

Lagoon Pond Drawbridge Committee
Minutes of the Meeting Held on April 6, 2005
At the Offices of the Martha's Vineyard Commission

Present: Melinda Loberg, Chair; Steve Berlucchi, Bob Ford, Mark London, Tristan Israel, Jo-Ann Taylor, Dan Greenbaum, Angela Grant, Denys Wortman, Fred Lapiana, Derek Cimeno, Dave Grunden, Harriet Barrow, Srinivas Sattoor, Jay Wilbur, Roger Wey

Committee Processes and Communication

- The Political Action Subcommittee met Senator Rob O'Leary on March 22 to discuss various concerns including the timely construction of the permanent bridge and, as the full Committee has discussed, the possibility that a final review of the two-bridge solution be requested at level higher than MassHighway before they go ahead. Senator O'Leary asked for a clarification of the Committee's position, before a scheduled meeting between the Senator and Secretary Grabauskas the following week. Mark London drafted a letter outlining the position as formulated in previous Committee meetings, e-mailed it to Committee members, and after getting only positive responses, sent it to Secretary Grabauskas with a copy to Senator O'Leary (see annexed copy). Secretary Grabauskas resigned the day of the scheduled meeting, which presumably did not take place.
- The Tisbury Board of Selectmen sent a letter to Senator O'Leary expressing similar concerns (see annexed copy).
- Senator O'Leary's office sent a summary of MassHighway's current position (see annexed copy).
- After a discussion of the procedures related to sending letters and other information on behalf of the Drawbridge Committee, it was agreed that:
 - The full Committee will meet to review any important correspondence or for any other substantive exchanges;
 - The Committee should continue to be main contact for the Vineyard, but other entities remain free to express themselves as they wish;
 - The Vineyard's role in relation to MassHighway will be stronger if the Committee and other entities work towards a common position, if possible (either the current one or, perhaps, a different one);
 - The Committee should continue to act within the framework of the currently agreed-upon position; if it felt that it was desirable to change position, it should consult both Boards of Selectmen;
 - The Political Action Subcommittee should continue working toward facilitating timely construction, funding, and permits.

Existing Bridge

- Harriet reported from a conversation this morning with the engineer working on repairs to the bridge that it will open this afternoon and should open regularly through October; his opinion was that the bridge should then remain closed until a new bridge is in place. Steve Berlucci indicated that it would appear that the repairs were relatively minor and probably not expensive.
- There was a discussion about the possibility of initiating a request to State Police to enforce the weight limit and keep larger trucks off the bridge (this would require scales from the mainland). Some members recalled that MassHighway engineers had indicated that it was not clear that this would make much difference. The Committee will write to the Boards of Selectmen recommending that they send a request to the State Police asking for enforcement of the weight limit.

Temporary Bridge

- Selectman Tristan Israel indicated that the Tisbury Board of Selectmen question the need for the temporary bridge based on changes to the conditions that led to the original conclusion, including rising costs. David Grunden and Selectman Roger Wey indicated that the Oak Bluffs Board of Selectmen has not withdrawn its support for the construction of the temporary bridge, absent a viable alternative and in light of the risk and consequences of a possible failure of the existing bridge
- Jo-Ann Taylor distributed a summary of an April 1 telephone conversation with Gary Kassof of the US Coast Guard.
 - The ruling regarding keeping the draw of the existing bridge closed has not been made because he would still like to focus on getting the temporary bridge permitted as a priority (needs public notice, etc.).
 - Any temporary ruling that would allow the draw to remain closed is predicated on an assurance by the harbormasters that there is sufficient alternate berthing for all the tall boats that normally would use the lagoon.
 - Options exist for rulings other than the ruling as discussed which require public notice:
 - o A 90-day test deviation would be a temporary ruling that would require only that USCG talk to boaters;
 - o A 60-day temporary closure for repairs would require only that USCG talk to boaters.
 - He is not sure that a ruling other than "the bridge is closed to boaters" is legally possible; he will check with USCG attorneys; i.e. he envisions a ruling that the draw remain closed from that point on for the duration, not the ruling which we have requested that would allow boat traffic to continue unless or until such time as the draw failed, at which time the bridge would then remain closed to boat traffic.
 - If MassHighway were to determine that the repairs are too expensive and decide not to pursue them, the USCG would likely not find justification to close the bridge to boats (they consider maintenance of the bridge the responsibility of the owner; cost is not an issue for them; the boaters would likely prevail).
 - He may be coming for a meeting that would be scheduled to accommodate him, the harbormasters and Steve McLaughlin (with whom he most needs to meet), with the

remainder of the Committee invited. This would probably take place in May, after direct flights from New York become available.

- Mark reported on a phone conversation Monday with Steve McLaughlin.
 - The estimate for the temporary bridge was \$4.1 million at the 25% design stage and didn't include the removal of the existing bridge; the present estimate is \$5.2 million due to inflation, the rising cost of steel, and inclusion of the simultaneous removal of the existing bridge as requested by the Drawbridge Committee.
 - The existing bridge is at serious risk, not only of having the lift mechanism inoperable, but of being completely closed before the 6-8 years it would take to get the permanent bridge in place; this would result in Beach Road being closed, perhaps for several years.
 - The two-bridge solution minimizes disruption to the community since the presence of the temporary bridge facilitates staging by allowing easy rerouting of traffic; there would be much more serious disruption if there was no temporary bridge.
 - The existing bridge is in rough shape; even if MassHighway "put \$100 million into repairs, it would not make it more solid" since it is the pilings that are at risk of shifting and cannot be repaired.
 - If the two Boards of Selectmen ask MassHighway not to build the temporary bridge, and assume the associated risk and consequences, MassHighway would consider this request.
- Steve Berlucchi believes that the temporary bridge is necessary, based on his 30 years experience as a bridge expert with MassHighway.

Permanent Bridge

- In the recent telephone conversation, Steve McLaughlin indicated the following information.
 - The Request for Qualifications for a design engineering firm has been issued (see the Comm-Pass website) and he hopes to have a firm in place by the late summer.
 - The cost is now estimated at \$24 million.
 - MassHighway would like to give the consultants submitting proposals an indication of the proposed width and height; he asked whether the Committee could make a preliminary recommendation within a month's time.

Next Meeting: Wednesday, April 20, 9 a.m., MVC

Minutes prepared by Jo-Ann Taylor and Mark London, MVC. Adopted by the Committee on April 20, 2005.

Daniel A. Grabauskis, Secretary
Executive Office of Transportation
Commonwealth of Massachusetts
10 Park Plaza, Suite 3170
Boston, 02116

March 29, 2005

Dear Mr. Grabauskas,

The Lagoon Pond Drawbridge Committee – made up of representatives of the Towns of Oak Bluffs and Tisbury as well as the Martha's Vineyard Commission, the County of Dukes County, and various other groups and individuals – wishes to express concerns about the status of the plans to replace the existing Lagoon Pond Drawbridge between Oak Bluffs and Tisbury.

After a thorough review of the situation last year, the Committee reluctantly endorsed MassHighway's two-step proposal to first erect a temporary drawbridge alongside the existing bridge, then to build a permanent bridge in the location of the present one (the two-bridge solution). An option that might have avoided construction of the temporary bridge would involve building the permanent bridge next to the existing bridge (the one-bridge solution).

The Committee's position, which was endorsed by the Oak Bluffs and Tisbury Boards of Selectmen, was based on several representations by MassHighway.

- That the present bridge could likely be kept in operation for the three years to get the temporary bridge in place, but not for the six to eight years to complete the permanent bridge.
- That the 6-8-year time period to design, obtain all authorizations for, and construct the permanent bridge could not be compressed.
- That several aspects of the one-bridge solution would be risky or not possible because of the fact that an alternative exists, namely:
 - DEP, Army Corps and CZM permitting for the required additional extensive landfill in the salt marshes of Lagoon Pond;
 - Coast Guard authorization to leave the existing bridge in the down position for several years, should it fail before the permanent bridge is in place, given the historical use of Lagoon Pond as an unofficial harbor of refuge;
 - MassHighway's taking the adjacent house by eminent domain.
- That MassHighway would proceed with all due speed with the construction of the permanent bridge in parallel with the erection of the temporary one.

Although many aspects of the situation remain the same, others have changed and given rise to new concerns. First, over the past year, the cost estimate for the temporary bridge has escalated to \$5.2 million. At this rate of escalation, it could end up costing \$6 or \$7 million for a temporary bridge that would be in place, according to MassHighway's timetable, for only three or four years. Secondly, we note that the Request for Qualifications to hire consultants to design the permanent bridge was not launched last year as promised, and as far as we know has still not been launched. Thirdly, some questions have been raised about the cost of the repairs currently being made to the existing bridge to make it operational this summer.

Although two-bridge solution may still be the best solution, various members of the community including the Tisbury Board of Selectmen have expressed serious misgivings about two aspects of the two-bridge solution: the very high cost of the temporary bridge that could possibly be avoided, and the increasing danger that the construction of the permanent bridge will be postponed because of the large investment in the temporary bridge.

Since we are reaching the point of no return on the construction of the temporary bridge, we ask you to give one last look at this situation to see whether this approach still makes sense or whether, given the changes in the situation over the past two years, it might be preferable to change the approach. We suggest that this be done at the same time as MassHighway continues to proceed with finalizing plans for the RFP for construction of the temporary bridge, and with the RFQ for the permanent bridge so that, if the conclusion is to stick with this option, no time will have been lost.

This bridge is the key link between the main towns of the Vineyard and a key access to the ferry and hospital. Having to endure two rather than one construction projects would double the disruption. Also, the extended presence of an unsightly temporary bridge in this very prominent location would seriously compromise the scenic values of the Vineyard and thus, a main basis of our vacation-based economy.

Therefore, whether or not the temporary bridge is built, we ask for your support in ensuring that the permanent bridge is built as soon as possible and would like to have a clear commitment from you that the permanent bridge will be built in a timely way. We are pleased that both bridges are included in the Draft State Transportation Plan but this does not guarantee that funding will actually be available. If the decision is made to go ahead with the two-bridge solution, the two bridges should be considered two phases of the same project (without any re-evaluation that could lower the permanent bridge's priority).

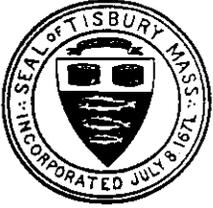
We appreciate the efforts of MassHighway to deal with this situation within the limits of their mandate and the constraints of their policies. However, it might be possible that the broader authority of the Secretary of Transportation could lead to a solution that is less costly and better responds to the needs of the community.

Truly yours,

Mark London, Executive Director, Martha's Vineyard Commission
On behalf of the Lagoon Pond Drawbridge Committee

cc Senator Rob O'Leary
Representative Eric Turkington
Oak Bluffs and Tisbury Boards of Selectmen

Lagoon Drawbridge Tlb



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OFFICE OF THE SELECTMEN

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March 29, 2005

Senator Rob O'Leary
State House
Room 416-A
Boston, MA 02133

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MARTHA'S VINEYARD COMMISSION

Re: Lagoon Pond Draw Bridge

Dear Senator O'Leary:

The Tisbury Selectmen wish to express serious concerns regarding the current direction and progress of Mass Highway's two-stage plan to replace the Lagoon Pond Draw Bridge. In a discussion held at their meeting held on March 22, several issues were raised. First, the potential cost of a temporary bridge has risen to well over \$5 million, and that is not even allowing for the rising cost of steel. As this cost increases it is felt the impetus to quickly fund the permanent bridge will lessen. Second, the existing lift on the drawbridge has been out of service since early winter and little or no information was provided by Mass Highway as to how long the bridge would remain in the down position and how much it would cost to fix. This lack of communication is disquieting. Third, the necessary paperwork for an RFQ for the permanent bridge was not initiated as promised. Mass Highway had agreed to do that at the same time it started the plans for the temporary bridge. The temporary bridge plans are now at the 75% stage.

When Mass Highway originally came we were told that the present bridge was unsafe, nearly inoperable and near collapse and that a temporary bridge (at roughly \$3.5 to \$4.0 million dollars) would be needed immediately until a permanent bridge could be designed and constructed. We were assured that this permanent bridge would be completed within 8 years. With only this information we voted for the temporary bridge, a decision based on little knowledge and only Mass Highway's opinion. The eminent domain issue is surmountable and we have since found out that if we work with the Coast Guard, permission may be granted to keep the bridge open to vehicular traffic should it fail completely.

Since the cost of this project is ballooning and few steps have been taken to further the design or construction of a permanent bridge, we are questioning our initial support for the temporary bridge solution. We realize that the hour is getting late but there is still time to step back and take a hard look at whether the present course is the best course. Initial fears that we are going to be left with a temporary structure for many years seem to be already manifesting themselves as events unfold.

There are other approaches to this situation. The \$5+ million dollars could be invested in many ways: the purchase of the house at the Lagoon Pond entry, more structurally sound reinforcements to extend the life of the current bridge, compensation to the commercial businesses who may need access to the pond and cannot if the bridge has to be closed, and if necessary additional pay for those who work overtime to complete the permanent bridge.

It is very difficult for others living off island to realize the importance of this bridge and the negative effect of two lengthy construction projects. The traffic disruptions will have a huge impact on local businesses. As an economy dependent on tourists with a limited road system it is even more important to have this project completed as quickly as possible. If we were given state assistance to expedite the funding and expedite the permitting and design process we would not need the eight year time frame of Mass Highway and one bridge could be constructed.

The process so far has not proceeded according to plan but it is still feasible to look at changing to a single bridge solution. We hope that state officials will take a serious look at the current plan to evaluate whether it really is in the best interest for the state and the island.

Sincerely,



Thomas Pachico, Chairman



Tristan Isreal



Raymond LaPorte

C.C.

Secretary of Commonwealth Development: Doug Foy

Secretary of Transportation: Daniel Grabowskis

Chairman of the Joint Committee on Transportation: State Rep. Joseph F. Wagner

State Representative: Eric Turkington

Oak Bluffs Selectmen

The Lagoon Pond Bridge Committee

Martha's Vineyard Times

The Vineyard Gazette

From: Susan Rohrbach [mailto:olearyr@gis.net]
Sent: Tuesday, March 29, 2005 4:31 PM
To: london@mvcommission.org
Subject: RE: Lagoon Bridge

Mark,

I have asked my contact at EOT/Mass Highway (Kris Erickson, the Legislative Director) some questions that have come up recently about the Lagoon Pond Bridge, and I thought you and others might be interested in hearing the answers I've gotten. What happens is that I e-mail him questions, and he goes to the appropriate people and gets back to me with answers. I have found him to be very helpful. I asked about the temporary/permanent issue, the repairs to the current bridge, establishing a good communication system, and about the plans for both the temporary and permanent bridges in the Governor's new 20-Year Transportation Plan.

In regard to my questions about the existing bridge, the response was that it is old and its condition is beyond its serviceable life and may close at any time. The bridge is not a safety hazard, they say; however, if it becomes structurally unsound, it will be closed. There is nothing that can be done to extend its serviceable life. MassHighway has repaired the bridge several times over the last couple of years.

As to the need for the temporary bridge, Mass Highway says that nobody wants to build a temporary bridge if they do not have to. A temporary bridge has a shorter design, construction, and permitting time than a permanent bridge. Mass Highway thinks that with the activism that exists in the Martha's Vineyard Community, it will take a much longer time to design the permanent bridge than the temporary bridge will take. Another key concern is the alignment of the permanent bridge. The permanent bridge will be wider than the existing bridge, and it will be substantially wider than the temporary bridge. A wider bridge on a new alignment may have environmental impacts, such as the filling of saltmarsh, and that would not be desirable.

I am told that if the Selectmen from the towns of Oak Bluffs and Tisbury send MassHighway, in writing, a request to not build the temporary bridge, and to build the permanent bridge instead, they will consider the request. However, they stress that the repairs to the existing bridge are emergency in nature and that this bridge is beyond its serviceable life. They describe the situation as putting, "band-aids" on the bridge to keep it open until the temporary bridge can be built. The emergency repairs have been out of the District Office in Taunton. They believe that the options are limited and that building the temporary bridge appears to be the best option available.

Regarding communication, Kris said that the history as they see it is that the MV Commission through their Lagoon Pond Bridge Project Committee held a joint meeting with the Oak Bluffs and Tisbury Boards of Selectmen to discuss the temporary bridge, specifically, The Report to the Selectmen of Oak Bluffs and Tisbury and to the Members of the Vineyard Public, Dated May 2004. At that time, both Boards unanimously endorsed all of the Committee's recommendations, the major recommendation being to build the temporary bridge. Steve McLaughlin,

MassHighway's project manager for both the temporary bridge and the permanent bridge projects (whom we met in Boston), has had several conversations with Mark London over the last couple of weeks. In order for the Martha's Vineyard Community to speak with "one voice", the Selectmen of Tisbury and Oak Bluffs asked that the MV Commission act as primary liaison to MassHighway on this project. Either Steve McLaughlin or Kris can serve as the point people at Mass Highway for this project (and I will be the point person in Senator O'Leary's office).

I noticed that the Governor's recently unveiled 20-year Transportation Plan had two entries that looked like they might be for the Lagoon Pond Bridge, so I asked about that, and the response was that yes, the 2 entries under "Bridges" for Oak Bluffs and Lagoon Pond in the new 20-year Transportation Plan are for the temporary and permanent bridges. They say that they will build the temporary bridge as soon as it is designed and permitted, and they will build the permanent bridge as soon as it is designed and permitted, as well.

They said that the temporary bridge is currently at the 75% design stage, and that they are proceeding with the Consultant Design Selection for the permanent bridge. The deadline to request a Design Application is April 8, 2005.

Also, I checked out Mass Highway's newly redesigned web site, and specific information on the project seems to be available at www.mhd.state.ma.us//ProjectInfo/. If you enter either Oak Bluffs or Tisbury, both the temporary and permanent bridge projects come up with some basic information that looks like it could expand as the projects move forward.

Please let me know if we can be of further assistance,

Sue

Susan Rohrbach
District Aide
Senator Robert A. O'Leary
Cape and Islands District
508-775-0162