this time; they are just starting their review. I received the latest version of the EA yesterday. I need to review the draft to make sure my comments are reflected. Once I and my design team are comfortable with this, then I will make a recommendation that my Administration and Chief review it and release it to FHWA for their review. Before then, I won't let it out. It has to have the Administrator and Chief's approval. That's our normal protocol.
- Q: SK: Will there be a time for us to comment on the EA?
- A: MOD: Yes, absolutely. It will be a minimum of 30 days and asking for 45 days is not unusual. We're not opposed to asking FHWA to give you 45 days if that's what the community wants.
- C: GP: Process. I've been very vocal about this. I've never seen a process like this. You asked us for input. I don't have a clue what's in your document. It gets finalized and then we have 45 days to review something you took three years to put together. We want to identify issues before there are problems. We're a long way apart on many key issues and we have missed a year of opportunity for people to sit together and exchange ideas. The community wants a bascule bridge. You've talked to USCG and they have made their feelings known that they want something wider. You're using the post-panamax vessel as your design ship. When it's done, the Panama Canal will be 180 feet wide and your preferred alternative comes in at 70 feet wider than that. You'll have 260-foot spires and it will be as large as the Tobin

Bridge. All you've achieved with the preferred alternative is a bridge that's the size of the fixed bridge alternative studied in 2002 without the property takings. This thing will be gigantic, will cost more time money, and will be difficult to maintain. This thing will be a monument. It will be taller than any building in four states and higher than any light house in the country, the Bunker Hill Monument and the Provincetown Monument. Artist renderings are misleading because they are not to scale. When the power plant stack was built, it wound up being nothing like the conceptual renderings. Nobody wants this. I'd say put in something realistic, say with 185 feet of clearance. That's still more than the rebuilt Panama Canal. I'd be remiss if I didn't say that we don't want your preferred alternative.

A: MOD: That was a lot of comments in one, Gary. We take into account all public comments; we evaluate all the comments, criticisms and every so often a complement. We have to assess them all. In that assessment, no group stands any higher than any other. In going through all the comments we've received at meetings and in writing, the strongest, most universally shared sentiment is that we need to reduce the frequency and duration of bridge openings. That's why we've sought a diverse background for public comments: Hingham, Weymouth, Braintree and Quincy. I'm not minimizing what North Weymouth has said, but I have to balance it against everyone else's comments and that includes USCG and their maritime stakeholders. I wasn't part of the study back in 2002, but then they presented a minimum channel clearance of 300 feet, and I haven't seen any documentation about objections to that channel width at that time. Certainly if 200 feet would have been acceptable to USCG, then we'd be here talking about 200 feet. I know you have spoken with Gary Kassof and he told you about this. Their requirements are based on the anticipation of continued marine traffic over the next 75 years and the expectation that the Designated Port Area will remain a port available to commercial maritime traffic for the next 75 years. If we were at 200 feet, then we could give you a bascule, but USCG gave us an absolute floor of 225 feet. They told us not even to bother filing the permit if it was for an opening below 225 feet. I will happily meet with you and Gary Kassof to go through this. Can we build a bascule bridge at 225 feet? Yes. Can we operate it and maintain it with a reasonable assurance that we can do so in a way that is satisfactory to us and the community? It's the recommendation of my design team and my own internal team that we cannot. It's the equipment that would be needed to drive one of the biggest bascule bridges in the nation. We can build it, but with a very low level of confidence that it will work in the long run. We don't want a 300-foot cantilevered structure; 200 feet, sure, but beyond 200 feet the engineer's confidence starts to drop quickly and that is what's driving this.

A: GP: I agree with all that now, but if we went back 10 years, there were no such choices. We were going to rehabilitate the old bridge and the channel was staying at 175 feet; but now you have the issue of choice. You make the vertical lift bridge look very good, the bascule marginal at best, and then of course there's the no-build alternative; this means there's only one choice left: the vertical lift. We can only respond to what you give us.

Q: MOD: Let me ask you this: what did Gary Kassof say about 185 feet.

A: GP: He wasn't happy, just like everyone else will be unhappy when this thing goes up. Like my friend said at your June meeting, it's lipstick on a pig. I'd be remiss not to bring up the issue.

A: MOD: This is a navigable waterway. I'm taking into account the 30,000 commuters who pass over this bridge every day. The theme I hear from them is that they want us to cut the number of openings. How can we do that? We looked at the alternatives. We will maximize the closed position vertical clearance while still maintaining a 5% ADA-compliant gradient. We won't get higher than that. The best the designers can do minimizing the depth of structure on the bascule bridge is 41.5 feet in the closed position. With the vertical lift bridge we can achieve 58.5 feet. That right there translates into a huge reduction of openings. I recognize that the immediate community around the bridge may want to bear those openings for aesthetics, but we as the DOT need to take into account the feedback we receive from everyone.

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Q: SK: What's the minimal horizontal clearance that USCG will accept?

A: MOD: It's 225 feet, and that's down from 300. I went in there at 200 and I tried for it, but they didn't go for it. The mariners and the pilots said it wasn't safe. They said it did not provide them with the comfort level they need to ensure that they don't damage the vessel, the fender system or the bridge. If they hit the bridge it's on our nickel. Look, we're down a long way from 300 feet. When this contract went out, the understanding was that the bridge opening would be 300 feet at the fender line. Recognizing the community's wishes, we got where we are now, which is 250 feet. 250 feet is acceptable to the mariners and is well within the capabilities of the vertical lift type, which can easily span 300 or 400 feet.

C: GP: This is a good place for us to have a continuing conversation. Has there ever been a major accident with loss of life there? Has there been damage to the bridge? You could build a 300-foot bridge and still have ships hitting the fenders; that's the nature of piloting a ship. I'm going to stop here; this is a legitimate difference of opinion. I think there are still things that can be done to address this issue.

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Q: MOD: Let me ask you, Gary, did Gary Kassof communicate to you when the permit application will be made available for public notice?

A: GP: He will be issuing it concurrent with the EA, which isn't helpful to us either. We have some nationally recognized people who will go through these documents for us and we'll give 110% to get through them in 45 or 60 days, but this is a tall order for us.

C: MOD: I understand your preference is for the bascule bridge. Do your experts say that a channel opening of under 200 feet is acceptable at this location?

A: GP: They say if 180 feet is good enough for the Panama Canal, it should be good enough for the Fore River.

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C: VP: I've lived near and commuted over the Fore River Bridge my entire life. Whatever type is chosen, it will be a better commute and soothed commuters will still use the bridge. While I know you can't give more credence to one group over another, I am concerned that an ugly bridge will lead to an increase in crime and graffiti while decreasing property values.

A: MOD: One thing to note councilman: the closed position vertical clearance of the existing structure is 58 feet. If you put a bascule bridge in, you will have quite a few more openings than you do today. Another thing is the idea that the vertical lift bridge will look worse than the bascule bridge. I don't know if any of you get down to Fall River, but the Brightman Street Bridge over the Taunton River is being replaced with a bascule bridge with a 200-foot horizontal clearance. I can get you pictures or I'd even be happy to ride down with you. At that size, a bascule bridge does not have as small an impact as you might think. It's a pretty awesome piece of structure, certainly not as low in profile as your old bridge. It's also much bigger than your old bridge, which quite frankly would not be built today. I think there are ways to make the vertical lift bridge attractive if it is the one chosen. That being said, the decision rests with FHWA. They may look at the EA, read the comments, and decide that a bascule bridge is appropriate and that we need to go back to USCG and try to negotiate a further reduction in the channel width to accommodate the bascule bridge.

C: GP: I agree with that.

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Q: SK: We talked about the FOIA request and the timing of it. Are you comfortable with that?

A: MOD: I'm still reviewing some of the meeting minutes, but they will be made available.

C: GP: I just want to make it clear that it is impossible for professionals to look at these issues meaningfully absent the documentation.

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Q: SK: I want us to discuss this FHWA environmental conflict resolution unit; could that be used to resolve an impasse if we came to one?

A: GP: Because of the lack of trust, early on in this process, I went to the CEQ (Council on Environmental Quality) and asked what would happen if the NEPA process didn't work. They have a unit in Arizona that can step in and address these problems, getting all the issues out in the open. They have at their disposal environmental conflict resolution professionals.

- A: MOD: Right now it's important to get the EA out for public review. If FHWA feels they need to, they can send it down to Washington for further review and make other elements of the federal government involved if they feel it's appropriate.
- C: GP: My concern is that once the EA is filed and FHWA decides they want to go with a 250 foot vertical lift bridge, there's no administrative appeal. The next step is a lawsuit and that's the last thing we'd ever want to do.
- A: MOD: I don't want this to get to the point of requiring dispute resolution expertise. If there is enough public sentiment opposing the vertical lift bridge when the EA comes out, then FHWA may make a determination that they won't act on it. They may decide to go back to USCG to see if we can't get down to a smaller bridge. We can't anticipate those decisions. We want to minimize environmental impacts while proposing a structure that's agreeable to as many parties as possible, but we are doing so based on the public comments we've received.
- C: GP: My concern is having something that is enforceable by law.
- Q: MOD: So Gary, if we accepted your MOU, would it stipulate the type of bridge that would have to be constructed?
- A: GP: Absolutely not. The bridge type and the construction of it are separate matters.
- Q: MOD: So an MOU would put aside the issue of type; that would be separate from the construction issues?
- A: GP: Yes, they would be separate issues in my mind.
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- C: PP: I've been a commuter and resident here for many years. I've seen traffic jams outside my door where the traffic gets all the way back to Bicknell Square and the ferry boat parking lot was completely full by 7:00 a.m. You guys did a great job with the Greenbush Line. Now that the trains are running, the boat parking lot is half full and much of the traffic that used to be there is now going by rail. It's not 30,000 cars each day any more. I can take pictures of the roadway for you at 7:00 a.m. and 8:00 a.m.
- A: SK: On four different occasions, people have come to my house and pulled me out the front door to see the traffic in Weymouth Landing when the bridge goes up. I've been out there directing traffic. Now, understand that Weymouth Landing has some of its own problems; but the last time it happened, it was only two months ago. There's still an awful lot of traffic and the bridge openings impact it. The complaints we receive in this office indicate that when the bridge goes up it makes a terrible mess.
- A: MOD: With the new bridge, the cycle time will drop from 21 minutes to 13 minutes, and it may be even quicker than that. The harbor pilots have told me that they have a very low level of confidence in going through the channel. The more space they have, the quicker they may be able to pass through.
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- Q: Mary Jordan-Roy (MJR): Going back to the EA, what items are in that. Are there public comments in there?
- A: JH: Generally speaking, the EA will cover a statement of purpose and need, the environment in terms of the river, its wildlife, the community and its demographics such as environmental justice populations; air quality issues, traffic and visual impacts. We also discuss the alternatives, including the no-build, and then the EA looks at the impacts of the preferred alternative. We also do a chapter on proposed mitigations, a response to comments section, and a technical appendix which is bound separately.
- Q: MJR: So right now you're going through the draft?
- A: JH: After the recommendation from MassDOT, the EA will go to Federal Highway and they will issue the document for public comment.
- Q: MJR: Because Paula mentioned it earlier, let's use the shadow issue as an example. If you say there's no shadow issue and FHWA accepts that and then Paula says there is a shadow issue, what's her recourse?

- A: Nikole Bulger (NB): When FHWA accepts the document they are accepting it for public review, that isn't a determination. They wouldn't make their determination until after the end of the public comment period. They would either issue a Finding of No Significant Impact (FONSI) or say we have to go back for additional study.
- A: JH: The whole process requires public comment. Once the EA is out, write a comment letter. It would go to FHWA and MassDOT. They want your feedback: "I agree," "I disagree". Getting those viewpoints out there is the goal.
- C: SK: Certainly I think that's a good reason for having as many comment days as possible.
- C: NB: Also, the FONSI is not just a blanket approval. Generally, the FONSI would contain the specific mitigation measures proposed in the EA and potentially other stipulations. It would say you have a finding of no significant impact provided you do the following things.
- Q: MJR: What's the probability of amending the EA. Say we disagree with it. How often are these things amended?
- A: JH: FHWA could add a mitigation measure or demand additional study.
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- C: MOD: We have done a fair amount of outreach and communication here. I want everyone to understand how much we have actually done. All of the communication and the public outreach is important to FHWA and factors into their decision. I am certainly not opposed to meeting like this again. When the EA comes out, if you need access to technical people who can review these things with you, I can make members of the design team and/or my staff available to you, including MassDOT personnel who deal exclusively with traffic, bridges or the environment.
- A: SK: If you wanted to use my office to go through the documents, you would be of course welcome to do so.
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**Note to the Reader:** the materials made available through this section of the website have been developed by the project team to support the public involvement process. As the materials cover roughly a year's worth of meetings, the reader should assume that all materials reflect the project team's best understanding of the project at the time prepared. Later materials offer the reader a deeper and clearer look at the project and should be assume to supersede earlier materials.

These minutes are a close representation of what transpired at the meeting summarized herein, but should not be considered a verbatim transcript. Contact information provided by meeting attendees has been removed to protect their privacy.

## **Appendix 1: Agenda**

**Fore River Bridge Reconstruction Project  
Meeting  
August 4, 2010  
3:30pm  
Weymouth Town Hall ~ Mayor's Office**

Action Items:

- MassDot & Weymouth MOU for Bridge Project
- Latest timetable for the EA and USCG Bridge Permit Filings
- Bring documents requested under the Freedom of Information Act from last month
- Proposed construction work hours currently under discussion

Some Additional Questions:

1. If we reach an impasse could Environmental Conflict Resolution through FHWA/ECRU be used to resolve outstanding issues?
2. What is the Minimal horizontal clearance the USCG would accept, i.e. 200 feet?