



# *The Commonwealth of Massachusetts*

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Kate Fichter  
Green Line Extension Project Manager  
MassDOT, Office of Transportation Planning  
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Boston, MA 02116

October 1, 2010

Dear Ms. Fichter:

I am writing to comment on MassDOT's July 9, 2010 report on its progress made in the last year on the requirements of the State Implementation Plan (SIP), as codified in 310 CMR 7.36; specifically the Green Line Extension (GLX). While I am grateful for the progress achieved so far on this vital project, I am concerned that ballooning cost estimates, slippage from internal project deadlines, and other looming complications could preclude timely completion of the project. Moreover, MassDOT's July 9, 2010 report fails to comply with the requirements of 310 CMR 7.36(7) in the following ways, which serve to obscure important project details which are essential for adequate evaluation of whether the GLX is making necessary progress.

- 1) 310 CMR 7.36(7)(a)1 requires that the annual report provide "detailed information" on the status of Project Interim Deadline requirements of subsection 7.36(3)

Most of the SIP requirements are simply noted in the report as "done," and dates are rarely supplied for tasks completed, or estimated for tasks uncompleted. It is essential to have actual dates in order to evaluate project progress. Since, to the best of my knowledge, no project timeline has been produced since Bernard Cohen was Secretary of Transportation, it is probably appropriate for MassDOT to update its time line, and make it part of each annual report.

2. 310 CMR 7.36 (7)(a)(2) requires that the annual report contain "detailed information about project funding including a demonstration that all relevant planning documents...comply..."

MassDOT's 2010 report, however, contains NO "detailed" information about project funding. Indeed, it says nothing at all about project funding, apart from the bland statement that "MassDOT is pursuing federal funding" through the New Starts grant program. There is no mention of the important concern,

raised in 2009 when project cost estimates expanded enormously, that FTA “endorses” MassDOT’s cost estimates for the GLX.

I was a member of the legislature’s Joint Committee on Bonding during consideration and passage of the 2008 Transportation Bond bill. At the time, MassDOT’s predecessor EOT testified to the committee that the \$600 million allocated in that bill for the Green Line Extension would cover the entire estimated cost of that project. In July, 2009, EOT divided the project into two phases, with Phase I estimated to cost \$934 million, and Phase II, to cost \$130 million, for a total of \$1.064 billion. Moreover, MassDOT has not acted to amend the 2008 Bond Bill to remove a provision that reduces the now inadequate \$600m bond authorization by such amount of federal grant dollars as the state may be able to procure.

The 2010 reports failure to comply with the requirement for detailed project financing is clearly not met, rendering the report out of compliance with the applicable regulation. Nor has MassDOT demonstrated that all relevant planning documents comply with this requirement, stating that the “project” has been included. Indeed, the last time I looked at the MPO’s planning documents, while they included the “project,” they did not identify funding sources for the GLX, as required.

3) 310 CMR 7.36 (7)(a)3 requires that MassDOT’s annual report provide “[d]etailed information about any actual or known funding...or other obstacles to meeting the Project Interim Deadline requirements.....”

As laid out above, MassDOT has a serious shortfall in capital funds for the GLX. It has set forth no suggestion, let alone plan, for meeting this shortfall. I suspect that it is really this officially undisclosed funding shortfall, and not particularly other factors, that have delayed the project already and threaten to delay it further.

Why should the July 9, 2010 report be accepted in the absence of a funding plan, or an admission that a serious funding shortfall already exists?

4) 310 CMR 7.36(7)(a) 4 requires MassDOT’s annual report to provide “[d]etailed information about any actual or known potential need and reasons for projects delays...”

MassDOT’s July 9, 2010 report does confess to an estimated minimum 10 month slippage in project completion, giving only the vaguest recitation of “project complexity” for its delay. At the DEP hearing, MassDOT’s David Mohler also estimated an additional three months delay occasioned by the need to reprocure the design contract – although the Boston Globe quoted Mr. Mohler as having told the MassDOT Board that the consequent delay would be three months to one year. Yet even the 3 month delay is not included in the report, and “detail” has not been forthcoming.

Is MassDOT up to date in filing needed amendments to its July 2009 RTP amendment reporting the status of the Green Line Extension? Are we not, realistically, talking about a project completion date some time in 2016? I would also point out that, although the relocation of Lechmere Station seems to be included in the scope of the GLX for cost estimating purposes, that station is not listed in the July 9, 2010

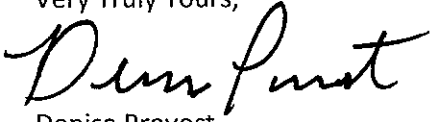
MassDOT report, and I question whether this project segment is properly the subject of an RTP amendment.

5) 310 CMR 7.36(7)(a)5 requires MassDOT to provide detailed information on any interim offset projects or measures implemented or proposed to be implemented pursuant to 310 CMR 7.36(4)(b) or (5)(g)4", yet this report contains no such information, detailed or otherwise.

#### Conclusion

It appears to me that MassDOT has not provided complete information for all requirements of 310 CMR 7.36(7)(a). It strikes me as distinctly odd that I should be asked to direct this analysis to MassDOT, rather than to DEP, which promulgated the regulations which MassDOT seems to be skirting. I would ask DEP to require MassDOT to meet the disclosure requirements of 310 CMR 7.36 (7) (a) for the GLX, and to monitor closely progress on that project for SIP compliance.

Very Truly Yours,

  
Denise Provost

cc: Laurie Burt, Commissioner