

SOUTH RIVER STREET BRIDGE PUBLIC HEARING

QUESTIONS FROM THE PUBLIC

TOWN COUNCIL CHAMBERS

WEDNESDAY, APRIL 17, 2019

7:00 P.M.

RESPONSES FROM:

TOWN OF ENFIELD

&

CONNECTICUT DEPARTMENT OF TRANSPORTATION

TOWN OF ENFIELD

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The following questions are from Stephen and Caroline Cogtella and are related to the public hearing of 4/17/2019 regarding the projects listed below. We are defending the eminent domain taking of a home, located at 5 Main Street and the partial acquisition of 2 South River St in Thompsonville. The design team recommends widening the corner of South River and Main Street, demolishing a family home and taking adjacent property that has existed over 100 years, housed 5 generations, is well maintained and owned by disabled Enfield tax paying seniors. This street according to maps has existed over a century and served its purpose without any issues. The rouse to use South River Street Construction as a reason to widen the street and destroy our family property and home is not reasonable.

I believe that ConnDOT is collaborating with the Town of Enfield to use the South River Street Bridge/construction as an excuse to expand Enfield's anticipated riverfront access project, at significant costs for a bike/pedestrian trail and a rail stop that has no funding and may never exist.

The CONN DOT budget 2019 identifies 2 projects:

- project 0048-0198 South River St Enfield Replace Br 04506 over Freshwater Brook \$3,375,000
- project 0048-0190 as a bike trail in Enfield to construct high-speed rail crossing to bike/ped trails along CT Rv.\$ 3,250,570

Our major issues and questions are as follows:

1. Please explain how the description of deeded land to the Railroad by Loren H. Pease dated December 2, 1892 (Book 37, PG. 428) corresponds to Railroad ROW map (parcel 8) dated June 30, 1915. Specifically, the Western boundary of the parcel. These documents were provided to us by Town personnel who indicated that the physical road encroached into AMTRAK ROW, which is not apparent.

Town of Enfield Response:

The Town's consultant did survey work for the subject project and found, based on their deed and map research and field location, that a portion of the existing road pavement is encroaching on railroad right of way. The Town's consultant had a Land Surveyor, licensed by the State of Connecticut, make this determination. The Land Surveyor produced a map showing this encroachment, which he signed and sealed. The Engineering Office previously provided Mr. Cogtella with a copy of this survey map.

Connecticut Department of Transportation Response:

The Department's Office of Rights of Way is currently performing title search of the abutting properties. From our available records, it appears that the subject portion of South River Street is on property that belongs to AMTRAK. We currently do not have information that indicates otherwise.

2. Please cite the CT. State/municipal Statute that requires the 24-foot minimum width of the road.

Is this road defined as rural or urban? According to FHA, the road width only has to be 9-12 feet. States that “11-foot lanes are acceptable and within policy for reconstruction project in which a 22-foot dimension is operating in a satisfactory manner.”

Town of Enfield Response:

The minimum pavement width for a minor residential street is twenty four feet, as defined on page 18 of the Enfield Subdivision Regulations, which can be found on the Town’s website at <http://www.enfield-ct.gov/DocumentCenter/View/12769/Subdivision-Regulations-2006-PDF> .

Connecticut Department of Transportation Response:

The Department classifies this road as Urban. Per FHWA coding requirements, the minimum bridge roadway width is 20 feet. However, the Town requires a minimum width of 24 feet, which is acceptable to DOT and FHWA.

3. The 674-page CDOT Bridge Manual and CFR FHR states construction will not cover the following major items:
 - a. “Costs for connecting roadways, interchanges, ramps, and other roadway work not necessitated by the bridge project.” Is acquisition of this home and adjacent property necessary for this project?

Town of Enfield Response:

Acquisition of 5 Main Street area is necessary to provide space for a minimum width road, based on Enfield Subdivision regulations along with a walkway for a safe pedestrian access and remove the existing roadway encroachment on the railroad property.

Connecticut Department of Transportation Response:

In order to meet Town requirements for roadway width, and to relocate the subject portion of South River Street off AMTRAK property, it was determined that acquisition of adjacent private property would be required and necessary for the project.

- b. Will taxpayer dollars be allocated for something totally unnecessary and frankly not related to the bridge project?

Town of Enfield Response:

Taxpayers dollars will be allocated for this work. The State has committed 80% of Federal funds towards these costs with the bridge replacement project. If these roadway improvements are not included in the bridge replacement project, then the Town taxpayers would be required to fund 100% of the costs to remove the existing roadway from the railroad property.

Connecticut Department of Transportation Response: N/A

- c. “Costs of long approach fills, causeways, and other extensive earth structures, when constructed beyond the attainable touchdown point.” What is the bridge touchdown point?

Town of Enfield Response: N/A

Connecticut Department of Transportation Response:

The touchdown point is where the end of the bridge connects to the road.

- d. Expenses for relocation of utilities not owned by a municipality. Will the Town of Enfield have to pay Enfield homeowner tax dollars to relocate gas, water and electrical utilities and pay overhead and labor costs?

Town of Enfield Response: N/A

Connecticut Department of Transportation Response:

Private utilities on a locally owned road that are required to relocate in association with a Town project must do so at their own expense per CGS 13a-98f. A municipally owned or quasi-public owned utility that needs to relocate is provided 80% reimbursement from Federal funds.

e. Costs of Railroad protective insurance.

The CDOT 817 form insurance requirements do not follow the requirements of AMTRAK, which is usually \$25,000,000. Who will purchase this coverage?

Town of Enfield Response: N/A

Connecticut Department of Transportation Response:

Railroad protective insurance is required for a contractor working on AMTRAK property. No work is being proposed on AMTRAK property, therefore, the insurance requirements in Form 817 are sufficient.

f. “Any costs generally not recognized as reasonable and necessary for the project.”

Are these eminent domain requests reasonable and necessary to construct the bridge and/or bike path?

Town of Enfield Response:

The State and Town Council have decided, through their recommendations and actions, that the acquisition of 5 Main Street is reasonable for improving the safety of the traveling public.

Connecticut Department of Transportation Response:

To accommodate Town roadway width requirements and to relocate South river street off AMTRAK property, the subject property acquisition was deemed necessary for the project.

g. “Construction costs incurred prior to the commitment to fund.” Will the town receive the \$100,000 repair already expensed and consultant design costs?

Town of Enfield Response:

The Town has already received reimbursement for the design work done so far for the bridge replacement, as stated in an email to Steve Cogtella dated May 3, 2019. Design work is reimbursable under the State’s commitment to the Town dating back to 2013. The Town will not receive funding for the repairs done to the bridge, as that was emergency work outside of the bridge replacement project and program.

Connecticut Department of Transportation Response:

Funding is not provided through the program for maintenance work/interim repairs to a structure that is being proposed for replacement.

4. CDOT obtains funding from the Federal Highway Administration’s Highway Bridge Program (HBP). This program provides reimbursement of up to 80% of eligible project costs. To be eligible for Federal funding, “the bridge must be listed on the National Bridge Inventory (NBI); be municipally owned and/or maintained; be structurally deficient, must carry a public road classified by Federal guidelines as being either a “urban local” road, a “rural local” road, or a “rural minor collector”; and must not have received Federal funding within the last 10 years”.
- a. Does this bridge fall into those categories?

Town of Enfield Response:

The South River Street Bridge Replacement Project was approved for Federal funding.

Connecticut Department of Transportation Response: N/A

- b. What classification category is it?

Town of Enfield Response: N/A

Connecticut Department of Transportation Response:

South River Street is classified as an Urban Local Road.

- c. Was funding received in the last ten years?

Town of Enfield Response:

Under the current approved funding for the bridge project, the Town has received reimbursements, as stated in an email to Mr. Cogtella dated May 3, 2019. The Town had not received Federal funding for the South River Street Bridge Project, within ten years of the currently approved Federal funding.

Connecticut Department of Transportation Response:

Federal funds related to the bridge have not been received in the last 10 years.

- d. Is this a qualifying bridge in the National Bridge Inventory published April 1, 2019. NBI states average daily count must be 500 per day, yet we have seen statistics up to 1016 average daily count. Please provide documents verifying the average daily count on the bridge. Was equipment located on the bridge and if not, where was it located and the dates counts were taken?

Town of Enfield Response: N/A

Connecticut Department of Transportation Response:

This bridge qualifies for funding under the Federal Local Bridge Program. There is no minimum required average daily traffic to qualify for Federal Local bridge funds.

- e. Is this design consistent with the same traffic corridor?

Town of Enfield Response:

The design is consistent for a minimum width road, based on Enfield Subdivision regulations.

Connecticut Department of Transportation Response:

The proposed roadway width is in conformance with the Town's requirements for a new two-lane road in a subdivision.

5. If this taking is related to the bridge, what is the purpose of the horizontal realignment?

Town of Enfield Response:

The purpose of the proposed revision to the horizontal alignment of the road is to improve safety for the traveling public.

Connecticut Department of Transportation Response: N/A

- a. Please obtain and provide the list of accidents which occurred on this bridge in the last forty years.

Town of Enfield Response:

Police have advised that any person that wants Police data needs to contact Police Records Division directly and make the request themselves, at which time the Police Records Division will advise them on any associated costs and timeframe to process the request.

Connecticut Department of Transportation Response:

A 3 year look back is the requirement for accident data. The Department does not have accident information for a locally maintained road.

6. Purchase of the Eversource property (previously CT light and power). Since 2009, Enfield has paid for environmental studies 1 and 2, for which only one has been released. Negotiation for the property, has been ongoing for over 10 years. The McMahon report states it was an environmental hazard in 2009 and nothing has been done in the last 10 years to remediate the property. Question: Since the Eversource property is necessary for the riverfront project can someone tell me what is the status of the land acquisition, the potential purchase price, the cost of clean-up and how long will it take to remediate?

Town of Enfield Response: Please contact the Office of the Town Attorney.

Connecticut Department of Transportation Response: N/A

7. When will Environment Assessment (EA) required by National Environmental Policy Act (NEPA) be done? This study should identify environmental impacts of a land development action and analyzes a broad set of parameters including wetlands, air and water pollution, public safety issues, traffic, hazardous substance issues, etc. Kind of putting the cart before the horse if the overlook is developed and contractors are removing asbestos, and other contaminants from Eversource.

Town of Enfield Response: N/A

Connecticut Department of Transportation Response

The Bridge replacement project qualifies for a Categorical Exclusion per the Stewardship agreement between the FHWA and the Department of Transportation. The identified environmental impacts of this project are minimal and therefore does not require an Environmental Assessment (EA).

8. The building at 33 North River Street has cost taxpayers over \$500,000 to date, including the Town of Enfield paying for the same property twice (once from a brownfield grant passed through to the ECDC and recently through some other source). This building now owned by the Town, is blighted, and was anticipated to cost well over \$4,000,000 to rehab several years ago. Currently, to my knowledge, there is no funding approval for any construction funding by the bankrupt State of CT

a. Question: What is this status? What are the new estimated costs to rehab? Why is this building any different than our property and does it also encroach on AMTRAK right of way? What, if any, developers are interested in this location?

Town of Enfield Response: Please contact the Office of the Town Attorney.

Connecticut Department of Transportation Response: N/A

9. What is the time limit imposed for utilization of the funds already received?
Perhaps there is another viable alternative without taking private property.

Town of Enfield Response: N/A

Connecticut Department of Transportation Response:

The FHWA requires that the Town advertise the project for construction no more than 90 days after construction funds have been authorized. Other than that, there are no time limits for use of funds.

10. The bike/ped design has changed significantly from the original, which went over the 190 bridge, down Enfield Street, North Main and Main Street. Why?

Town of Enfield Response:

The River Access design has changed significantly from the original design which was two elevator towers with a walkway over the railroad at Fairview Avenue. The Town is still working with a consultant and CRCOG on funding for connection of the Route 190 Bridge walkway to Franklin Street, east up to Enfield Street then north up to High Street where the existing section of the multiuse path continues along the Freshwater Brook and around Freshwater Pond to the Freshwater Dam. The crosswalks on North Main Street at the dam is where the path picks up Project 48-190, running west on Main Street to the proposed pedestrian bridge and finally under the railroad at Asnuntuck Street.

Connecticut Department of Transportation Response: N/A

11. Is building another bridge to Asnuntuck Street across from Bigelow Commons for \$850,000 a prudent use of monies?

Town of Enfield Response: N/A

Connecticut Department of Transportation Response: N/A

12. We anticipate budget issues for the Town of Enfield. The bridge project is a reimbursement program so the Town must be prepared to pay project expenses “up front”, and then be reimbursed after the fact. Therefore, the Town must budget enough funding to cover several months of project costs, and may have to wait several years to receive final funding. Please note, 20% of \$7 million is \$1,400,000 minimum to be paid by the Town.

Town of Enfield Response: N/A

Connecticut Department of Transportation Response:

It is the responsibility of the Town to ensure that they have sufficient funding for their share of the project.

13. When will additional hearings or workshops be held, advertised in a local newspaper (i.e. Journal Inquirer and/or Enfield Press), and listed on the Enfield Town calendar website, so that Enfield taxpayers and citizens may comment on the projects?

Town of Enfield Response:

Typically, the Town does hold a neighborhood meeting before any road projects with residents on the streets where work is scheduled to be performed. Property owners are notified of these neighborhood meetings through mailings directly to the addresses listed in the Town Assessor’s records. This is the same notification process we used for the informational meeting the Town held when we had to close the bridge for emergency repairs in 2018.

Connecticut Department of Transportation Response:

The public hearing that was held on 4/17/19 satisfied FHWA requirements for public outreach. No additional hearings/workshops are required for the bridge replacement.

14. In conclusion, if any part of these projects goes forward, we have attached revised ConnDOT safety wording from their current manual as well as insurance and indemnify requirements that MUST be included in any bid, RFP, RFQ, or contract related to this project. We expect total compliance with this from the Town, ConnDOT, contractors, consultants, subcontractors or subconsultants of any tier, performing work for either project.

Town of Enfield Response: N/A

Connecticut Department of Transportation Response:

No additional insurance requirements will be included beyond what is specified in the agreement between the State and the Town of Enfield, inclusive of DOT form 817. The agreement between the Town of Enfield and the State has been approved by the Attorney General’s office which included insurance language. Any insurance requirements beyond what is already stated in the agreement cannot be altered. The State does not indemnify abutting property owners.

The following questions were submitted by Deputy Mayor Donna Szewczak

1. What is total cost of the project including soft costs, and is total cost covered 80% Federal Grant?

Town of Enfield Response:

The total estimated costs, including design, construction inspection and land acquisition is approximately \$3.3 million. This is based on a preliminary design and with a guess at the land acquisition costs based on assessor's property value information. All of those costs are 80% covered by the Federal funding.

Connecticut Department of Transportation Response: N/A

2. Where other designs considered that did not impact the Main Street and South River Street property?

Town of Enfield Response:

Yes, originally the design came straight from the bridge and encroached farther on the two Cogtella properties. The problem is that there is not enough existing Town right of way to provide a minimum width two-way street (not to mention the six-foot-wide sidewalk that is related to the CT River Access Project). The survey work done for the design revealed that a portion of the existing pavement for South River Street is within the Railroad right of way. Now that the Town has survey information that Town road improvements are encroaching on Railroad right of way, action should be taken to remove the road improvements from encroaching on the Railroad right of way, even if the Town does not decide to replace the bridge.

Connecticut Department of Transportation Response: N/A

3. Where will the double track be on the site plan?

Town of Enfield Response:

The railroad's double track are not on the South River Street Bridge plans.

Connecticut Department of Transportation Response: N/A

4. Has Amtrak formally requested that the road be off their property – in writing? If so can this be provided?

Town of Enfield Response:

No.

Connecticut Department of Transportation Response: N/A

5. How does this fit into the new zoning regulations that were adopted in January? Will that area be redeveloped as part of the train station or will it remain residential?

Town of Enfield Response:

I do not know how the proposed and acquisition fits the new zoning regulations. The parcel proposed for acquisition is undersized. The area will be used to realign the intersection of South River Street and Main Street and provide a sidewalk as part of the CT River Access Project.

Connecticut Department of Transportation Response: N/A

6. What are factors driving the increase in the size of the bridge? It only services one street of residences.

Town of Enfield Response:

The driving factors for increasing the size of the bridge and road width and realigning the intersection of South River Street and Main Street are as follows:

- a. Safety for vehicular and pedestrian traffic.
- b. Removing Town road improvements encroaching on Railroad right of way.
- c. Saving the Town hundreds of thousands of dollars, through 80% State/Federal funding for making these safety improvements.
- d. Following through on the CT River Access Project with sidewalk access.
- e. Following through on the Town Council's Complete Streets Policy to make considerations for safe pedestrian access on all projects.
- f. These improvements will also be necessary for the full development of the future transit station/train station.

Connecticut Department of Transportation Response: N/A

7. How do we insure that the State is offering and fair price for property should the choose to move forward with the design as it is today?

Town of Enfield Response:

CT DOT has an established acquisition process that follows the CT State law. The process includes land appraisals and comparable sales records to determine a fair market value for all lands acquired.

Connecticut Department of Transportation Response: N/A

8. If the state and Federal do not move forward with the project what is the transferred burden to the town.

Town of Enfield Response:

If State/Federal do not move forward with this project the entire cost will transferred to the Town.

9. Is the alternate plan if the bridge work doesn't move forward?

Town of Enfield Response:

There is no alternate plan for bridge work if the Town does not move forward.

Connecticut Department of Transportation Response: N/A

The following questions were asked at the April 17, 2019 South River Street Bridge Public Hearing

1. "You say that the railroad owns part of that street but do they own part of the street in front of my house?"

Town of Enfield Response:

The Town does not have a survey of the area in front of 94 South River Street to determine ownership.

Connecticut Department of Transportation Response: N/A

2. The property owners second question was "So, does that mean when they repave the road they're going to take my house, too?"

Town of Enfield Response:

No.

Connecticut Department of Transportation Response: N/A

3. "Couldn't that be designed into the new bridge? A new cistern in there?" This question is can we move the sanitary sewer pipe and structure as part of the bridge project?

Town of Enfield Response:

If deemed necessary, municipally owned utilities that need to be relocated are provided 80% reimbursement from Federal funds.

Connecticut Department of Transportation Response: N/A

4. "I'm not sure if I'm right but we're using Asnuntuck Street tunnel as a walking way, is that right? Have you looked at that? Have you looked at that?"

Town of Enfield Response:

Yes, we have looked at that and yes, the CT River Access Project is proposing to use that tunnel as a walkway access.

Connecticut Department of Transportation Response: N/A

5. "How safe does anybody think that is?"

Town of Enfield Response:

Safe enough that the Railroad is willing to risk not repairing the tunnel further.

Connecticut Department of Transportation Response: N/A

The following questions were submitted by Joe Saxton, 76 South River Street

1. "Are there any plans to demolish homes on South River Street to make It more compliant?"

Town of Enfield Response:

Currently the only plan is for the Town to demolish the town-owned residential structures on 28 South River Street. There are currently no other plans to demolish homes on South River Street to make It more compliant.

Connecticut Department of Transportation Response: N/A

2. "Why not try for some type of agreement to use part of the property."

Town of Enfield Response:

This idea can be explored after acquisition of the property.

Connecticut Department of Transportation Response: N/A