

Documentation Review: Langrock Letter of May 3, 2016, Attachment 1

Note: The numbered items below correspond to the numbered responses in Attachment 1 to the Langrock letter of May 3, 2016.

VTrans' Standard Specifications for Construction, which are referenced in this document, can be accessed online via the following link: <http://vtranscontracts.vermont.gov/construction-contracting/2011-standard-specifications>.

The VTrans document General Special Provisions for All Projects, which contains updates to the Standard Specifications, can be accessed online at this link:

http://vtranscontracts.vermont.gov/sites/aot_contract_administration/files/documents/General%20Special%20Provisions%20April%207%20%2C2016.pdf.

Response 1

- A new Agreement between the Town and the Vermont Agency of Transportation is being created to reflect, among other things, a change in how project costs will be billed, reviewed, and paid. A draft revision of the new Agreement is under development.
- Timing and schedule for the Fall 2016 Early Release Package (Contract 1) and the main construction project (Contract 2) will be specified in two General Contractor contracts. The Contract 1 contract is expected to be signed by October 2016 and the Contract 2 contract by March 2017.
- Section 108.12 of VTrans' *Standard Specifications for Construction*, which concerns liquidated damages, is posted in the Project Documents section of www.middleburybridges.org.

Response 2

- The specific dates for closing and reopening Merchants Row and Main Street will be specified in the main construction contract (Contract 2), which is expected to be signed by March 2017. The actual closure dates will be defined based on the final design and construction sequencing, with the goal of keeping street closure impacts within a single year (and shorter if possible). The project team intends to provide draft closure periods later this summer for stakeholder input, with more definitive closure dates provided a minimum of six months prior to the start of the scheduled road closure. For a general idea now based on design team input only, it is anticipated that the Merchants Row closure will begin in April 2017 and extend through the summer, with the Main Street closure following for a similar duration. The Contract 2 design details are currently being refined to minimize closure periods wherever possible.

Response 3

- A PDF of the *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way* can be found at the following online link: <https://www.access-board.gov/attachments/article/743/nprm.pdf>. The FHWA memo accepting the *Guidelines* as best management practice can be accessed online at this link: http://www.fhwa.dot.gov/environment/bicycle_pedestrian/resources/prwaa.cfm.
- A PDF of the current edition of the *Manual on Uniform Traffic Control Devices* can be found at the following online link: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm

- The project team will develop a traffic management plan that will include special requirements for the contractor's site-specific traffic control plan. This document becomes part of the contract plan set. The contractor's traffic control plan must be approved by the VTrans Resident Engineer (Tim Pockette) prior to implementation, per VTrans' *Standard Specifications* Section 104.04 (a copy of which is posted in the Project Documents section of www.middleburybridges.org.) Responsibility for the traffic control plan ultimately rests with the contractor.

Response 4

- It isn't clear what is meant by laydown area but we're assuming that's the typical staging of construction equipment and materials. The project impact area defined by the cut-fill limits within the plans and covered by the NEPA permitting document are open for use by the contractor to construct the project. Those areas will be fully permitted when the contract is awarded and can be used for access and staging for construction. While there is no specific requirement for which areas are used for staging, the contractor has previously indicated use of areas along the railroad ROW within the project limits. Waste, borrow, and staging areas outside the defined project limits must meet the requirements of VTrans' *Standard Specifications* Sections 105.25, 105.26, 105.27, and 105.28, a copy of which is posted in the Project Documents section of www.middleburybridges.org. The applicable NEPA documentation required for this project is a Categorical Exclusion (CE) as it does not meet the thresholds for an Environmental Impact Statement (EIS) or an Environmental Assessment (EA).

Response 5

- Section 103.04 of VTrans' *Standard Specifications for Construction* is posted in the Project Documents section of www.middleburybridges.org.

Response 6

- "Business interruption insurance" is a type of coverage that a business adds to its own insurance package. The insurance requirements of VTrans construction contracts are directed to the liability insurance that a contractor must carry for the protection of the State, the Town, the railroad, utilities, abutting landowners, etc.

Response 7

- The project specifications and design plans documenting the plan for rail removal and replacement will be available for public review by September 2016. The contract plans will require the contractor to allow train passage every 24 hours and include certain requirements but how the contractor actually completes the work is up to them so as long as it is in accordance with all other specifications.

Response 8

- If a derailment results from construction activities, the Railroad Protective Liability (RPL) insurance furnished by the contractor will provide primary coverage. The requirements for RPL are explained in Section 103.04(d) of the *Standard Specifications* (posted in the Project Documents section of www.middleburybridges.org.)

Response 9

- There is no follow-up question to Response 9.

Response 10

- Middlebury Fire Department Chief David Shaw reports that his team is resourced appropriately for the construction project. Specifically, some 75% of the 32-member MFD have completed operational hazmat training, and a variety of equipment for dealing with a hazmat event are stored in a special hazmat room at Station One on Seymour Street.

Response 11

- The Town's Legal Counsel will pay particular attention to this section of the general contractor's contract for Contract 2 (concerns insurance and liability in the event of a derailment).

Response 12

- A blasting and monitoring workplan, required by Section 106, is scheduled for public review in draft form in June 2016. A detailed blasting plan will be available after Mott MacDonald completes its pre-construction survey and analysis. Test drilling results are available on request from the project's Community Liaison.

Responses 13, 14 and 15

- A Public Forum will be held this summer to update the community on the project. At the Forum, VHB, VTrans and the Department of Environmental Conservation will present details of their proposed plan for managing stormwater runoff during and post-construction and for how the new drainage system will handle a hazmat event in the rail corridor. The community will have an opportunity to ask questions, voice concerns, and request additional information.

Response 16

- The 60% design plans are available for review in Middlebury's Town Offices. Each subsequent plan submission for Contract 1 and Contract 2 will be provided to the Town for review. It is anticipated that the next submission of plans for review will be in mid-June with Contract 1 Final Plans. Final sign-off on all project design documents from the FHWA takes place prior to construction for each contract.

Response 17

- A draft Pre-Construction Soil and Groundwater Sampling Plan is posted in the Project Documents section of www.middleburybridges.org.

Response 18

- The Governor's Recommended Transportation Budget recently was passed by the legislature with only a few minor edits. The Recommended Budget can be reviewed at the following online link: <http://vtrans.vermont.gov/about-us/capital-programs/fy2017>. The final budget will be posted soon with no changes to the Middlebury project. To review, click the State Highway Bridge tab under the Program Development Division Appropriation and look at the bottom of page 8 where the Middlebury project is shown with total Construction Cost estimated to be \$40M. These are cost estimates and by statute the Agency is allowed to move funds between projects within an Appropriation as needed once the final estimates come to be. Bottom line is the Agency has the authority to build the project and the funding.