



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Thomas J. Tinlin, Administrator



February 26, 2016

Cassandra Murphy, Administrative Assistant
Groveland Town Hall
183 Main Street
Groveland, MA 01834

Groveland: MassDOT Project 608298: Groveland Community Trail from Main Street to King Street

Dear Ms Murphy:

On behalf of MassDOT, I am writing to inform you that the Highway Division's Project Review Committee has evaluated the subject project and determined that it is eligible for Federal Aid CMAQ funding. It is the Project Review Committee's understanding that the estimated construction cost of this project is \$2,376,000.00; the total project cost will therefore consist of this estimated construction cost plus additional costs for project design, construction engineering, construction contingencies, police details, participating utility relocation costs and any costs associated with right-of-way procurement and environmental permitting and mitigation.

This eligibility determination by the Project Review Committee is not a commitment of state or federal funding to the project, nor is the decision to commit funding solely MassDOT's. The decision to program funding for this project is made by the Merrimack Valley Metropolitan Planning Organization (MVMPO) as part of their annual Transportation Improvement Program development process. The MVMPO is comprised of 6 permanent members, including Massachusetts Executive Office of Transportation, MassDOT Highway Division, the Merrimack Valley Planning Commission (MVPC), the Merrimack Valley Regional Transit Authority (MVRTA), the City of Lawrence, the City of Haverhill and 4 rotating representatives from each of the areas four sub-regions, and is the federally designated entity charged with developing transportation plans and programs for this region.

The eventual implementation of this project is also contingent on successful completion of the project design and review process, securing all necessary right-of-way, and receipt of all appropriate permits. The traffic control measures developed for this project must be prepared consistent with 701 CMR 7.00 (Use of Road Flaggers and Police Details on Public Works Projects). The Highway Division will only advertise for construction projects that have been developed consistent with the Road Flagger and Police Detail Guidelines that are found at our website. The municipality will be responsible for funding and administering the project design (with Highway Division review and approval), and for administering the environmental permitting process necessary to obtain the required permits. The Highway Division will be responsible securing and providing documentation for all necessary right-of-way and for overseeing the project construction. The following sections of this letter discuss programming and project development requirements in more detail:

519 Appleton Street, Arlington, MA 02476
Tel: 781-641-8300, Fax: 781-646-5115
www.mass.gov/massdot

Programming Requirements

1. In order to be advertised for bids, all federal aid projects must be listed in the annual element, or first year, of the regional MPO's approved Transportation Improvement Program which covers four federal fiscal years. Please work with the District Office and NMCOG, which serves as staff to the NMMPO, to discuss the appropriate programming approach for this project.
2. All projects, even though listed in the TIP, are subject to the availability of state and federal funding. Please understand that considerably more projects are eligible for federal aid in the MPO region than can be programmed in the TIP.
3. Since the TIP is financially constrained by the anticipated federal funding available each year, any request for amendments (such as a revision to the project year, total project cost, or project-funding category) should be coordinated through the MPO. It is expected, however, that the proponent will attempt to constrain project costs to available funding.
4. The MPO considers Transportation Evaluation Criteria in establishing priorities for programming TIP projects. You should consider both MassDOT's and the MPO's evaluation in relation to other similar projects in your region to determine the level of commitment, and schedule, of your community's resources for this project. If this project has not already been evaluated by the MPO, or if you believe the evaluation needs to be updated, please contact this office and the MPO.
5. The municipality and its project designer should be aware that the total estimated construction cost, as listed in the TIP, should include an amount for contingencies, construction engineering, participating utility relocation costs (refer to Engineering Directive E-11-008) and traffic police (where appropriate under 701 CMR 7.00), and that MassDOT will include an inflationary adjustment based upon the estimated year of advertising.

Project Development Requirements

1. The municipality is responsible for the completion of the project design in accordance with the 2006 *Massachusetts Highway Department Project Development and Design Guide* and other relevant Highway Division standards and criteria. The Highway Division requires formal approval of design exceptions when any of the 13 controlling criteria outlined in the *Project Development and Design Guide* (Chapter 2 Section 11) cannot be met.
2. Providing safe and convenient walking and bicycling accommodations in all transportation projects is a goal of MassDOT. The municipality is responsible for developing this project in accordance with relevant multimodal guidance in the MassDOT Project Development Design Guide, and its Policy and Engineering Directives.
3. If the municipality requires the services of an architect, engineer and/or surveyor, it must hire a firm that is currently pre-qualified for the appropriate type of work by the Highway Division's Architects and Engineers Review Board. Lists of pre-qualified firms are available on the Highway Division website.
4. When soliciting services from architects, engineers and/or surveyors, the Highway Division recommends that the municipality use a qualifications-based selection process. In addition, the municipality shall refer to the *Municipal Project Guide for Road and Bridge Projects* during the project development and consultant procurement process. This document is available on the Highway Division website.
5. Municipalities shall use the attached Standardized Scope of Work and Work Hour Estimate Form for Design Services as a template for municipal agreements with design consultants. This document is attached for your convenience, and the work hour estimate form is available in spreadsheet format on the Highway Division website. Please provide the draft design consultant work scope to the District Office for review.
6. Cost estimates shall be reviewed at major design milestones, and at least annually.

7. The municipality shall be responsible for all construction costs under two conditions:
 - a. When the construction costs for the contract scope exceed the total participating contract bid price by more than ten percent (10%), the municipality shall be responsible for the amount over 110% of the total participating contract bid price unless the municipality submits sufficient documentation to MassDOT showing that the work was necessary solely due to MassDOT's construction oversight, as determined solely by MassDOT.
 - b. When the municipality requests work that FHWA and/or MassDOT determine is unnecessary to complete the Project, the work shall be deemed "non-participating" and the municipality shall pay the full cost of that work.
8. Any and all approvals made by MassDOT during the Project's design review shall not relieve the municipality's responsibilities for such errors and omissions.
9. To improve the quality of its design and construction projects, the Highway Division employs a Cost Recovery Procedure for construction extra work orders determined to be caused by designer errors. The municipality and/or its Design Consultant are responsible for addressing all Cost Recovery inquiries and for making Cost Recovery restitution payments to the Commonwealth, if determined to be warranted.
10. The municipality is responsible for securing the necessary right-of-way required to complete the project including the accommodation, removal or relocation of utilities (refer to Engineering Directive E-11-005). Right-of-way guidelines and a checklist are enclosed for your reference. Please ensure that sufficient work-hours are provided in the design contract for the Design Consultant to prepare all necessary right-of-way plans and documents.
11. The municipality shall be named as the applicant on all required environmental permits. The municipality shall prepare all required environmental permit applications and submit them to the Highway Division for review. After making any edits required by the Highway Division, the municipality shall submit the permit applications to the appropriate environmental permitting entities. The Highway Division reserves the right to assume the role of permit applicant on any project it will advertise.

12. This project is subject to Early Environmental Coordination as described in the Thresholds, Timelines, and Submission Requirements that appear in Appendices 2-A-6 and 2-A-7 of the Project Development and Design Guide. These requirements must be met in order to expedite project design acceptance and regulatory clearances, and to ensure the inclusion of essential information at the 25% design stage. Submissions for this project shall include documentation of any coordination that has been completed by the municipality. The Highway Division will not initiate the 25% design submission review until the Early Environmental Coordination checklist has been submitted to the Highway Division.
13. For all roadway projects, the project designer must submit the pavement design to the Highway Division Pavement Management Section for approval. If this was not done during the project initiation phase, then the project designer shall submit a pavement design through the Highway Division Project Manager prior to the 25% design submission.
14. Prior to the beginning of preliminary survey work, the project designer shall contact the District Survey Engineer to coordinate the establishment of horizontal and vertical control points near the beginning and end of the project. All survey work must be prepared in accordance with the MassDOT Survey Manual.
15. All projects require some level of construction phase engineering services by the design engineer. The municipality is responsible for ensuring that any contracts with Design Consultants include appropriate consideration for these important services.
16. The municipality shall coordinate the design of the project with all municipal departments and with any applicable public or private utilities such as gas, electric, cable, and telephone, to determine if there are any potential utility projects that would disturb the completed roadway work. Any proposed utility construction must be completed before the project can begin. Please be aware that Highway Division policy restricts highway surface openings for a period of at least five years after the new surface is placed, except for emergencies. Justification of surface opening requires the approval of the District Highway Director. In addition, the community is responsible for obtaining any required waivers.

Cassandra Murphy
Groveland Community Trail
February 26, 2016
Page 6

17. Any water and sewer work in the area will be the responsibility of the municipality and shall be completed prior to the start of project construction, unless MassDOT authorizes such work to be part of project construction.
18. All Highway Division projects must be designed and constructed in compliance with the specifications set forth in Massachusetts Architectural Access Board (AAB) regulations and the American with Disabilities Act (ADA). The municipality is responsible for securing any rights of way necessary for compliance with AAB and ADA.
19. The municipality will be required to enter into a municipal 110% Agreement with the Highway Division, similar to the enclosed sample, when the actual construction project bid has been determined. If the municipality will not be able to comply with the terms of the agreement, it should not advance this project for advertising by the Highway Division.

When available, please provide the draft Design Consultant work scope to the District for review. Thank you for your attention to the information in this letter, and for your support of transportation system improvements in the Commonwealth of Massachusetts. If you have any questions or need additional information, please contact Frank Suszynski, the District 4 Project Development Engineer, at (781) 641-8474. We look forward to working with you.

Sincerely,



Paul D. Stedman
District Highway Director

Att.: Standardized Scope of Work and Work Hour Estimate Form for Design Services
Right-of-way Guidelines
Sample City/Town 110% Agreement

cc: Michael Davis, Open Space and Trails Committee
Anthony Komornick, MVPC