

RAIL TRAIL CONVERSION ADVISORY COMMITTEE
Town of Sudbury, Massachusetts
Minutes of Meeting on June 8, 2006

Present: Pat Brown, Betty Foley, Madeleine Gelsinon, Bridget Hanson, Dennis Mannone, Sigrid Pickering, Jennifer Pincus, Bill Place, Nancy Powers, Dick Williamson, Carole Wolfe.

Absent: Eric Poch, Bob Hall

FST representative: Jennifer Shemowat

Also present: Jim Nigrelli and Elaine Kneeland

Public Comment

Elaine Kneeland asked when questions concerning public safety would be considered by the committee. She was informed that an item addressing this issue was on this meeting's agenda.

The meeting was called to order at 7:35 P.M.

Past Minutes:

The minutes of the meeting on May 11, 2006 were unanimously approved.

Status of FST efforts

1. Trail Walks: Jennifer Shemowat reported that she and John Hendrickson from FST (Fay, Spofford, and Thorndike) had walked the entire phase II right of way from the Concord town line to the MBTA right of way with representatives from the Town of Sudbury on Monday, June 5. The Town was represented by Town Engineer Bill Place, Director of Parks and Recreation Dennis Mannone, Fire Chief Kenneth MacLean, Building Inspector James Kelly, Conservation Coordinator Debbie Dineen, and Town Planner Jody Kablack. Police Chief Peter Fadgen was unable to attend. The group noted various features of the right of way that should be considered during any use of the corridor. Bill Place observed that many participants commented on the remote quality of the right of way. Conservation Coordinator Debbie Dineen from the Town of Sudbury and Environmental Biologist Marshall Dennis from FST plan to walk the corridor on Monday, June 12, to focus specifically on the environmental features and challenges of the right of way.
2. Project schedule: Jennifer Shemowat also described a project schedule outlining the work that FST will be doing. She will make an updated schedule available in hardcopy at the July RTCAC (Rail Trail Conversion Advisory Committee) meeting. Several items are of particular interest to RTCAC: the June 15, 2006, design charrette; a draft assessment of the project by FST which should be available for review by RTCAC members in late August; and a September 21, 2006, meeting by RTCAC to discuss our comments on this draft to include in the final project report. (This requires a second meeting of RTCAC in September, following our informational meeting to present our findings to the public tentatively scheduled for September 14.) By submitting the revised assessment report to EOT (Executive Office of Transportation) by the end of September, FST will allow that agency sufficient time to review and comment on the assessment before the completed project is presented to the Selectmen and to the Town in November.

Informational Items:

1. Dick Williamson distributed a railroad valuation map of the area where EOT, CSX, and MBTA holdings intersect at the south end of the phase II corridor. From this map, he concluded that negotiation with the

MBTA will be necessary to secure access to the south end of the phase II corridor, but that no negotiation with CSX will be required. Bill Place indicated that the diversion of Union Avenue necessary to align Union Avenue with Nobscot Road at the intersection with Route 20 (as is recommended in the Sudbury Master Plan) would use the CSX corridor north of Route 20, but that would allow sufficient space to permit a trail to be constructed alongside the re-aligned Union Avenue.

2. Dick Williamson described his visit to three areas of the Wachusett Greenways, a trail in and around Sterling, Massachusetts. The trail is administered by DCR (Department of Conservation and Recreation) and MWRA (Massachusetts Water Resource Authority) and specifically prohibits impervious surfaces. A variety of non-paved alternatives are used in various areas, and the trail is maintained by volunteers. Individual committee members may wish to visit this trail.
3. Dick Williamson described a meeting with EOT which he, Jennifer Shemowat, and Bill Place attended on June 1. This meeting with high-level EOT officials included officials from the towns of Framingham, Sudbury, Concord, and Acton, along with representatives from the Friends of the Bruce Freeman Rail Trail (FBFRT). EOT is pursuing two items potentially of interest to Sudbury: the acquisition of the CSX right of way, and the removal and salvage of the rails along the EOT controlled portion of the corridor. The meeting on June 1 was called by the FBFRT to discuss these items with EOT. The acquisition of the CSX right of way is among items currently under negotiation between EOT and CSX, but is “about fifteenth” on the list, Dick indicated. He envisions this as a project for months, or years. Dick also described the removal of rails as not an economically compelling project for EOT, since any monies realized by the agency would revert to Massachusetts general funds. Rather, EOT is proceeding with alacrity to develop the documents to permit leasing the right of way to the affected towns, which could then proceed to remove and salvage the rails and retain the proceeds locally. Dick submitted his calculations showing the proceeds to EOT and to the Town of Sudbury should either EOT or the Town remove and salvage the rails. He handed out a cost estimate sheet for the price of steel and suggested the proceeds could go to fund the project. Sigrid Pickering objected to putting forward these estimates. She stated that this was far afield from the committee’s mission of determining the desires and concerns of the town about a trail, and that this mission should not be driven by such estimates. Pat Brown asked whether agreeing to such a lease from EOT would oblige the Town to develop a trail, and Dick assured the committee that it would not. Bridget Hanson reiterated that any rail removal along the EOT controlled right of way in Sudbury would require environmental permitting. Other members cited concerns about both contamination liability and patrolling responsibility by the Town. Bridget Hanson noted that the Town could hire a contractor to have both rails and ties removed, or to leave the ties in place to discourage bad behavior while considering how to proceed. Carole Wolfe expressed concern not only about what equipment might be used to remove the rails and how much disturbance this might cause, but also about illegal vehicle use after the corridor had been opened by removing the rails. The question of what to report to the Selectmen concerning this issue was deferred until after the next informational item.
4. Pat Brown presented a document compiled by Conservation Coordinator Debbie Dineen and Town Manager Maureen Valente in response to questions Pat had asked of Debbie via e-mail about the Conservation Commission’s ability to enforce environmental relations and penalties along the corridor. Initially these questions had concerned primarily the EOT section, but information about the CSX section indicated that the Town has an outstanding agreement with CSX putting restoration of the altered areas on hold while the Town pursued lease and/or acquisition of the corridor under the STB regulations for public trail use. Pat proposed that the Selectmen should be advised that EOT was pursuing leasing of the CSX portion of the corridor, and that the existing agreement may not apply to them. Bridget Hanson stated that there are Orders of Conditions along the CSX line for the derailment, which have been partially addressed. (Orders of Conditions are the permits issued for work in a resource area, including work required to correct a

violation.) There are currently no Orders of Conditions for CSX for the violation of removing the rails without a permit. She also noted that CSX is currently requesting about 3 million dollars for the Sudbury portion of the ROW and that if EOT assumed this cost it would dwarf the liability for restoring the ROW under the existing Orders of Conditions. Bridget very informally estimated this liability when pressed as less than \$20,000. Dick Williamson noted that the price CSX requests for a corridor to be converted to a path can exceed the realized price by factor of ten, but that still the restoration costs would be far less than the acquisition costs. Other committee members pointed out that if the Town Manager knew of this issue, the Selectmen probably did also. Dennis Mannone observed that any agreement between EOT and CSX, or between the Town and EOT would be the subject of lengthy negotiations. Committee members also stressed that any alteration of the corridor would go through the whole environmental permitting process. The committee determined not to proceed to advise the Selectmen formally of this matter.

5. Jen Shemowat said she would send a summary of all the results of the June 1 meeting with EOT to the Town Manager. Bill Place will send a copy of any outstanding orders of conditions to the Selectmen and Town Manager as a reminder that these are still pertinent.
6. Jen Shemowat described the June 15 design charrette at Town Hall for the committee. Sigrid Pickering asked what it meant that the charrette is “hosted” by the RTCAC. Pat Brown responded that the Town Manager had stated in an e-mail response to this question that the sole responsibility of RTCAC for the charrette is to have its name listed as host. She (Pat) asked for further clarification of this, but had not yet been able to schedule a meeting with the Town Manager. Sigrid asked how committee members could answer questions about their role at the charrette; Pat responded that committee members attended the charrette to offer input like other citizens, and that citizens interested in what the RTCAC was doing were encouraged to attend RTCAC meetings. There was a lively discussion about the charrette, with questions about the format and about the publicity. The Town Manager had rejected the idea of signs in the Town Center, but signs were to be posted at the intersections where the right of way crosses roadways and also if possible at the fire and police stations. The addresses of attendees will be collected as a way of identifying input from Sudbury residents. Carole Wolfe suggested that the addresses of those sending suggestions via e-mail also be verified for the same reason, which Jen agreed to do. The formal part of the meeting will be pushed back as close to 6:30 as possible to accommodate those who cannot arrive for an earlier time. It is difficult to estimate how many residents will attend, but three and possibly four breakout groups are planned, headed by Jen Shemowat, John Hendrickson of FST, and Sudbury Town Planner Jody Kablack. (Jen may designate another group leader if possible.) Comments submitted by e-mail will become part of the permanent Town record, and will be kept in hardcopy in a binder in the Town Clerk’s office (as is the RTCAC trail neighbor survey of 2005.) The information gathered at the charrette will be included in the report by FST to the Town. This information will also be presented in hardcopy to the RTCAC at the July meeting when the charrette outcomes are discussed.

Public Safety Subcommittee

Dick Williamson presented a list of questions for public safety officials to be refined by the RTCAC. This list was based on a distillation of John Drobinski’s presentation at Sudbury Town Meeting in 2005 for Article 43, and on questions presented to Sudbury Public Safety officials by SCRLS (Sudbury Committee for Responsible Land Stewardship) in the summer of 2005. Dick reiterated that overly broad and hypothetical questions are inappropriate. It was suggested that the RTCAC ask the Selectmen to present the final list of questions to Sudbury public safety, ensuring both that the questions are appropriately limited and that the importance of the committee’s request is understood. Public safety officials must be given several weeks to prepare considered responses to any questions originating in the committee. In considering the list of questions,

committee members proposed amendments and additions (how users could avoid emergency vehicles, whether or where turnarounds would be required, what features make parking lots less attractive for “bad use”). It was also suggested that the RTCAC make specific suggestions for solutions to safety issues, allowing public safety to respond to them—the “what do you think of this?” approach. The RTCAC will also propose suggested recommended-use signage, based on signs at existing trails. Jen Shemowat will get wording from the Cape Cod Rail Trail signs to Dick Williamson, so that the committee can discuss what modifications might make sense for Sudbury. Dennis Mannone pointed out that dog droppings are currently an issue on playing fields, parks, and cemeteries, although the Town bylaws protect these areas. However, it is not clear how the current bylaws would apply to a trail. It was suggested that the Town bylaws be investigated, to see whether a simple addition of “trail” to a list of other protected areas would adequately protect the corridor, or whether more extensive additions to the bylaws would be required.

Carole Wolfe submitted that Dick Williamson had distributed the list of questions he presented at this committee meeting to the other Public Safety Subcommittee members (Madeleine Gelsinon and Carole Wolfe) on Monday, June 5, requesting comments. Madeleine had responded with comments, and Carole had not. The public safety subcommittee had not met to determine these questions, and has never convened. In her view, the questions were Dick Williamson’s own, and not those of the public safety subcommittee. Dick Williamson replied that compiling documents electronically was accepted practice. Madeleine Gelsinon very strongly requested that public safety officials respond to the RTCAC’s concerns by meeting with the RTCAC. The list of questions for public safety officials to be submitted to the Selectmen by the RTCAC will be presented to the RTCAC in July in a revised form, incorporating the changes requested by the committee at this (the June) meeting. Input from the public safety subcommittee compiled prior to the July RTCAC meeting will also be included. After the full committee has revised and approved the list of questions at the July meeting, the questions will be presented to the Selectmen. It is anticipated that there will be a better understanding of public safety concerns following the FST charrette on June 15. It was also noted that public safety officials will attend the final presentation of the FST study to the public in November.

Closing

The meeting had exceeded two hours, so the committee decided to postpone further agenda items until a later date.

Carole Wolfe asked how the uncertainty of the cost estimates in the feasibility study is handled. According to Jen Shemowat, the estimate is acknowledged as tentative, and a contingency factor is built into it. The federal government will reimburse 80% of the construction costs of a trail built under the transportation enhancements program. However there is a cap on the construction costs eligible for this reimbursement at 110% of the predicted trail construction costs. This cap applies to the cost estimate from the design study, rather than the feasibility study, for a trail.

Proposed July Agenda

Discuss and prepare questions for public safety officials to be sent to Selectmen

Prepare for the September public information meeting given by RTCAC

Discuss the FST June 15 charrette results

Reconsider trail studies and how they are relevant to Sudbury

The meeting was adjourned at 9:45 P.M.

Community Comments

Elaine Kneeland registered her frustration that the committee had not posed any public safety questions to public safety officials and therefore can expect no answers. She would like public safety officials to address the committee and to acknowledge potential problems as early in the process as possible. Her concern is that a trail will be designed or even built before potential safety issues are identified or addressed. She decried the apparent uninvolved and unconcern by both the committee and affected Town departments and listed an extensive set of safety-related issues which have not yet been considered.

Submitted by Pat Brown on July 17, 2006