

Eastern Trail Management District Board of Directors Agenda
February 8, 2006 • 8:30 – 10:30 am
Kennebunk Town Hall

Most of the items listed under “Agenda Items” will have an attached sheet that provides information including background, necessary attachments, staff recommendations and proposed motions. This should allow you to be better prepared and reduce the amount of time that I need to talk thus allowing more focus on the actual issues.

I. Welcome & Introductions

II. Presidents Report – As needed

III. Approval of Minutes

- A. Minutes for January 11, 2006 approval by consensus or as amended

IV. Agenda Items

A. Executive Session

1. Proposed Motion: “Move that the Board go into executive session, as allowed under Article 7.1 of ETMD Bylaws & in accordance with M.R.S.A.Ch. 13, Title 1§405-C for the purpose of discussing ongoing easement negotiations between Granite State Gas Transmission.”

B. Construction Projects

- 1. OOB Project
- 2. Scarborough Project
- 3. S. Portland – Scarborough Connector Project
- 4. Desfosses Project – **No Report**
- 5. Saco River Crossing Project

C. Construction Funding

D. MDOT Project Deferment Letter

E. Finances

- 1. Finance Report for January 2006 accepted by consensus
- 2. 04 & 05 Audit Update
- 3. 06/07 Membership Fee Update

V. ETA Report

VI. Consultant Report – As needed

VII. Next meeting: March 8, 2006 8:30am – 10:30am

VIII. Adjourn

2006 Meeting Schedule (Second Wednesday of the month)	
January 11	February 8
March 8	April 12
May 10	June 14
July 12	August 9
September 13	October 11
November 8	December 13

ETMD Agenda Commentary

Agenda Item: IV-B-2 Agenda Item: OOB Project

GSGT - There have been two recent meetings with GSGT. A site visit two weeks ago and a conference call February 3 in order to review preliminary design plans, GSGT work plans for 2006, project schedule coordination and issues related to the relocation of the gas pipeline. GSGT does have some work of its own to do between Cascade Rd and Mill Brook; however, it is not clear what the full extent of that work is. GSGT reviewed all three proposed options for the crossings and has indicated that all have significant impact to the pipeline. The working assumption has been that the total re-grade option was the most advantageous and would ultimately be selected. GSGT has estimated that approximately 800 feet of pipe will have to be relocated and that the relocation would have to occur before the majority of our work is undertaken. GSGT provided a preliminary cost estimate of \$250,000 (+/- 30%) required to do the relocation and that does not include any land rights acquisition work that may be needed. GSGT has a very small easement in this area and the most logical solution is to run the new pipe away from all impact created by the construction of the trail. We are looking at land issues now to determine what steps may need to be taken to secure additional land rights.

Crossings Option – Three options for crossing Mill Brook & Old Cascade Road were developed during preliminary design. If the project is to go to construction this summer it is now necessary to select an option for final engineering. It is my opinion that feedback from the gas company and a comparison of the pro's and cons of each option leaves only one choice. It is my recommendation that we pursue the re-grade option. The following is a summary of each option. I will provide additional information as needed at the meeting.

1. **Super Structure** – Requires two bridges to span existing grades. Mill Brook Bridge is 180' and Old Cascade is 54'. The current location of the gas pipeline will prohibit the construction of the piers and abutments. This option does not address the steep grade down to Cascade Rd or from the parking area to the trail, erosion problems at Old Cascade Rd, security site lines from Cascade Road and difficult terrain to install effective access controls. May require the relocation of a high tension utility pole. Ultimately would require some gas pipeline relocation at an undetermined cost. Estimated cost for just this section and without utility relocation costs is \$534,000
2. **Box Culvert** – 10x10 box culvert at Mill Brook and 54' bridge at Old Cascade Rd. This option requires significant fill after installation of the culvert in order to bring the grade up to the current levels on each side of Mill Brook. GSGT has indicated that they will not allow that amount of fill on top of the existing pipe. This option will require significant permitting because of the impact to the Brook and will likely be rejected by DEP as alternative options exist. The culvert will require regular maintenance to keep it clear of debris to avoid a repeat of the build up that destroyed the area in the 90's. This option does not address the steep grade down to Cascade Rd or from the parking area to the trail, erosion problems at Old Cascade Rd, security site lines from Cascade Road and difficult terrain to install effective access controls. May require the relocation of a high tension utility pole. Ultimately would require some gas pipeline relocation at an undetermined cost. Estimated cost for just this section and without utility relocation costs is \$303,000 making it the cheapest option on paper.
3. **Re-Grade** – Requires a steady reduction of about 900' of existing grade from before Mill Brook to Cascade Road and a 150' Bridge over Mill Brook. Requires the relocation of approximately 800' of gas pipeline. It eliminates a bridge at Old Cascade Road, avoids any significant impact to Mill Brook and should be eligible for a DEP Permit by Rule. It will improve the existing grade and width of Old Cascade Road at the trail crossing, improve runoff management and reduce erosion. It will reduce the grade between Old Cascade Rd and the parking area and the parking area to the trail. It will open up sight lines from Cascade Road and allow for better access management thus improving security. It requires the removal of significant fill material that could be stock piled for future projects or sold to the contractor to reduce construction costs. It requires the relocation of a high tension utility pole. Estimated cost for just this section is \$439,000 before utility relocation costs. Approximately \$250,000 for GSGT relocation and an undetermined cost to relocate the CMP pole. Total estimated cost of \$689,000 without CMP.

• **Proposed Motion:** “Move that the Board endorse “Option 3 – Re-Grade” for the crossings of Mill Brook and Old Cascade Rd under the OOB Project”

Project Funding – As anticipated, the allocated funds for the project is not adequate to meet projected construction costs. The following is an analysis of projected expenses and resources. Construction cost estimates are only carrying a 12% contingency and with construction costs increasing it is not expected that we will see a significant reduction in these costs after receiving bids unless competition of the work is really tight. The utility relocation costs remain a significant variable. Construction funding will be discussed in greater detail under Agenda Item IV.C.

Agenda Item: IV-B-2 Construction Projects – Scarborough Project

MDOT has notified me that the project was randomly selected for an audit of Davis Bacon federal wage rate compliance. At the time of this report I have not been provided with all the details of what will be needed or what I will have to do; however at a minimum it will include a review of CPM's certified payroll that I receive, review and file as well as documentation of any CPM employee interviews that I conducted about their compensation during the project.

CPM has requested partial release of the contract retainage based upon substantial completion of the work and assurance that the bridge coating will be repaired the spring. I believe that this is a reasonable request, but as previously stated will retain approximately 5,000 to insure that final cleanup is done in the spring. I also do not want to release any money until MDOT is in agreement and CPM provides the actual plan for repairing the bridge coating rather than an assurance that it will be fixed.

Agenda Item: IV-B-3 Agenda Item: SP Connector Study

WSA has completed the development of possible routes, evaluation matrix and cost estimates for each route. The steering committee met on Friday, February 3 and reviewed the data. A significant development in the struggle to make the connection is that the Sanborn Family has submitted a development plan to the Town of Scarborough. The plan is now under review and the Town will ask for an easement or land to make the Nonesuch crossing and connection to Pleasant Street. After reviewing the data and considering issues connected with each possible route it became clear that there were only two real options for connecting the route from Pleasant Street to Wainright Complex. One connection is by Rigby Rd and the other is by Pond View Drive. I have directed WSA to focus energy on revising cost figures for and evaluation of these two options plus the Nonesuch Crossing to Pleasant Road. I will have the current study information and should have revised data from WSA available for review at the ETMD meeting.

Public Hearing - The second and final public meeting will be on Monday, March 6 at 7:00pm in the Council Chambers at Scarborough Town Hall. WSA will present all the findings of the study then focus on the two selected options that are most viable. The hearing will be advertised by legal advertisement in the Maine Sunday Telegram, as a public service announcement to other local papers for them to publish at their own discretion. A notice will be mailed to residents along the targeted routes.

Construction Funding – The final product of this study will be a single identified route with construction cost estimates. This information will allow us to begin making applications for construction funds. Based on rough cost proposals and the two most viable identified routes the cost for final engineering and construction will be approximately 1.7 million. This section is just under a mile, but one of the most challenging on the entire trail and requires several big structures to avoid wetlands, active rail lines and congested streets.

Agenda Item: IV-B-4 Construction Projects – Desfosses Project

No Change, project is in winter shutdown.

Agenda Item: IV-B-5 Construction Projects – Saco River Project

Engineering RFQ delayed in anticipation of aerial photographs with tax map overlays for the corridor, a list of town owned sites along the river and a list of any current or planned spur connections to the ET from both Biddeford and Saco.

Agenda Item: IV-C – Construction Funding

The ETMD is beginning to face a significant challenge in funding construction projects. Under the current work plan, the ETMD has scheduled projects through the 08/09 funding biennium. These are, the OOB Project, Turnpike Crossing Project, Saco River Crossing Project and South Portland Connector Project. Each of these projects has at least one crossing challenge that will require an expensive structure and most have several. These structures significantly increase the total cost of engineering and construction. Based on past MDOT TE awards the ETMD usually receives around a million dollars per biennium for projects. Each of the projects above carry an estimated price of over a million. Based on current available funds the ETMD will not be able to fund complete construction of the OOB Project. Based on previous funding levels I do not expect that the ETMD will be able to fully construct any one of the three remaining projects that it currently expects to be ready for construction in the 08/09 biennium. The following is an analysis of cost estimates and funding of each of the above identified projects:

OOB Project

06/07 TE Award (Secured)	660,000
Engineering (per contract)	(79,602)
Construction Base Trail	(610,000)
Construction Crossing (#3)	(700,000)
Analysis	(789,602)

Turnpike Crossing Project

MDOT Engineering Funding (secured)	300,000
Engineering (Est.)	(136,700)
Trail Construction (Est. – without bridge)	(1,251,300)
Turnpike Bridge	(1,200,000)
MTA Bridge donation	1,200,000
Analysis	(1,088,000)

Saco River Crossing Project

MDOT Engineering Funding (secured)	250,000
Engineering (Est.)	(250,000)
Trail Construction (Est. without bridge)	(1,000,000)
Saco River Bridge	(1,200,000)
Analysis	(2,200,000)

South Portland Connector Project

Engineering (Est.)	(200,000)
Construction (Est.)	(1,500,000)
Analysis	(1,700,000)

I have begun the process to identify potential funding sources to meet the identified deficit or construction costs. The following are sources that I currently have a working knowledge of and believe would fund the ET:

- 1 million Federal ET earmark [Secured, released at 20% (200,000) per year] - \$400,000 should currently be available
- MDOT 08/09 TE Awards – application process not started yet
- MDOT Safe Routes to School (new funding stream) – application process not started yet
- Municipal construction appropriations
- PACTS 08/09 Bike/Ped Project Funding – application due Feb 17, limited to PACTS area

Based on the above sources I have outlined the following funding plan:

OOB Project – Immediate Need

Option 1

Complete engineering Pine Pt – Cascade Rd

Construct Pine Pt up to Mill Brook approach in summer 06 supplementing the available funds with approximately 100,000 from the earmark funds.

Apply for Construction funds for 08/09 for Mill Brook to Cascade Rd

Analysis: May not receive funding in 08/09. Delays total project completion by at least 2 years. Requires multiple construction contracts.

Option 2

Complete engineering Pine Pt – Cascade Rd

Construct Pine Pt – Cascade Rd starting in summer 2006

Additional funding required:

- 400,000 from earmark funds (equals 40%) (may have additional amount available by fall 06)
- OOB (minimum) appropriation for work required on Old Cascade Rd (app. 15,000)
- Scarborough appropriation for Blue Pt Parking Area & Peterson Field Spur (app. 50,000). Possible reduction of contribution by using DPW force to construct parking area.
- SWQPP Grant – waiting for decisions about the fit of this project with the program
- Other environmental impact grant – None identified yet
- Reduction of GSGT relocation charge based on equity
- Lobby for CPM to do relocation(s) as a donation
- Structure construction contract with alternates that will allow specific pieces of work to occur if funds become available

Analysis: Identified funds could bring an additional 465,000 to the project, reducing the estimated cost deficit to 325,602 which could be further reduced by reduction in utility relocation costs. Other pending options would be an environmental impact grant and an increase in municipal contributions. There is still a possibility that there will not be enough funds to finish this project under one construction contract.

Turnpike Crossing Project

Start engineering summer 2006

Construction 08/09

Apply balance of earmark funds (400-600,000) toward construction

Assumption of MTA bridge donation

TE Application 08/09 for additional construction funds (490,000 to 690,000 pending use of earmark)

Municipal appropriations?

Analysis: The visibility of this project, the three-town impact and the pending MTA donation make this project high priority. Final engineering cost estimates will likely bring significant cost increases from current estimates and will require additional funds or reduction of scope.

Saco River Crossing Project

Start engineering spring 2006

Construction 08/09 or 10/11?

TE Application 08/09 or 10/11?

Municipal appropriations?

Analysis: The Saco River bridge significantly increases the cost of this project knocking it outside what we usually see funded by TE awards. If TE funds were successfully gained it would probably mean that it is for partial funding and is the only project funded in that particular biennium.

South Portland Connector Project

Option 1

Complete Engineering & construction 08/09 – app. 1.7 million

PACTS Bike/Ped 08/09 Funding Application– 20% match required

Scarborough & South Portland appropriation to provide match (app. 340,000)

Additional municipal appropriation to fill funding limits of PACTS

Analysis: I am in the process of determining what the typical limit of funding for a PACTS project is. I anticipate that this project is too large for it to fund in total. This means that the municipal contribution would need to be higher.

Option 2 – Phased Construction

Phase 1

Fully engineer 08/09

Construct Nonesuch to Pleasant Street 08/09 – app. 800,000

PACTS Bike/Ped 08/09 Funding Application – 20% match required

Scarborough to provide match (app. 160,000)

Phase 2

Construct Pleasant Street to Wainright Complex– app. 1 million

TE Application 10/11

Scarborough & South Portland appropriation to provide any match

Possible reduction of cost if DPW force(s) build connection between Wainright and Pleasant St.

Analysis: Makes the project more manageable, but delays complete construction of one of the most critical links to at least 2010.

• **Proposed Motion:** “Move that the Board authorize and endorse a PACTS 08/09 bicycle/pedestrian project application toward funding of construction of the South Portland Connector Project.”

Agenda Item: IV-D – MDOT Project Deferment List

Since the last ETMD meeting I have had new conversations with Dan Stewart, Bike/Ped Coordinator at MDOT, that indicated that the rumored percentages of TE cuts are not completely accurate, but that TE did get hit pretty hard. He agrees that there is some concern about 08/09 funding, but explained a new funding stream called Safe Routes to School which will help soften the TE reduction. I indicated that the ETMD was still going to send a letter expressing concern for the future funding of trails, but that it would not cite specific percentages of cuts. Dan and I also talked about improving communication between his office and ETMD and ways to prevent a repeat of the deferment debacle.

Agenda Item: IV-E-3 Finances – Membership Fee 2006

As requested, I sent out the draft trail report for director feedback and only received one response. I am finishing revisions and will have the completed report and executive summary at the meeting. The packet will be mailed out to each member by February 10.
