

## Jack Sullivan

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**From:** Pesaturo, Joe [JPesaturo@MBTA.com]  
**Sent:** Friday, April 09, 2010 1:56 PM  
**To:** Jack Sullivan  
**Subject:** RE: questions about Old Colony tie replacements

Yes to the 2<sup>nd</sup> question

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**From:** Jack Sullivan [mailto:jsullivan@MassINC.org]  
**Sent:** Friday, April 09, 2010 1:55 PM  
**To:** Pesaturo, Joe  
**Subject:** RE: questions about Old Colony tie replacements

Thanks, and the second question?

*Jack Sullivan*  
 Senior Investigative Reporter  
 CommonWealth magazine  
 18 Tremont St., Ste 1120  
 Boston, MA 02108  
[jsullivan@massinc.org](mailto:jsullivan@massinc.org)

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**From:** Pesaturo, Joe [mailto:JPesaturo@MBTA.com]  
**Sent:** Friday, April 09, 2010 1:54 PM  
**To:** Jack Sullivan  
**Cc:** Bruce Mohl  
**Subject:** RE: questions about Old Colony tie replacements

Sorry, the GM's schedule is packed this afternoon. If something drops from his schedule, I will see if he has a moment to call you. But I cannot make any guarantees.

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**From:** Jack Sullivan [mailto:jsullivan@MassINC.org]  
**Sent:** Friday, April 09, 2010 1:49 PM  
**To:** Pesaturo, Joe  
**Cc:** Bruce Mohl  
**Subject:** RE: questions about Old Colony tie replacements

Thank you, Joe. Couple more questions.  
 Is Rich available today to speak about this?  
 The T doesn't own a tie-laying machine and with service only being shut down during nonpeak hours, it would seem the installation will be by hand. Is that an accurate assumption?

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[jsullivan@massinc.org](mailto:jsullivan@massinc.org)

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**From:** Pesaturo, Joe [mailto:JPesaturo@MBTA.com]  
**Sent:** Friday, April 09, 2010 1:41 PM  
**To:** Jack Sullivan  
**Cc:** Bruce Mohl; Michael Jonas; Robert Sullivan  
**Subject:** questions about Old Colony tie replacements

Jack-

Please see the T's responses to your questions:

Saw the Ledger e-board story and video and would like the details on the concrete tie replacement, please. I'd like to speak with Rich Davey on this, please, but in the meantime here are some questions:

\*This is all 145,000 on OCRR plus Boston-Braintree, correct?

That is correct.

\*Are they being replaced with wood or concrete?

Wooden ties

\*What is the estimated cost and what funds will be used to pay for it, i.e., capital budget, stimulus, general operating?

The MBTA will be soliciting bids for the project next month. The T will award the contract to the qualified and responsive bidder that offers the lowest price. The MBTA will work with MassDOT and its Board of Directors to identify the most suitable funding source (or sources).

\*Why, after months of saying the problem is minimal and affects only a small percentage of ties, is the T now replacing the entire batch? Were more problems found? Is the deterioration far more widespread than you initially indicated?

The T had an independent analysis of the ties conducted. The analysts concluded that there was a defect in the make and composition of the concrete ties and that all of them are subject to failure. Therefore, the T has accelerated the program for replacement of the ties.

\*Will Rocla be responsible for the entire cost, labor, replacement, shipping, etc., or does their warranty just cover product replacement?

The MBTA is seeking full enforcement of its warranty through negotiations, if possible, or through litigation if necessary. Negotiations continue at this stage in the process. The scope of the warranty is among the issues being discussed between the parties.

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**From:** Jack Sullivan [mailto:jsullivan@MassINC.org]

**Sent:** Friday, April 09, 2010 10:41 AM

**To:** Pesaturo, Joe

**Subject:**

Joe,

Saw the Ledger e-board story and video and would like the details on the concrete tie replacement, please. I'd like to speak with Rich Davey on this, please, but in the meantime here are some questions:

\*This is all 145,000 on OCRR plus Boston-Braintree, correct?

\*Are they being replaced with wood or concrete?

\*What is the estimated cost and what funds will be used to pay for it, i.e., capital budget, stimulus, general operating?

\*Why, after months of saying the problem is minimal and affects only a small percentage of ties, is the T now replacing the entire batch? Were more problems found? Is the deterioration far more widespread than you initially indicated?

\*Will Rocla be responsible for the entire cost, labor, replacement, shipping, etc., or does their warranty just cover product replacement?

\*Is the T planning on taking them to court or has a settlement been reached?

5/10/2010

I'm sure I'll have more questions.

*Jack Sullivan*  
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