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COMMUNITY MITIGATION FUND

APPENDIX H

Transportation Construction Project(s) ("TCP")
BD-20-1068-1068C-1068L-46130

Please complete the entire Application.

Form with 9 numbered sections: 1. NAME OF MUNICIPALITY/GOVERNMENT ENTITY/DISTRICT (City of Lynn); 2. PROJECT NAME (LIMIT 10 WORDS) (Citywide Traffic Signal Upgrades at Various Location); 3. BRIEF PROJECT DESCRIPTION (LIMIT 50 WORDS) (The project will include traffic signal upgrades associated with CMF planning grant that inventoried traffic signals citywide...); 4. NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY (Mayor Thomas M. McGee); 5. ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY (Lynn City Hall - Mayor's Office, Lynn, MA 01901); 6. PHONE # AND EMAIL ADDRESS OF INDIVIDUAL AUTHORIZED TO COMMIT FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY (781-598-4000 Meaghan.Hamill@Lynnma.gov); 7. NAME AND TITLE OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY (James Marsh, Director of Community Development); 8. ADDRESS OF CONTRACT MANAGER RESPONSIBLE FOR HANDLING OF FUNDS ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY (Lynn City Hall - Room 311, Lynn, MA); 9. PHONE # AND EMAIL ADDRESS OF CONTRACT MANAGER ON BEHALF OF MUNICIPALITY/GOVERNMENTAL ENTITY (781-586-6770 JMarsh@Lynnma.gov)

10. NAME OF GAMING LICENSEE Encore/Everett

1. IMPACT DESCRIPTION

Please describe in detail the impact or potential impact that is attributed to the operation of a gaming facility that may be remediated by the proposed Transportation Construction Project (TCP). Please provide support for the determination that the operation of the gaming facility caused, is causing or otherwise may cause the impact.

Several arterial roadways pass through the City of Lynn, including Routes 1A, 107, 129, 129A, Essex Street, Boston Street, and Broadway. These routes serve as primary access corridors connecting the North Shore communities of Swampscott, Marblehead, Salem, Peabody, and Nahant with the City of Boston and Metro North communities including the City of Everett. With the Encore Boston Harbor Casino completed and operating, casino workers and visitors and customers commuting to and from the casino from these communities put additional daily strain onto these already congested corridors in the City of Lynn. Since the casino's opening in the summer of 2019, the additional traffic traveling through the City of Lynn is a growing concern to the safety, efficiency, and air quality along the City's roadways. Routes 1A and 107 carry much of this traffic. However, with these corridors already experiencing congestion, traffic spills over onto ancillary arterials and collectors throughout the City seeking alternate routes. In addition, as we are now realizing the increase in the gaming visit population and jobs for Lynn residents, many casino trips may begin or end on Lynn's local roadways. Traffic signal improvements will address safety, capacity and overall traffic operations. The TCP is an appropriate and prudent follow-on to the citywide traffic signal inventory completed with City's 2017 Community Mitigation Fund Transportation Planning Grant.

2. PROPOSED USE OF TRANSPORTATION CONSTRUCTION PROJECT(S) FUNDS (Please attach additional sheets/supplemental materials if necessary.)

Work will include the design, preparation of contract bid documents, construction and contract administration and inspection for traffic signal upgrades, including retiming of signals, optimizing traffic operations, repairing and/or replacing equipment at up to 53 intersections identified as having damaged or missing equipment and 17 intersections requiring new traffic controller cabinet equipment, vehicle detection or both. This work will include, but is not necessarily limited to replacing antiquated traffic signal controllers, retiming traffic signals for efficiency and to meet newer clearance requirements, replacing missing or broken traffic signal equipment, providing video detection, installing traffic signal backplates to improve visibility and safety, upgrading pedestrian signal push button assemblies to be ADA compliant, providing countdown pedestrian signal heads and other related work to enhance safety, improve traffic operations and ensure compliance with Federal and State regulations. TCP funds will be used to supplement City funds and MassDOT TIP funding to improve deficient signalized intersection identified in citywide traffic signal inventory completed with City's 2017 Community Mitigation Fund Transportation Planning Grant. This includes City Chapter 90 funds and Federal and State Transportation Improvement Program (TIP) funding for Reconstruction of Western Avenue/Route 107 (MassDOT Project #609246), the Reconstruction of Essex Street (MassDOT Project #609252).

a) Please describe how you propose to use the Transportation Construction Project(s) for transportation projects related to the gaming facility.

The citywide traffic signal inventory completed with City's 2017 Community Mitigation Fund Transportation Planning Grant demonstrated that traffic generated by the Encore Harbor Casino would affect both major arterials as well as other collector roadways in Lynn, particularly due to commuters seeking alternative routes due to poor and inefficient traffic operations at signalized intersection. Additional casino related traffic traveling through the City of Lynn is a growing concern to the safety, efficiency, and air quality along the City's roadways. Arterial and collector roadway experience congestion, traffic spill over onto ancillary arterials and collectors throughout the City seeking alternate routes. In addition, with the gaming visit population growing, many casino related vehicle trips will pass through signalized intersections with deficient equipment, poor traffic operations and significant safety concerns. Moreover, poor traffic operations influence several MBTA bus routes that provide transit connections to the Encore Boston.

b) Please describe how the mitigation request will address the impact indicated.

Completing traffic signal upgrades will have direct and positive impact on relieving traffic congestion, improving safety and aiding in more efficient transit operations. Moreover, Highway Safety Improvement Program (HSIP) data indicates that Lynn has 48 vehicle crash clusters, 16 pedestrian crash clusters (Ranks #1 Statewide), five bicycle crash clusters and eight HSIP Top 200 High Crash Intersections. Many of these HSIP locations are at signalized intersections. The TCP is an appropriate and prudent follow-on to the citywide traffic signal inventory completed with City's 2017 Community Mitigation Fund

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Transportation Planning Grant funds and will provide the City the requisite funding to efficiently accommodate additional casino related traffic and improve overall traffic safety. Moreover, improving traffic flow by optimizing signal timing will result in improved transit times for several MBTA bus routes in Lynn that provide transit connections to the Encore Boston resort.

3. CONNECTION TO GAMING FACILITY

Please provide specificity/evidence that the requested funds will be used to address issues or impacts directly related to the gaming facility.

Under the proposed Scope of Work, the City's traffic signal systems will be upgraded in order to provide necessary improvements to optimize traffic operations, improve safety for all modes of transportation. As a Surrounding Community Designation Lynn's traffic signal improvement strategies required as a result of anticipated traffic generated by ongoing casino operations and anticipated future casino generated traffic is an appropriate and prudent follow-on to the citywide traffic signal inventory completed with City's 2017 Community Mitigation Fund Transportation Planning Grant.

4. BUDGET & TIMELINE

a) Please identify the amount of funding requested. Please provide a detailed scope and budget for the use of funds.

Work will include traffic signal upgrades, including retiming of signals, optimizing traffic operations, repairing and/or replacing equipment at up to 53 intersections identified as having damaged or missing equipment and 17 intersections requiring new traffic controller cabinet equipment, vehicle detection or both. This work will include, but is not necessarily limited to replacing antiquated traffic signal controllers, retiming traffic signals for efficiency and to meet newer clearance time requirements, replacing missing or broken traffic signal equipment, providing video detection, installing traffic signal backplates to improve visibility and safety, upgrading pedestrian signal push button assemblies to be ADA compliant, providing countdown pedestrian signal heads and other related work to enhance safety, improve traffic operations and ensure compliance with Federal and State regulations.

TCP funds will be used for design, preparation of contract bid documents, construction and contract administration and inspection. As such, contract documents and detailed estimates are not currently available. For budgeting purposes, it is anticipated that on average signal upgrade improvements are approximately \$10,000 per location. The following is an order of magnitude cost estimate for the work.

Construction (53 intersection at \$10,000/locations)	\$530,000
Design & Preparation of Contract Bid Documents	60,000
Contract Administration and Field Inspection	<u>62,400</u>
Subtotal	\$652,400
Contingency 15%	<u>97,860</u>
Total	\$750,260

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b) Please provide documentation (e.g. - invoices, proposals, estimates, etc.) adequate for the Commission to ensure that the funds will be used for the cost of the Transportation Construction Project.

Design proposals, contract documents and detailed estimates are not currently available. The City is working with its engineering consultant (WorldTech Engineering) who are further refining the work program. Once the work program is approved by the City a detail engineering scope of services for the design, preparation of contract bid documents, and contract administration and inspection will be provided. The design phase will provide plans, specifications and cost estimates that will be included in the contract documents for public bid. All work will be in compliance with MassDOT design standards and engineering criteria. In addition, the City of Lynn, as may be applicable, the City shall supplement additional funds to complete related work, (I.E. paving, handicap ramps, etc.) at selected intersections.

c) Please provide the estimate and percentage of the costs projected to be funded from other federal, state, local, private contributions or unspent CMF Reserves. (Applicants may include contributions from gaming licensees and private contributions.) Please provide a detailed itemized estimate for each type of funding.

Several projects in Lynn are underway that will utilize Federal and State Aid for transportation infrastructure improvements. Two projects, (1) the Reconstruction of Western Avenue (Route 107) (MassDOT Project #609246) and (2) the Reconstruction of Essex Street (MassDOT Project #609252) are State Transportation Improvement Program (TIP) projects and have been identified by the Boston MPO as regionally significant. The utilization of TCP funding will supplement improvements at other signalized locations in Lynn outside of the TIP funded projects.

d) Please indicate, through a commitment letter or otherwise, how such other funding will be available for the project. In the absence of a final commitment to such funding, please provide detail on any process needed to secure any non-CMF funding.

See attached funding approval letter from MassDOT for the Reconstruction of Western Avenue (Route 107) (MassDOT Project #609246) and (2) the Reconstruction of Essex Street (MassDOT Project #609252)

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e) Please include a detailed timetable for the TCP, including but not limited to, the timetable for planning, for securing additional funds and the timetable to implement the TCP. Construction of the TCP must commence by June 30, 2021.

Presuming the TCP funds are available July 1, 2020 the City will begin work immediately with physical construction underway on or before June 30, 2021. The following schedule identifies major work tasks.

MGC notifies Lynn TCP funding is available	July 1, 2020
City executes consultant contract for design	July 10, 2020
Preliminary (50%) design phase begins	July 13, 2020
Preliminary (50%) design phase submission	December 1, 2020
City Review and Comment period ends	December 11, 2020
Final Design Preparation of Contract Documents begins	December 14, 2020
Final Design Preparation of Contract Documents complete	January 31, 2021
City Review and Comment period ends	February 14, 2021
Project available for advertisement for public bid	March 1, 2021
Construction begins	April 15, 2021

5. MEASUREMENT OF IMPACT

Please describe how you propose to measure the impact of your TCP including indicators proposed to measure results.

MassDOT monitors traffic at HSIP location and High Crash locations throughout the Commonwealth. In addition, the City has conducted baseline studies as well as ongoing studies throughout the City to evaluate traffic. Likewise, several new private development projects are planned in Lynn. The Mayor's office has mandated that proponents of new development projects in the City of Lynn must evaluate traffic impacts associated with their projects. The City intends to use all available study data as described above to evaluate and measure results relative to traffic operations, capacity and safety.

6. INTERNAL CONTROLS/ADMINISTRATION OF FUNDS

Please provide detail regarding the internal controls that will be used to ensure that funds will only be used to address the impact. If non-governmental entities will receive any funds, please describe what reporting will be required and how the applicant will remedy any misuse of funds.

The Chief Financial Officer of the City of Lynn has insisted that any community mitigation funding awarded to the City of Lynn be placed in a separate revolving account. In this manner, the funding would only be permitted if it addressed the specific transportation needs of the City. The Community Development office would be required to obtain the approval of both the Mayor and the City Council prior to any expenditure of community mitigation funding.

7. CONSULTATION WITH MASSDOT/ REGIONAL TRANSIT AGENCY (RTA) / REGIONAL PLANNING AGENCY (RPA) AND NEARBY COMMUNITIES

Please provide details about the Applicant's consultation with MassDOT, the Regional Transit Agency/MBTA and the Regional Planning Agency serving the community, and nearby communities to determine the potential for cooperative regional efforts regarding transportation construction activities.

MassDOT recognizes that improving traffic operations and safety in Lynn will provide regional benefits. This was evidenced in MassDOT's letter of support for the Traffic Signal Inventory utilizing City's 2017 Community Mitigation Fund Transportation Planning Grant. Please see Attachment A

8. RELEVANT EXCERPTS FROM HOST OR SURROUNDING COMMUNITY AGREEMENTS

Please describe and include excerpts from any relevant sections of any Host or Surrounding Community Agreement. Please explain how this impact was either anticipated or not anticipated in that Agreement.

Although the City of Lynn's Neighboring Community Agreement does not specifically site these impacts, they have certainly come to fruition.

CERTIFICATION BY MUNICIPALITY/GOVERNMENTAL ENTITY

On behalf of the aforementioned municipality/governmental entity I hereby certify that the funds that are requested in this application will be used solely for the purposes articulated in this Application.

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Signature of Responsible Municipal
Official/Governmental Entity

Date

1-30-20



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



DELIVERY CONFIRMATION

December 11, 2018

Honorable Thomas M. McGee
City of Lynn
3 City Hall Square
Lynn, MA 01901

Subject: MassDOT Highway Division Project 609246: Lynn – Rehabilitation of Western Avenue (Route 107) – Project Eligibility Notification

Dear Mayor McGee:

On behalf of MassDOT, I am writing to inform you that the Highway Division's Project Review Committee (PRC) has evaluated the subject project and determined that it is eligible for Federal Aid highway funding. It is the PRC's understanding that the estimated Total Federal Participating Construction Cost (TFPCC) of this project is \$36,205,000. The TFPCC, which consists of the bid items, police details, construction engineering, contingencies and reimbursable utility relocation, must be fully programmed on the Transportation Improvement Program (TIP). As the project proponent, the municipality is responsible for costs associated with design, right-of-way acquisition and environmental permitting.

This eligibility determination by the PRC 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 Boston Region Metropolitan Planning Organization (Boston MPO) as part of their annual TIP development process. The Boston MPO is comprised of 22 voting members, including Massachusetts Executive Office of Transportation, MassDOT Highway Division, the Massachusetts Bay Transit Authority (MBTA), MBTA Advisory Committee, the Massachusetts Port Authority (Massport), Metropolitan Area Planning Council (MAPC), the Advisory Council, the Cities of Beverly, Boston, Everett, Newton, Somerville and Woburn, and the towns of Arlington, Bedford, Braintree, Framingham, Lexington, Medway and Norwood, and is the federally designated entity charged with developing transportation plans and programs for this region.

If within two years of the date of this letter, the Municipality has not accomplished the following three milestones, the project will be deactivated unless the project is resubmitted to the PRC for continued project eligibility: 1) received MassDOT approval of the project's Scope/Workhours; 2) secured a signed contract with their design consultant for the entire design process; and 3) identified design funding (please provide proof of Municipal vote/Chapter 90 approval/etc., indicating full funding has been secured). Resubmission to PRC may also be required if there is a significant increase in cost or change in scope over the life of the project.

The municipality will be responsible for funding and administering the project design (with Highway Division review and approval), securing and providing documentation for all necessary Right-of-Way in accordance with Uniform Act requirements, and for preparing all environmental permit applications. The Highway Division will be responsible for administering the environmental permitting process necessary to obtain the required permits and for overseeing the project construction.

The following sections of this letter discuss other 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 construction 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 five federal fiscal years. Please work with the District Office and the Merrimack Valley Planning Commission (MVPC), which serves as staff to the MVMPO, 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. 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 (TEC) in establishing priorities for programming TIP projects. You should consider both the Highway Division'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 Federal Participating Construction Cost, as listed in the TIP, must include an amount for contingencies, construction engineering, reimbursable utility costs and traffic control, and that MassDOT will include an inflationary adjustment based upon the estimated year of advertising.
6. Cost estimates shall be reviewed at major design milestones, including every review submission. **In addition, in preparation for annual TIP development, detailed cost estimates (showing TFPCCC as well as a breakdown of different funding categories, if applicable) must be submitted to the MassDOT District Office during the second week of January every year.**

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*, Engineering Directives, SOPs, and other relevant Highway Division standards and criteria. The Highway Division requires formal approval of design exceptions when any of the controlling design criteria identified in the *Project Development and Design Guide* (Chapter 2 Section 11) and Engineering Directive E-14-006 cannot be met.
2. If the municipality requires the services of a Surveyor or Design Consultant, 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. https://hwy.massdot.state.ma.us/webapps/MHDConsultants/MHD_Consultants.asp

3. When soliciting services from Surveyors or Design Consultants, the Highway Division requires the municipality use a qualifications-based selection process. In addition, the municipality shall refer to the Municipal Project Guide during the project development and contract negotiation process. This document is available on the Highway Division website.
<http://www.massdot.state.ma.us/highway/DoingBusinessWithUs/LocalAidPrograms/MunicipalProjectSummaryGuide.aspx>
4. Municipalities shall use MassDOT's *Standardized Scope of Work and Work Hour Estimate Form for Design Services* as a template for municipal agreements with design consultants. These documents are available on the Highway Division website, and must be submitted to this District Office for review and approval.
<http://www.massdot.state.ma.us/highway/Departments/ProjectManagement/StandardizedScopeandEstimateForms.aspx>
5. All projects require some level of construction phase engineering services by the design consultant. The municipality is responsible for ensuring that any contracts with design consultants include appropriate consideration for these important services.
6. 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:
<http://www.massdot.state.ma.us/highway/RoadFlaggers.aspx>.
7. 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*. Layout needs to be located by an instrument survey and suitable to develop a recordable plan in accordance with the applicable sections of 250 CMR 6.01 & 6.02.
8. The municipality is responsible for acquiring the necessary rights, including temporary and permanent easements, on private and public property in accordance with the Federal Uniform Act Requirements. The Right-of-Way process is time consuming and expensive. The municipality will need to perform title exams on all parcels needed for the project. They will need to allocate significant staffing resources to work with impacted property owners. Property owners are entitled to an appraisal and an appraisal review. Property owners are entitled to receive Just Compensation. Your municipality is responsible for all Right-of-Way acquisition expenses including recording fees at the Registry of Deeds. Your municipality will be assigned a MassDOT Community Compliance Officer to oversee the process and ensure compliance to state and federal regulations. Right-of-Way requirements, guidelines and checklists 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. The preparation of Right-of-Way plans are required at every stage of design submission based on an instrument survey that meets 250 CMR 6.01 and 6.02. Recordable plans and instrument will be required.

Honorable Thomas M. McGee
Lynn – Rehabilitation of Western Avenue
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9. 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 *MassDOT 2006 Project Development and Design Guide*. 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. The latest version of the EECC is available on our website:
<http://www.massdot.state.ma.us/highway/Departments/EnvironmentalServices/FormsPublicationsDocuments/ProjectDevelopment.aspx>
10. 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, as directed to do so. The Highway Division reserves the right to assume the role of permit applicant on any project it will advertise.
11. For all roadway projects, the project designer must submit the Pavement Design Checklist 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 District Office and Highway Division Project Manager prior to the 25% design submission.
12. 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.
13. 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.
14. 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 *Project Development Design Guide* and MassDOT Policy and Engineering Directives, most notably the Healthy Transportation Policy Directive, P-13-0001, and Engineering Directive E-14-006.
15. All Highway Division projects must be designed, constructed and maintained in compliance with the Americans with Disabilities Act (ADA) and with the specifications set forth in the Massachusetts Architectural Access Board (AAB) regulations at 521 CMR. The municipality is responsible for ensuring that any Right-of-Way necessary for construction complies with AAB specifications and that completed projects are maintained in accordance with ADA and AAB regulations.

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16. The municipality will be required to enter into a Municipal Project 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, which include making reasonable efforts to remove snow and ice to allow only temporary and isolated interruptions in accessibility, it should not advance this project for advertising by the Highway Division. This requirement is in accordance with the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq.; 28 CFR § 35.133, and 23 U.S.C. § 116 (Maintenance).
17. The municipality shall be responsible for all construction costs under two conditions:
 - 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.
 - 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.
18. 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. 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.

Thank you for your anticipated compliance to the requirements contained in this letter. Failure to carefully follow the above requirements may jeopardize your project's success and eventual advertisement for construction. We look forward to working with you as this project progresses. If you have any questions or need additional information, please contact Albert Miller, Project Manager at 857-368-9341.

Sincerely,



Paul D. Stedman
District Highway Director

Encl: Attachment A, Municipal Signature page
Right-of-Way Guidelines & Sample Municipal Project Agreement

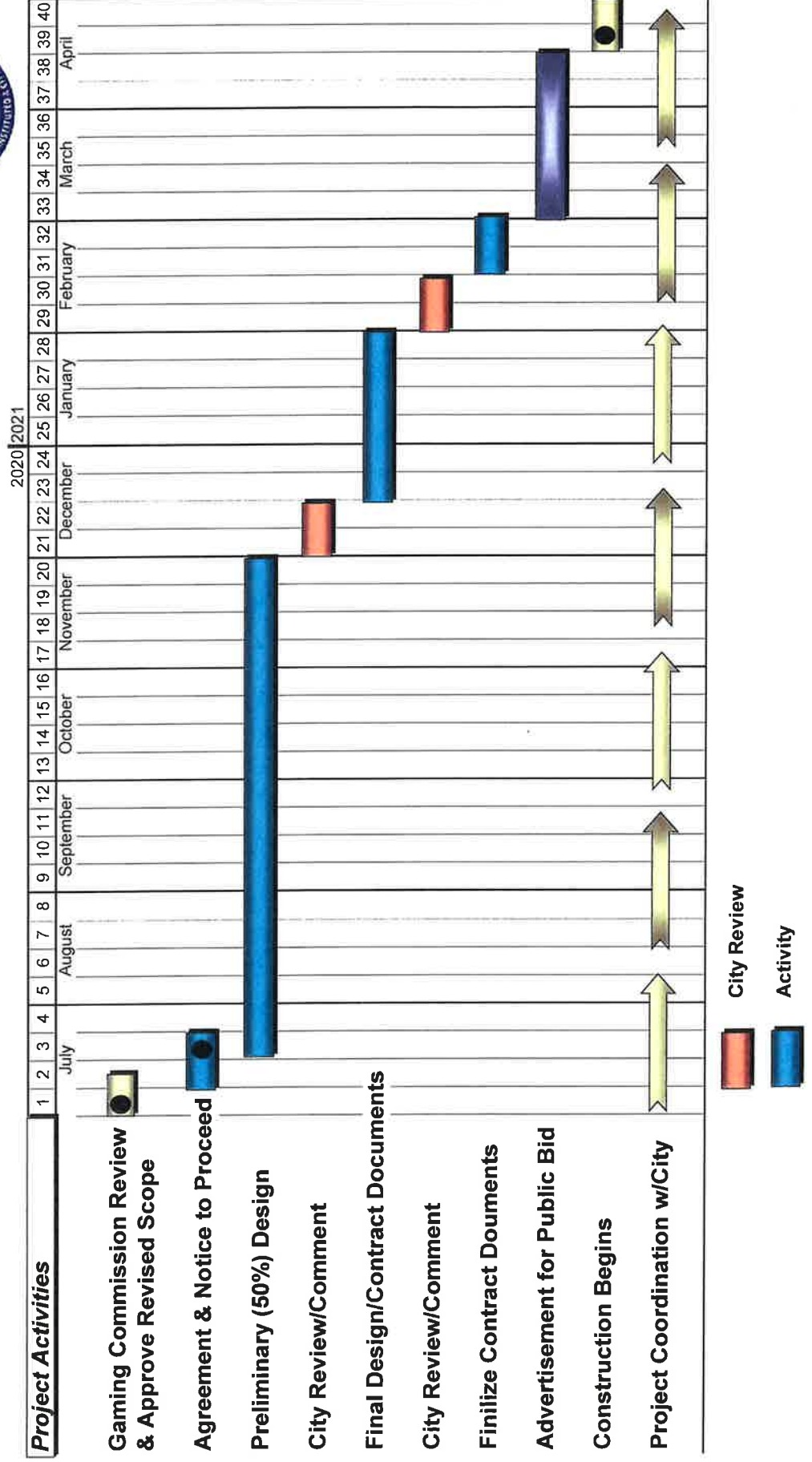
cc: (letter only):
James Marsh, Director of Economic Development
Alexandra Kleyman, CTPS

Proposed Project Schedule

City of Lynn



Citywide Traffic Signal Improvements



City Review
Activity



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



September 10, 2018

The Honorable Thomas M. McGee
City of Lynn
City Hall, Room 306
3 City Hall Square
Lynn, MA 01901

Re: City of Lynn – Massachusetts Gaming Commission Community
Mitigation Fund Transportation Planning Grant

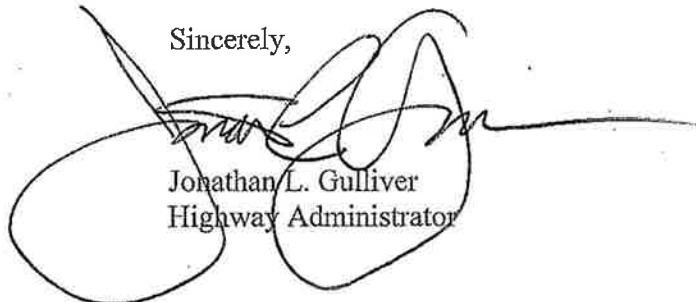
Dear Mayor McGee:

The City of Lynn has requested MassDOT's review of its proposed scope of work for use of the Transportation Planning Grant that is applied for through the Massachusetts Gaming Commission Community Mitigation Fund. The purpose of the grant is for it to be used to address specific transportation impacts that have been created by the construction and/or operation of Encore Boston Harbor.

The City has proposed to use the grant to inventory all city-owned traffic signal systems. This inventory includes, but is not limited to, physical condition of traffic signal appurtenances, signal operation, pedestrian accessibility to signals. All data gathered during this review will be stored in a GIS environment. The City intends to use this information to identify existing and anticipated operational and safety deficiencies in order to create a capital improvement plan for its traffic signal systems.

Given its proximity to Encore Boston Harbor and the potential for casino-related traffic to traverse through Lynn, MassDOT concurs that the City's proposed use of the Transportation Planning Grant falls within the parameters set by the Massachusetts Gaming Commission.

Sincerely,



Jonathan L. Gulliver
Highway Administrator

City of Lynn



City Hall, Room 306
Lynn, MA 01901

Phone: 781-586-6850

Fax: 781-599-8875

thomas.mcgee@lynnma.gov

Thomas M. McGee
Mayor

August 20, 2018

Jonathan L. Gulliver, Highway Administrator
Massachusetts Department of Transportation
Highway Division
10 Park Plaza
Boston, MA 02116

Attn.: Neil E. Boudreau, Assistant Administrator for Traffic and Safety

Re: City of Lynn – Massachusetts Gaming Commission Community Mitigation Fund Transportation Planning Grant

Dear Mr. Gulliver:

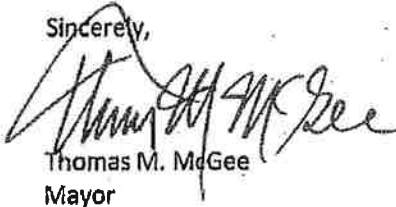
Under the Expanded Gaming Act, the City of Lynn qualifies to receive a Transportation Planning Grant of up to \$100,000.00 through the Massachusetts Gaming Commission's Community Mitigation Fund. This grant is to be used for studies intended to mitigate the potential impact of traffic generated by proposed gaming facilities on neighboring communities. The City has submitted a request to allocate its grant toward conducting a comprehensive physical and operational inventory of the City's signalized intersections to help identify potential impacts due to the Encore Boston Harbor resort. The City believes this work is the highest best use of the Gaming Commission grant funds citywide.

Several arterial roadways pass through the City of Lynn, including Routes 1A, 107, 129, 129A, Essex Street, Boston Street, and Broadway. These routes serve as primary access corridors connecting the North Shore communities of Swampscott, Marblehead, Salem, Peabody, and Nahant with the City of Boston and Metro North communities including the City of Everett. With the Encore Boston Harbor Casino under construction, workers and construction vehicles from these communities put additional strain onto these already congested corridors in the City of Lynn daily. Upon the casino's opening in the summer of 2019, the additional traffic anticipated to travel through the City of Lynn is also a vital concern to safety, efficiency, and air quality along the City's roadways. The proposed inventory will better inform the City in identifying problem areas and developing the required mitigation for these potential impacts.

In accordance with the terms of the Transportation Planning Grant, the City is required to consult with MassDOT to determine to the best utilization of the grant funds for a study or studies to lessen any casino related traffic impacts. The City therefore respectfully requests concurrence from MassDOT with our proposed use of the Transportation Planning Grant funds. Attached for your review is the request and Scope of Services submitted to the Gaming Commission for approval.

On behalf of the people of Lynn, thank you for your assistance in moving this project forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. McGee". The signature is stylized and cursive, written over a white background.

Thomas M. McGee
Mayor

- Attachment A – Scope of Services
- Attachment B – Traffic Signal Locations

ATTACHMENT A – SCOPE OF SERVICES

In accordance with the City's 2017 Community Mitigation Fund Transportation Planning Grant agreement with the Commission, the City intends to contract with a qualified Consultant to perform the following Scope of Services relative to mitigation of potential adverse impacts arising from traffic generated by the Encore Boston Harbor casino in the City of Everett.

Several arterial roadways pass through the City of Lynn, including Routes 1A, 107, 129, 129A, Essex Street, Boston Street, and Broadway. These routes serve as primary access corridors connecting the North Shore communities of Swampscott, Marblehead, Salem, Peabody, and Nahant with the City of Boston and Metro North communities including the City of Everett. With the Encore Boston Harbor Casino under construction, workers and construction vehicles from these communities put additional strain onto these already congested corridors in the City of Lynn daily. Upon the casino's opening in the summer of 2019, the additional traffic anticipated to travel through the City of Lynn is also a vital concern to safety, efficiency, and air quality along the City's roadways.

City-owned traffic signals are critical to vehicular circulation throughout the roadway network. To that end, the City proposes to utilize the Massachusetts Gaming Commission 2017 Community Mitigation Fund Transportation Planning Grant to complete a comprehensive investigation of signalized locations within the City, to better inform the City in identifying problem areas and developing the required mitigation.

Under the proposed Scope of Work, the City's traffic signal systems will be catalogued and evaluated in order to identify necessary improvements needed to optimize traffic operations, improve safety for all modes, and determine appropriate near-term and long-range signal improvement strategies required as a result of anticipated traffic generated by ongoing casino construction and anticipated future casino generated traffic. A physical and operational review of all City-owned locations under traffic signal control will be conducted throughout the City. The purpose of the review will be to determine the extent of the deficiencies, identify locations in need of the improvements (equipment and/or operation), develop repair strategies and recommendations, and establish a capital plan with associated costs for engineering and construction. It is our understanding that the City of Everett performed a similar Scope of Services as part of the transportation peer review funded by Wynn Resorts, with positive results.

Scope of Services

1. Traffic Signal Investigation

A. Physical Inventory of Existing Signal Equipment

1. The Consultant will conduct a physical signal inventory of all City-owned locations operating under traffic signal control throughout the City to assess anticipated operations with the addition of casino construction traffic. The inventory will include

signal systems at signalized intersections, pedestrian crossings, emergency response facilities and flashing beacons. The physical signal inventory will include an inventory of all existing signal equipment, including an assessment of condition and workability. In addition, the inventory will catalogue phasing, sequence and timing, geometric layout, bicycle accommodation and review each traffic signal location for conformance with federal and state guidelines (i.e., Manual on Uniform Traffic Control Devices (MUTCD) and the AASHTO *Green Book*). Wherever possible, any existing signal permits or as-built signal plans will be researched and documented.

2. Traffic signal locations will be mapped graphically and attributed within the ArcMap GIS environment outlined in Part 1. The inventory attributes to be collected include, but are not necessarily limited to, the following within each signalized intersection:

Cabinet Inventory

- Local Controller make, model, and serial number
- Master Controller make, model, and serial number
- Malfunction Management Unit make and model
- Detector Amplifier make, model, and quantity
- Load Switch make, model, and quantity
- Flasher Relay make, model, and quantity
- Bus Interface Unit make, model, and quantity
- Cabinet make, model, size, color, and quantity
- Quantity of spare load switches, flasher relays, detector amplifiers, etc.
- Emergency Preemption make and model
- Timing and Phasing

Vehicle Signal Head Inventory

- Number of vehicle signal heads, by number of sections
- Number of lenses by size (8" or 12"), type (red ball, yellow arrow, etc.), and illumination (LED, incandescent, or fiber optic)
- Condition of signal heads
- Number of backplates

Pedestrian Signal Inventory

- Number of pedestrian signal heads, by size, number of sections, message type ("WALK"/"DON'T WALK", outline symbols, or solid symbols), and condition
- Number of countdown timers
- Pushbutton quantity, type, and ADA compliance
- Pushbutton signs
- Accessible Pedestrian Signal (APS) equipment

Signal Support Inventory

- Number of mast arms by type (truss, mono-lever)
- Number of span poles by type (free-swinging, tether)

- Number of 8 foot signal posts
- Number of 10 foot signal posts

Signal Operation Inventory

- Number of Phases
 - Coordination
 - Actuation
 - Phasing
4. This Scope of Services and fee estimate assumes that City-owned traffic signal locations will be investigated including signalized intersections, pedestrian crossings, emergency response facilities and flashing beacons. MassDOT and DCR signals are not anticipated to be investigated.
 5. A list of City-owned traffic signals is included in Attachment A.

B. Operational Evaluations

1. Vehicle queues and delays will be observed and recorded at each Traffic-Actuated Signal location identified in Attachment A for a 15-minute interval during a typical morning peak period (7:00 to 9:00 a.m.) and a typical afternoon peak period (4:00 to 6:00 p.m.).
2. Queues and delays for each approach or lane group will be averaged to determine "typical" peak hour operations during each peak period.
3. Average delays and queue lengths will be incorporated into a GIS layer, graphically displaying the queue length and color coded by Highway Capacity Manual level of service thresholds for delay.
4. Operational observations will not be conducted at signalized crosswalks, emergency pre-emption signals, flashing beacons, or school flashers.

C. Evaluation and Recommendations Report

1. The inventory will be compiled and presented to the City in a bound report and in an electronic format consisting of a series of summary tables and GIS maps. Inventory information, sequence and timing diagrams, and reports will also be provided in database format so that the City can periodically update them, once the work is accepted, in Microsoft Access or ArcGIS. Photographs, when required, will be provided in JPG format. Reports and recommendations will be provided in PDF format.
2. The final report will be submitted detailing the condition of each intersection and its

compliance with standards and guidelines. The database output will identify required changes to each intersection to improve traffic operations and overall traffic flow. Recommendations will also include improvements to pedestrian access and bicycle accommodations, where feasible. Recommendations will be broken down into three separate areas: Field adjustments, short-term improvements, and long-term improvements. Recommendations will be offered for improvements in each of these areas as appropriate and included preliminary cost estimates to complete the work.

3. Field adjustment recommendations will consist of sequence and timing changes that will improve traffic operations. If appropriate, these low cost improvements will require fine tuning current signal operations to result in more efficient traffic flow, reduced vehicle delays, and improved safety. No physical improvements to traffic signals are anticipated as a part of this effort. The Scope of Services for field adjustments is identified in Section E – Field Adjustments.
4. Short-term improvements will consist of measures the City can undertake with its own forces (or with a maintenance contractor) and for limited cost. The improvements are anticipated to include, but are not necessarily limited to replacing worn or malfunctioning controller components, damaged, non-compliant or outdated signal equipment, minor geometric improvements and other improvements of a similar scale. It is anticipated that implementing these improvements would be considered maintenance (less than \$25,000 per location) and would not necessarily be included in a capital improvement plan.
5. Long-term improvements will include significant improvements to alleviate congestion and/or improve safety. These improvements will form the core of a recommended capital improvement plan. The capital improvement plan will contain recommendations for the scope and extent of required improvements, a prioritization of the projects, and the likely funding sources for the projects, including federal and state programs (MAP-21 funds, MassWorks grants, Chapter 90 funding, etc.) or local funds (general obligation bonds, operating funds, etc.).
6. Up to three copies of the final report will be provided to the City. The report will also be delivered in an electronic format.

D. Database Installation & Training

1. The Consultant will install the Signal Inventory Program Database and mapping at up to two (2) locations as directed by the City.
2. The Consultant will conduct up to two training sessions for City staff, lasting approximately two (2) hours each.

3. If applicable, the signal inventory program will be integrated into the City's existing GIS system.

E. Field Adjustments

1. Based on the findings and recommendations in Section B, the Consultant will make field adjustments to specific traffic signals where improvements to overall traffic operations can be achieved. These field adjustments will proceed only after discussion with the City and agreement on the proposed field measures to be implemented. Field adjustments will be limited to changes in the sequence of signal phases, changes to the duration of signal timing intervals, and/or changes to detection parameters and other signal parameters. No physical changes to the signal layout are anticipated as a part of this scope unless they are made in conjunction with an improvement specified in the short-term improvements.
2. Field adjustments will be reflected in revised sequence and timing diagrams to be submitted to the City. A qualified field technician will complete any proposed field adjustments.

F. Fee

1. The estimated fee for the above Scope of Services is \$100,000.00.

ATTACHMENT B – TRAFFIC SIGNAL LOCATIONS

Traffic-Actuated Signals (62 Locations)

1. Boston Street at Winnepurkit Avenue
2. Boston Street at Summer Street (Austin Square)
3. Boston Street at Myrtle Street/Laurel Street
4. Boston Street at Franklin Street/North Franklin Street
5. Boston Street (Route 129) at Washington Street (Route 129)
6. Boston Street (Route 129) at Ford Street
7. Boston Street (Route 129)/Carter Road at Broadway (Route 129)/Chestnut Street (Route 129A)
8. Broad Street/Lewis Street (Routes 1A/129) at Chestnut Street/Atlantic Street
9. Broad Street (Routes 1A/129) at Green Street
10. Broad Street (Routes 1A/129) at Nahant Street
11. Broad Street (Routes 1A/129) at Silsbee Street/Newhall Street
12. Broad Street (Routes 1A/129) at Exchange Street (Route 129)
13. Broad Street (Route 1A) at Union Street
14. Broadway (Route 129) at Hudson Street
15. Broadway (Route 129) at Springvale Avenue/Magnolia Avenue
16. Broadway (Route 129) at Lynnfield Street (Route 129) & Parkland Avenue (Wyoma Square)
17. Broadway at Euclid Avenue
18. Chatham Street at Essex Street
19. Chestnut Street at Essex Street
20. Chestnut Street at Adams Street
21. Essex Street/Market Street at North Common Street/South Common Street/Central Avenue (City Hall Square)
22. Commercial Street at Neptune Street/Neptune Boulevard
23. Commercial Street at Summer Street
24. Eastern Avenue (Route 129A) at Alden Street/Oakwood Avenue
25. Eastern Avenue (Route 129A) at Essex Street
26. Eastern Avenue (Routes 129/129A) at New Ocean Street (Routes 1A/129)
27. Franklin Street at North Common Street & South Common Street
28. Holyoke Street at O'Callahan Way/Keslar Street
29. Lewis Street (Routes 1A/129) at Lafayette Park/Cherry Street
30. Lewis Street (Routes 1A/129) at Autumn Street/Bassett Street
31. Lewis Street (Routes 1A/129) at Ocean Street (Routes 1A/129) & Ocean Circle
32. Linwood Street at Parkland Avenue
33. Maple Street at Chestnut Street (Route 129A)
34. Maple Street at Euclid Avenue
35. Market Street (Route 1A) at Broad Street (Route 1A)
36. Market Street at State Street/Oxford Street
37. Market Street at Andrew Street
38. Market Street at Tremont Street/Liberty Street
39. Neptune Boulevard at Summer Street/Lynn Vocational Technical Institute

40. Neptune Boulevard/Wheeler Street at Blossom Street
41. Oxford Street at Willow Street
42. South Street at Summer Street
43. Pleasant Street at Tremont Street
44. Union Street at Exchange Street (Route 129) (Central Square)
45. Walnut Street at Myrtle Street/Dungeon Avenue
46. Walnut Street at O'Callaghan Way/Pennybrook Road
47. Washington Street (Route 129) at Broad Street (Route 1A)
48. Washington Street (Route 129) at Union Street
49. Washington Street (Route 129) at Liberty Street
50. Washington Street (Route 129) at Essex Street
51. Western Avenue (Routes 107/129A) at Maple Street/Waitt Avenue (Route 129A)
52. Western Avenue (Routes 107/129A) at Chatham Street
53. Western Avenue (Routes 107/129A) at Chestnut Street (Route 129A)
54. Western Avenue (Route 107) at Maple Street/Bay View Avenue
55. Western Avenue (Route 107) at Washington Street (Route 129)
56. Western Avenue (Route 107) at Franklin Street
57. Western Avenue (Route 107) at Mall Street
58. Western Avenue (Route 107) at Centre Street
59. Western Avenue (Route 107) at Spencer Street/Edwards Court
60. Western Avenue (Route 107) at Summer Street
61. Western Avenue (Route 107) at Albion Street/Minot Street & Burns Street
62. Western Avenue (Route 107) at General Electric Aviation

Pedestrian-Actuated Signals (11 Locations)

- P1. Boston Street at Cottage Street
- P2. Eastern Avenue (Route 129A) at Aborn School
- P3. Eastern Avenue (Route 129A) at Shore Village
- P4. Maple Street at Cross Street
- P5. North Common Street at Harwood Street
- P6. South Common Street at Caggiano Plaza
- P7. South Common Street at Shepard Street
- P8. Washington Street (Route 129) at Louis Barrett Residences
- P9. Western Avenue (Route 107) at Breed Square
- P10. Western Avenue (Route 107) at Cooper Street
- P11. Oxford Street at Washington Street (Route 129) & Central Avenue (Route 129)

Flashing Beacons (8 Locations)

- B1. Bloomfield Street at Fayette Street & Lafayette Park
- B2. Chatham Street at Timson Street/Trinity Avenue
- B3. Chatham Street at Marianna Street
- B4. Henry Avenue at Lawton Avenue
- B5. Holyoke Street at Myrtle Street
- B6. Lewis Street (Routes 1A/129) at Chatham Street

B7. Washington Street at Hanover Street/Beacon Hill Avenue
B8. Euclid Avenue at Rockdale Avenue

School Zone Flashers (1 Location)

51. 312 Broad Street



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



DELIVERY CONFIRMATION

December 11, 2018

Honorable Thomas M. McGee
City of Lynn
3 City Hall Square
Lynn, MA 01901

Subject: MassDOT Highway Division Project 609252: Lynn – Rehabilitation of Essex Street – Project Eligibility Notification

Dear Mayor McGee:

On behalf of MassDOT, I am writing to inform you that the Highway Division's Project Review Committee (PRC) has evaluated the subject project and determined that it is eligible for Federal Aid highway funding. It is the PRC's understanding that the estimated Total Federal Participating Construction Cost (TFPCC) of this project is \$16,925,000. The TFPCC, which consists of the bid items, police details, construction engineering, contingencies and reimbursable utility relocation, must be fully programmed on the Transportation Improvement Program (TIP). As the project proponent, the municipality is responsible for costs associated with design, right-of-way acquisition and environmental permitting.

This eligibility determination by the PRC 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 Boston Region Metropolitan Planning Organization (Boston MPO) as part of their annual TIP development process. The Boston MPO is comprised of 22 voting members, including Massachusetts Executive Office of Transportation, MassDOT Highway Division, the Massachusetts Bay Transit Authority (MBTA), MBTA Advisory Committee, the Massachusetts Port Authority (Massport), Metropolitan Area Planning Council (MAPC), the Advisory Council, the Cities of Beverly, Boston, Everett, Newton, Somerville and Woburn, and the towns of Arlington, Bedford, Braintree, Framingham, Lexington, Medway and Norwood, and is the federally designated entity charged with developing transportation plans and programs for this region.

If within two years of the date of this letter, the Municipality has not accomplished the following three milestones, the project will be deactivated unless the project is resubmitted to the PRC for continued project eligibility: 1) received MassDOT approval of the project's Scope/Workhours; 2) secured a signed contract with their design consultant for the entire design process; and 3) identified design funding (please provide proof of Municipal vote/Chapter 90 approval/etc., indicating full funding has been secured). Resubmission to PRC may also be required if there is a significant increase in cost or change in scope over the life of the project.

The municipality will be responsible for funding and administering the project design (with Highway Division review and approval), securing and providing documentation for all necessary Right-of-Way in accordance with Uniform Act requirements, and for preparing all environmental permit applications. The Highway Division will be responsible for administering the environmental permitting process necessary to obtain the required permits and for overseeing the project construction.

The following sections of this letter discuss other 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 construction 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 five federal fiscal years. Please work with the District Office and the Merrimack Valley Planning Commission (MVPC), which serves as staff to the MVMPO, 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. 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 (TEC) in establishing priorities for programming TIP projects. You should consider both the Highway Division'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 Federal Participating Construction Cost, as listed in the TIP, must include an amount for contingencies, construction engineering, reimbursable utility costs and traffic control, and that MassDOT will include an inflationary adjustment based upon the estimated year of advertising.
6. Cost estimates shall be reviewed at major design milestones, including every review submission. **In addition, in preparation for annual TIP development, detailed cost estimates (showing TFPCCC as well as a breakdown of different funding categories, if applicable) must be submitted to the MassDOT District Office during the second week of January every year.**

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*, Engineering Directives, SOPs, and other relevant Highway Division standards and criteria. The Highway Division requires formal approval of design exceptions when any of the controlling design criteria identified in the *Project Development and Design Guide* (Chapter 2 Section 11) and Engineering Directive E-14-006 cannot be met.
2. If the municipality requires the services of a Surveyor or Design Consultant, 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. https://hwy.massdot.state.ma.us/webapps/MHDConsultants/MHD_Consultants.asp

3. When soliciting services from Surveyors or Design Consultants, the Highway Division requires the municipality use a qualifications-based selection process. In addition, the municipality shall refer to the Municipal Project Guide during the project development and contract negotiation process. This document is available on the Highway Division website.
<http://www.massdot.state.ma.us/highway/DoingBusinessWithUs/LocalAidPrograms/MunicipalProjectSummaryGuide.aspx>
4. Municipalities shall use MassDOT's *Standardized Scope of Work and Work Hour Estimate Form for Design Services* as a template for municipal agreements with design consultants. These documents are available on the Highway Division website, and must be submitted to this District Office for review and approval.
<http://www.massdot.state.ma.us/highway/Departments/ProjectManagement/StandardizedScopeandEstimateForms.aspx>
5. All projects require some level of construction phase engineering services by the design consultant. The municipality is responsible for ensuring that any contracts with design consultants include appropriate consideration for these important services.
6. 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:
<http://www.massdot.state.ma.us/highway/RoadFlaggers.aspx>.
7. 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*. Layout needs to be located by an instrument survey and suitable to develop a recordable plan in accordance with the applicable sections of 250 CMR 6.01 & 6.02.
8. The municipality is responsible for acquiring the necessary rights, including temporary and permanent easements, on private and public property in accordance with the Federal Uniform Act Requirements. The Right-of-Way process is time consuming and expensive. The municipality will need to perform title exams on all parcels needed for the project. They will need to allocate significant staffing resources to work with impacted property owners. Property owners are entitled to an appraisal and an appraisal review. Property owners are entitled to receive Just Compensation. Your municipality is responsible for all Right-of-Way acquisition expenses including recording fees at the Registry of Deeds. Your municipality will be assigned a MassDOT Community Compliance Officer to oversee the process and ensure compliance to state and federal regulations. Right-of-Way requirements, guidelines and checklists 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. The preparation of Right-of-Way plans are required at every stage of design submission based on an instrument survey that meets 250 CMR 6.01 and 6.02. Recordable plans and instrument will be required.

9. 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 *MassDOT 2006 Project Development and Design Guide*. 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. The latest version of the EECC is available on our website:
<http://www.massdot.state.ma.us/highway/Departments/EnvironmentalServices/FormsPublications/Documents/ProjectDevelopment.aspx>
10. 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, as directed to do so. The Highway Division reserves the right to assume the role of permit applicant on any project it will advertise.
11. For all roadway projects, the project designer must submit the Pavement Design Checklist 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 District Office and Highway Division Project Manager prior to the 25% design submission.
12. 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.
13. 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.
14. 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 *Project Development Design Guide* and MassDOT Policy and Engineering Directives, most notably the Healthy Transportation Policy Directive, P-13-0001, and Engineering Directive E-14-006.
15. All Highway Division projects must be designed, constructed and maintained in compliance with the Americans with Disabilities Act (ADA) and with the specifications set forth in the Massachusetts Architectural Access Board (AAB) regulations at 521 CMR. The municipality is responsible for ensuring that any Right-of-Way necessary for construction complies with AAB specifications and that completed projects are maintained in accordance with ADA and AAB regulations.

Honorable Thomas M. McGee
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16. The municipality will be required to enter into a Municipal Project 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, which include making reasonable efforts to remove snow and ice to allow only temporary and isolated interruptions in accessibility, it should not advance this project for advertising by the Highway Division. This requirement is in accordance with the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq.; 28 CFR § 35.133, and 23 U.S.C. § 116 (Maintenance).
17. The municipality shall be responsible for all construction costs under two conditions:
 - 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.
 - 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.
18. 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. 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.

Thank you for your anticipated compliance to the requirements contained in this letter. Failure to carefully follow the above requirements may jeopardize your project's success and eventual advertisement for construction. We look forward to working with you as this project progresses. If you have any questions or need additional information, please contact David Shedd, Project Manager at 857-368-9329.

Sincerely,



Paul D. Stedman
District Highway Director

Encl: Attachment A, Municipal Signature page
Right-of-Way Guidelines & Sample Municipal Project Agreement

cc: (letter only):
James Marsh, Director of Economic Development
Alexandra Kleyman, CTPS

