



# Town of Sudbury

Planning and Community Development Department

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<https://sudbury.ma.us/pcd>

TO: Select Board  
FROM: Beth Suedmeyer, Environmental Planner, Planning and Community Development  
RE: BFRT Design Project Update  
DATE: December 3, 2021

I am pleased to provide this summary of project status in response to the request for an update on the Bruce Freeman Rail Trail (BFRT) Design Project (BFRT, Phase 2D, MassDOT ID 608164).

## Design Schedule

Progress continues on the 100% Design stage, ROW process, and environmental permitting. The project design must be “shovel ready” by October 2022 to take advantage of the state and federal funds for construction. The project is on track to achieve this milestone.

Nick LaPointe of Fuss & O’Neill (F&O) and I attended the MassDOT Priority of Projects meeting on November 30<sup>th</sup>. This is an internal MassDOT meeting where projects are reviewed and project readiness is discussed. Periodically they invite project proponents to attend. The Project Manager, Environmental, and ROW staff at MassDOT discussed the project status and stated during the meeting that they are comfortable that the project is on track to advertise as scheduled. There were no significant concerns identified for the Sudbury BFRT project, and there were no questions for the Town or consultant.

Later, on November 30, Fuss and O’Neill updated the project schedule. A slight shift in the advertising date from June 25 to July 2, 2022 was noted. The standard MassDOT / F&O recommended timelines are still being used in this schedule estimate, and there are potential adjustments that may be made to accommodate keeping the June advertising date. We don’t feel the need to do that now, but we will discuss the schedule with the MassDOT staff and of course will all continue to do our best to advance the process. Ultimately, we still have a significant buffer before the end of fiscal year deadline of September 30, 2022. The updated schedule is available online.

F&O indicated with the updated schedule that ROW/Section 106/Categorical Exclusion (Programmatic National Environmental Policy Act (NEPA) / Federal Highway review) remain critical paths and the negotiations on any potential lease agreements with property owners and MassDOT Rail Division should begin as soon as possible. A ROW coordination meeting with the Town, ROW Division/Rail Division in early January to coordinate meeting with the abutters is planned once the title work is available. Title research reports are starting to trickle in, and it is possible we will be able to make up time. The lease agreement negotiations with MassDOT have advanced to the point that the draft lease will be shared with the Select Board for the December 7<sup>th</sup> meeting.

#### Schedule and Progress Updates:

- 100% Submission scheduled for Mid-January 2022
  
- Environmental Permits
  - Chapter 91 review by MassDEP is complete. MassDEP determined the project was jurisdictional, but exempt from permitting as it qualifies as a minor modification.
  - MEPA ENF – Submitted to MEPA on November 15. A virtual Consolation Session with MEPA will occur on Tuesday, December 7 at 10 AM. Comments are due on December 13 and the Secretary’s Certificate will be issued on December 22. Full details are available on the Project Website.
  - To be filed: All Applications will be submitted by MassDOT. Our estimates for timing are as follows:
    - NOI – Revised Final Draft under MassDOT review now and scheduled to be filed by MassDOT in late December.
    - Army Corps Pre-Construction Notification (PCN) – No Corps mitigation is required, as impact thresholds for mitigation are not exceeded. This will be filed after the NOI.
  
- Right-of-Way (ROW)
  - Town Counsel and MassDOT Counsel have reviewed revised drafts of the lease agreement and it is ready for Select Board review and consideration.
  - MBTA Agreement Application for temporary construction access of the MBTA corridor is under final review by MBTA.
  - Title research for temporary easements and private driveway crossings is underway.
  - Potential appraisers have been engaged.
  - The Preliminary (75%) ROW plans have been approved.
  - Next steps
    - Appraisals for temporary easements
    - Negotiations with property owners
    - Final Lease Agreement(s) with Rail Division
    - Town Meeting Approval – timing to be determined

#### Task Force Meetings

The Bruce Freeman Rail Trail Advisory Task Force held a productive meeting on November 4, 2021 and has scheduled their next meeting for December 14, 2021. Information on this group is available at <https://sudbury.ma.us/bftr/>.

### **Community Preservation Act Funding Requests**

Public Hearings for the two CPA Applications related to the BFRT project opened at the November 17<sup>th</sup> Community Preservation Committee Meeting. The Town through the Town Manager's Office has requested two CPA Funding Applications for continuing the BFRT Project Advancement. The first is for funds which may be used for elements of the final design, construction details that may not be covered by MassDOT (potentially rest area structures, signs, and amenities like art installations), graphic design of the interpretive signs, design for recreational facilities to tie into the BFRT area, art installations, and construction oversight by the Town's consultant. The placeholder amount indicated at this stage is \$500,000 until we have resolved the question of what items in BFRT construction will be paid for by MassDOT. The additional funds also provide the project flexibility in case additional needs arise.

Part of this request is a response to MassDOT indicating, during the 75% Design review process, they may not fund construction of some of the trail accessories proposed for the project. With this question outstanding and a desire to have the option to install the full trail accessories currently proposed, we are requesting CPA funds to have the option to pay for some project construction costs which may potentially not be covered by MassDOT.

The second request is for CPA funding for the Town's continued support of the BFRT, to expand from the terminus of the Phase 2D project south towards Route 20 and Framingham. A slight revision to this proposal is being considered at the request of the Community Preservation Committee. The addition of the design of the first ¼ mile of the CSX corridor to connect the terminus of Phase 2D to Route 20 is being considered. The work involved in this revised feasibility and design project will advance the planning of the BFRT into the newly acquired former CSX corridor and the design the trail to the Route 20 Crossing. The project involves hiring a consultant to perform data collection, feasibility study, alternatives analysis, and conceptual plan and cost estimate development to create baseline information and contribute to the design phase of the rail trail project and then also advance the design of the quarter mile section to Route 20. This request would be for \$300,000. Public engagement will be facilitated to solicit input on the concept that will be advanced.

As always, more information on the project and the 75% design plans may be found at the BFRT project webpage. <https://sudbury.ma.us/pcd/?p=354>