

Ms. Pamela Stephenson  
Division Administrator  
Federal Highway Administration  
55 Broadway, 10th Floor  
Cambridge, MA 02142

Attn: Ms. Damaris Santiago

Dear Ms. Stephenson:

Just as I considered it necessary to submit additional comments regarding the February 10, 2012 letter of the Indiana Historic SPANS Task Force, the Historic Bridge Foundation, and the National Trust for Historic Preservation (“IHN”) unfairly criticizing FHWA and MassDOT, I am also compelled to respond to the February 10, 2012 letter of the Friends of the Mitchell River Bridge. The Friends’ letter is essentially a rehash of its previous letters and complaints, but is replete with invective unsurpassed by that of its prior submissions in this proceeding.

In addition to its usual rhetoric and shrill claims that FHWA and MassDOT are “intransigent,” that their statements are “unsupported,” “inaccurate,” “incorrect,” “misleading,” “misstated,” “misquoted,” and that they have “failed,” “ignored,” and “abjectly refused” the Friends and others, the Friends now accuse FHWA and MassDOT of making “false” statements and of perpetrating a “hoax” on the Friends and the other preservationist consulting parties. Despite the conflicting views between FHWA/MassDOT and some of the consulting parties, I deplore such inappropriate accusations and I would hope the other consulting parties do as well.

With respect to the “substance” of the Friends’ letter, I have previously responded to some of the points raised by the Friends. Rather than go into detail on each of those points and my responses, I have summarized them in the following paragraphs:

1. **FHWA/MassDOT Correspondence Omits the Views of Others** – Apparently, the Friends are of the view that FHWA/MassDOT’s letters and documents, such as the MOA, must acknowledge every position, disagreement, view and recommendation of the other parties in this Section 106 proceeding. No less than eight times in its letter, the Friends accuse FHWA/MassDOT of purposely omitting or ignoring such information in its correspondence. Every position, disagreement, view and recommendation of all parties is of record in this proceeding and available to anyone. It is absurd to expect FHWA/MassDOT to glean all of that information from the voluminous record in this proceeding and include it in its correspondence.
2. **FHWA/MassDOT’s Refusal to Meet with the Friends’ Experts** – The Friends continue to fault FHWA/MassDOT for not meeting with its expert, John Smolen, and FPL (and some unidentified “representatives” of the “other preservation organizations”). See my response to that argument in “George Myers Comments on Revised MOA and January 4 Telecon” attached. See also pp. 1-4 of my “Comments on the 11-29-11 BOS Meeting MRB Presentation” attached with regard to the submissions of FPL and Mr. Smolen.

3. **FHWA/MassDOT's Alleged Refusal to Provide Documentation** – The Friends repeat its frequent claim that FHWA/MassDOT refused to provide “necessary information” requested by the Friends. The Advisory Council’s regulation 36 CFR §800.11 provides the means for resolution of disputes regarding documentation. Under that regulation, “At the request of the agency official or any of the consulting parties, the [Advisory] Council shall review any disputes over whether documentation standards are met and provide its views to the agency official and the consulting parties.” This regulation was pointed out to the Friends at the May 17, 2011 Section 106 meeting in Chatham (see the 5/17/11 Transcript at 70), but the Friends have apparently made no effort to comply with that regulation. See also pp. 2-3 of my “Comments on the 11-29-11 BOS Meeting MRB Presentation” attached.
4. **FHWA/MassDOT Have Not Engaged in “Genuine Consultation”** – Apparently in an effort to establish a basis for a lawsuit, the Friends have asserted that FHWA and MassDOT have not engaged in “genuine consultation” under Section 106. The IHN parties have also made similar threats of a “potential challenge” to MassDOT’s decision to select Alternative 3. Of course, the last thing the Town of Chatham wants or needs is a lawsuit that would likely sound the death knell for the entire project under the federal and state Accelerated Bridge Program. As we in Chatham know, there are many other structurally deficient bridges in Massachusetts that could benefit from the \$12 million proposed, but not yet allocated, for the MRB.

What the Friends and other preservationist consulting parties (“Friends et al.”) have characterized as a lack of “genuine consultation” can be more aptly described as a difference of opinion regarding the appropriate MRB design. On the one hand, FHWA/MassDOT are attempting to replace a NR-eligible drawbridge for the Town of Chatham. In doing so, they have compromised a number of times on the MRB design within the existing constraints of engineering knowledge, best engineering practices, design and construction codes, available funds and federal and state regulations regarding the environment, navigable waters, etc., as well as historical preservation. See the attached “MassDOT MRB Design Compromises 2009-2011.” See also the attached “George Myers Comments on Revised MOA and January 4 Telecon.”

On the other hand, as preservationists, the Friends et al. understandably want to duplicate in kind the current 1980s “pattern and design” of the MRB and, consequently, are much less inclined than FHWA/MassDOT to take engineering considerations into account. The only “compromises” to date made by the Friends et al. in their choice of Alternative 1B are the concrete and steel bascule pier for housing the counterweight and the 25-foot wide draw span for the navigation channel. Both those modifications to the MRB replacement bridge were considered design prerequisites by the Town of Chatham and its boating community from a time even before they were first proposed and, therefore, can hardly be legitimately characterized as compromises of the Friends et al.

5. **Section 4(f) of the Transportation Act** – The Friends again presume that the requirements of Section 4(f) are part and parcel of a Section 106 proceeding. As I

understand that section and the federal regulations and FHWA's policy implementing those regulations, FHWA is not required to make any showing of compliance with Section 4(f) to the consulting parties during a Section 106 process. On pages 1-2 of my "Comments of George Myers on the December 9, 2011 Letter from the Friends of the Mitchell River Wooden Drawbridge" attached, I made the same point. To date, neither the Friends et al. nor any other party has shown that my understanding of Section 4(f) and its governing regulations and policies is incorrect.

6. **Criticism of the "Further Consultation" Provision of the Revised MOA** – The Friends claim that the further consultation provided for in the revised MOA is limited "solely," "rigidly limited, and "severely limited" to the four items listed in Stipulation II.C. of the MOA. That is not the case at all. In fact, that same Stipulation II.C. of the MOA expressly provides that the "aesthetic details" to be discussed "shall not necessarily be limited to" the four items listed.

### **The Smolen Bascule Span Design**

In addition to the Friends' foregoing complaints about FHWA/MassDOT's conduct of the Section 106 proceeding, the Friends have submitted a "preliminary sketch" made by its bridge expert, Mr. John Smolen. According to the Friends, Mr. Smolen's rudimentary sketch "shows how the wooden bascule contained in Alt. 1B could be reinforced with steel and thereby come closer to the steel bascule of Alt. 3, while retaining its predominantly wood characteristics."

The sketch appears to represent the same or a similar "hybrid" design of the bascule span described in the 2/10/12 IHN letter at page 3 for which no sketch or data was provided. In the note on his sketch, Mr. Smolen describes the top view as a reinforced bascule viewed from the bottom "X-braced with five rows [sic] of timber beams which fit into steel tubes" that are "approximately 5 feet long and the visible part of the timber beams would be approximately 20 feet long." The bottom view of the sketch "shows the bascule at the closed, 45 degree and 90 degree positions [the fully raised bascule is positioned at only 80 degrees] atop three sets of pilings."

No doubt MassDOT and its engineers will review Mr. Smolen's proposed design for its capacity to resist wind loads and for its structural stiffness, despite the fact that there are no accompanying calculations or other data to establish such wind resistance or stiffness. According to my cursory and non-expert view of Mr. Smolen's sketch, there are a number of obvious questions that come to mind. Mr. Smolen's refers to "five **rows** of timber beams," yet his sketch (top view) only shows what appear to be five individual timber beams.

Presumably, as shown in the top view, there are "five tubes approximately 5 feet long" with an unknown cross-section that are attached in an undescribed manner to the bascule hinge at what appears to be approximately their midpoints. There is no showing of the additional bascule timbers that are needed to complete the bascule surface or

how they would be attached between the 5 timbers and sleeves and there is no showing of the sleeves in the bottom view.

The 5 foot sleeves and the 20 feet of exposed timbers protruding from the sleeves equal a total bascule length of 25 feet. There is no mention of the total length of the timbers or the extent to which they are inserted into the sleeves. The small round elements in the bottom view apparently represent the bascule counterweight. Referring to Figure 6 of the drawings attached to MassDOT's adverse effect letter dated November 8, 2011, the total length of the bascule span, including the counterweight is 46 feet 3 inches, approximately twice as long as Mr. Smolen's 25 foot bascule. In my opinion, that difference in bascule length will have a significant effect on the wind load and stiffness requirements of the bascule span. Apparently, Mr. Smolen did not consider Figure 6.

The dimensions and cross-section of the "X-braces" in the top view are not given so it is not clear whether those braces are steel wires or some sort of steel beam with a cross-section other than circular. Whatever the size and cross-section of those braces, there is no accompanying data that explains the increase in stiffness of the bascule provided by the braces.

Because the timbers of the bascule are necessarily somewhat flexible, it appears that there may be some torsional rotation or "give" about the longitudinal axis of the bascule at its free end that may not be prevented by the X-braces. Although the steel sleeves will provide some torsional rigidity to the bascule, it is not at all clear whether that will be sufficient.

There are likely many other questions MassDOT might have regarding Mr. Smolen's proposed design, such as retention of moisture in the sleeves and how he proposes to attach the various components of his design, among others.

### **The Greenheart Private Dock in Chatham**

The final point raised again by the Friends relates to an anecdotal account of a private dock in Chatham said to have been constructed in 1960-61 of greenheart wood. Whatever the outcome of the Friends investigation of the wood used in that dock, it is such a small sample of data of wood from an unknown source that it would be foolhardy for FHWA/MassDOT to rely on that to construct a vehicular bridge like the MRB.

Respectfully submitted,

George Myers  
MRB Consulting Party