DRAFT

A G R E E M E N T

THIS AGREEMENT, made this day of _____, 1986 by and between CONSOLIDATED RAIL CORPORATION, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, and having a principal place of business at Philadelphia, Pennsylvania, hereinafter referred to as the "RAILROAD", and the CITY OF CAMBRIDGE in the County of Middlesex, Commonwealth of Massachusetts, hereinafter referred to as the "CITY".

WHEREAS, the CITY desires in the public interest to construct a pedestrian crossing in the City of Cambridge where it crosses the RAILROAD's double track Grand Jct. Running Track, New England Division at-grade at Mile Post 0.76, which project will necessitate the installation of flashing light signals and the installation of a new timber and asphalt surface; and,

Insert (1)

WHEREAS, the CITY, by _____ adopted _____, a copy of which is attached hereto and made a part of this Agreement, authorized the CITY officials to execute this Agreement.

Amend (2)

W I T N E S S E T H

NOW THEREFORE, in consideration of the mutual promises and undertakings of the parties hereto, it is understood and agreed as follows:

ARTICLE I. CITY, at its sole cost and expense shall prepare plans and specifications for the construction and improvement of Fort Washington Historic Park, including the design and installation of any necessary drainage. Said plans and specifications, hereinafter referred to as "the Project",

shall be submitted to the Chief Engineer of RAILROAD for approval. Approved plans may not be changed or modified in any way that may affect RAILROAD's property or operation without prior approval in writing by RAILROAD's Chief Engineer.

ARTICLE II. RAILROAD, at the sole cost and expense of the CITY shall perform all work necessary to construct the pedestrian grade crossing in connection with the City's Project, to meet the grade of the adjacent new walkway, for a distance of two (2) feet beyond the exterior face of the outside rails. RAILROAD shall install flashing light signals for the crossing. This work is outlined in the attached Exhibit "A".

ARTICLE III. The CITY shall require its contractor to bear all costs of protecting railroad traffic occasioned or made necessary by the operations of said contractor in performing the CITY's portion of the work, should such CITY's portion of the work require the contractor to perform work near the track area whenever, in the opinion of the RAILROAD, such protective services are needed. The RAILROAD agrees to bill the contractor promptly for such services and devices and further agrees to submit a complete and final bill within sixty (60) days after receipt of written notice from the contractor that all operations requiring such services have been completed. The CITY shall require its contractor to reimburse the RAILROAD for such services and devices promptly on receipt of bills. The CITY agrees to withhold final payment to its contractor until the contractor has furnished to the CITY a statement from the RAILROAD that all bills chargeable hereunder to the contractor by the RAILROAD have been paid and in the event said bills are not paid by the contractor within sixty (60) days of receipt, the CITY agrees to pay said bills forthwith.

ARTICLE IV. CITY, at its sole cost and expense, shall defend any suit, action or proceeding instituted against the RAILROAD and shall indemnify and hold harmless the RAILROAD, its directors, officers, agents and employees from and against any damages, liabilities, costs and expenses (including, but not limited to, reasonable attorney fees and expenses) arising from any such suit, action or proceeding insofar as such suit, action or proceeding is based upon alleged acts or omissions of the CITY, its officers, employees, agents or contractors in connection with the construction of the Project, provided that the limit of CITY's liability during the construction of the Project under this Agreement shall be the amount of the liability insurance obtained by such agent or contractor available to meet such liability. Except as provided hereinbefore, the CITY further covenants and agrees to indemnify, protect and save harmless the RAILROAD and its employees from and against all loss, cost, damage and expense, arising out of injury to or death of persons, or damage to property, and claims and demands therefor, caused by or in connection with the presence, location, use, condition, maintenance, repair, renewal, or removal of the crossing, or the facilities of the CITY used in connection therewith, or injury or damage caused thereto or thereby, and whether to the property of the RAILROAD, or to property in its possession, control or custody, to its employees, patrons or licensees, to the CITY or to persons or property of others who may seek to hold the RAILROAD liable therefor, except for claims, costs or liabilities caused by the act, omission, fault, negligence or misconduct of Conrail, its agents, servants, or employees.

Amended

ARTICLE V. Preliminary Engineering costs incurred by the RAILROAD in relation to the proposed construction subsequent to November 26, 1985 shall be charged to the CITY and the CITY shall reimburse the RAILROAD promptly, upon receipt of bills, the costs of such preliminary engineering.

The RAILROAD, for performance of its work, shall bill the CITY monthly for the actual costs and expenses incurred, including allowable additives. These progressive invoices may be rendered on the estimated percentage of the work completed. The CITY, after verifying that the bills are reasonable and proper, shall promptly reimburse the RAILROAD the amount billed. The RAILROAD, upon the completion of its work, shall send the CITY a detailed final statement of its actual expense as incurred including allowable additives. After the CITY's representatives have checked the final statement and have agreed that the costs are reasonable and proper, insofar as they are able to ascertain, the CITY shall reimburse the RAILROAD, less previous payments, if any, the amount billed.

ARTICLE VI. Upon completion of the construction of the Project contemplated and described herein, RAILROAD shall, at the cost and expense of the CITY, maintain the flashing light signals and crossing surface between the rails and to a point two (2) feet beyond the rails in a good state of repair and the CITY at its own cost and expense shall maintain the walkway and appurtenances to the grade crossing thereto as well as all necessary drainage facilities.

(a) RAILROAD's obligation to perform, or cause to be performed, the work required of it by this Agreement is subject to and conditioned upon its being fully reimbursed for the actual costs thereof and RAILROAD has entered into this Agreement upon the representation by the CITY that funds are or will be made available for such reimbursement pursuant to the provisions of this Agreement.

In the event that such funds are not available, RAILROAD shall have the right without penalty to cease any work hereunder or to perform only such work for which it has been or is assured of being fully reimbursed.

(b) RAILROAD shall not be responsible for the obtaining of any necessary authorizations, approvals, permits or licenses in connection with the work to be undertaken by it or by others pursuant to this Agreement nor for any cost or expenses incident to such obtaining, and RAILROAD has entered into this Agreement upon the representation that all such authorizations, approvals, permits or licenses have been or will be procured by the CITY or others.

(3)
Add Article VII

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their officers thereunto authorized the day and year first above written.

CONSOLIDATED RAIL CORPORATION

J. T. SULLIVAN
CHIEF ENGINEER- DESIGN AND CONSTRUCTION

CITY OF CAMBRIDGE, MASSACHUSETTS

S-1985
#384

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Paul E. Healy
City Clerk

Date August 29, 1986

From Joan Lastovica
City Engineer

Reference

Subject New Way Across Conrail Tracks
Fort Washington Park

Kindly confirm to this office the recording at the Registry of Deeds of the enclosed New Way Across Tracks of Conrail, Fort Washington Park. Upon receipt of the Registry data - book and page number etc. - the New Way will be entered into the City Engineer's records. Thank you.

cc: Robert W. Healy
Russell B. Higley
Michael Rosenberg

Enc.

PHILIP H. LYNCH, P.E.
County Engineer

COUNTY ENGINEERING DEPARTMENT
County of Middlesex
SUPERIOR COURT HOUSE
EAST CAMBRIDGE, MASS. 02141
494-4140

Assistant
County Engineers
JAMES L. KLOPOTOSKI, P.L.S.
WILLIAM W. BOYD, JR., P.L.S.

PUBLIC WORKS DEPT.
CAMBRIDGE, MASS.
'85 DEC 31 AM 11 40

December 24, 1985

Paul E. Healy, Esquire
Clerk, City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA. 02139

RE: New Way Across Tracks of CONRAIL - CAMBRIDGE

Dear Sir:

Enclosed please find completely executed copy of Final Return in connection with the petition of the Cambridge City Council for the laying out of a New Way across the locations and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in Cambridge, all in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

Very truly yours,

Philip H. Lynch

Philip H. Lynch, P.E.
County Engineer

PHL/mea
enclosure
cc: Cambridge City Council
Joan Lastovica, P.E., Cambridge City Engineer
Robert W. Healy, Cambridge City Manager
Elizabeth G. Flemings, Project Coordinator, Cambridge
Kathy A. Spiegelman, Assistant City Manager, Community Development
R.B. Hasselman, Senior Vice President Operations, CONRAIL
John H. McCabe, Director of Bus & Rail Division, D.P.U.

COMMONWEALTH OF MASSACHUSETTS

Middlesex. ss.

At a meeting of the County Commissioners for the County of Middlesex, holden at Cambridge, within and for said County, on the sixth day of August, in the year of our Lord one thousand nine hundred and eighty-five.

WHEREAS, it appears that Michael E. McLaughlin, County Commissioner, is unable to be present at the hearing on the petition of the Cambridge City Council for the laying out of a New Way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in Cambridge, in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

NOW, therefore, we, Thomas J. Larkin and Bill Schmidt, County Commissioners, and Joseph J. Durant, Temporary Clerk of the Middlesex County Commissioners in accordance with Chapter 221, Section 14 of the Massachusetts General Laws, do hereby appoint Paul W. Blazar, of Waltham, in said County, to act in the stead of the said Michael E. McLaughlin in the matter of said Hearing of August 6, 1985, in accordance with the provisions of Section 12, Chapter 34 of the Massachusetts General Laws.

IN WITNESS WHEREOF, we the said County Commissioners hereunto set our hands this sixth day of August, in the year of our Lord one thousand nine hundred and eighty-five.

MIDDLESEX COUNTY COMMISSIONERS

Temporary Clerk
JOSEPH. J. DURANT

A TRUE COPY
ATTEST:
ASSISTANT CLERK

PUBLIC WORKS DEPT.
CAMBRIDGE, MASS.
'85 DEC 31 AM 11 40

C.C. General

Thomas J. Larkin and Bill Schmidt, County Commissioners, and Joseph J. Durant, Temporary Clerk of the Middlesex County Commissioners, do hereby appoint Paul W. Blazar, of Waltham, in said County, to act in the stead of Michael E. McLaughlin, County Commissioner, at the hearing of August 6, 1985 on the petition of the Cambridge City Council for the laying out of a New Way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in Cambridge, in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

At a meeting of the County Commissioners for the County of Middlesex, holden at Cambridge, within and for said County, on the seventeenth day of December in the year of our Lord one thousand nine hundred and eighty-five

The City Council of the City of Cambridge, in said County, by their petition to said Commissioners - among other matters - pray that a New Way may be laid out as a public way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in said Cambridge, all in accordance with the provisions of Section 104 of Chapter 160 of the General Laws, as will more fully appear, reference being had to the petition filed of record in the case.

The petition was presented to the County Commissioners at their meeting holden at Cambridge, within and for said County, on the twenty-eighth day of May, A.D. 1985, when and where notice was ordered given to all persons and corporations interested therein of

the time and place when and where said Commissioners would meet for the purpose of viewing the premises and hearing the parties as by their order of notice on file and of record will more fully appear.

And now the said Commissioners make final return of their proceedings in the premises.

The premises having been examined, and the parties fully heard, said Commissioners having received from the Department of Public Utilities of the Commonwealth of Massachusetts, under date of December 6, 1985, consent in writing to the laying out of a New Way as public way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in said Cambridge - copy of said consent, with certain provisions contained therein in writing being attached herewith.

AND, said Commissioners having adjudged that public convenience and necessity require that said way be laid out as a public way across the location and tracks of CONRAIL, at grade therewith, as appears by their return dated August 20, 1985;

NOW, therefore, said Commissioners do hereby authorize the said City of Cambridge to lay out said New Way as a public way across the location and tracks of CONRAIL, at grade therewith - the same to be in accordance with the terms and conditions of the said

C.C. 5808

Cambridge City Council, petitioners, for the laying out of a New Way (Pedestrian Crossing) as a public way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in said Cambridge, all in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

PUBLIC WORKS DEPT.
CAMBRIDGE, MASS.
'85 DEC 31 AM 11 40

COPY

FINAL RETURN

DECEMBER 17, 1985

COMMONWEALTH OF MASSACHUSETTS

Middlesex. ss.

At a meeting of the County Commissioners for the County of Middlesex, holden at Cambridge, within and for said County, on the sixteenth day of July, in the year of our Lord one thousand nine hundred and eighty-five.

WHEREAS, it appears that Michael E. McLaughlin, County Commissioner, is unable to be present at the hearing on the petition of the Cambridge City Council for the laying out of a New Way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in Cambridge, in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

NOW, therefore, we, Thomas J. Larkin and Bill Schmidt, County Commissioners, and Joseph J. Durant, Temporary Clerk of the Middlesex County Commissioners in accordance with Chapter 221, Section 14 of the Massachusetts General Laws, do hereby appoint Paul W. Blazar, of Waltham, in said County, to act in the stead of the said Michael E. McLaughlin in the matter of said Hearing of July 16, 1985, in accordance with the provisions of Section 12, Chapter 34 of the Massachusetts General Laws.

IN WITNESS WHEREOF, we the said County Commissioners have hereunto set our hands this sixteenth day of July, in the year of our Lord one thousand nine hundred and eighty-five.

MIDDLESEX COUNTY COMMISSIONERS

Temporary Clerk
JOSEPH. J. DURANT

A TRUE COPY
ATTEST:

ASSISTANT CLERK

PUBLIC WORKS DEPT.
CAMBRIDGE, MASS.
'85 DEC 31 AM 11 40

C.C. General

Thomas J. Larkin and Bill Schmidt, County Commissioners, and Joseph J. Durant, Temporary Clerk of the Middlesex County Commissioners, do hereby appoint Paul W. Blazar, of Waltham, in said County, to act in the stead of Michael E. McLaughlin, County Commissioner, at the hearing of July 16,1985 on the petition of the Cambridge City Council for the laying out of a New Way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in Cambridge, in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

Sports

CRLS beats Lowell to win tourney berth

By Tom Ehrenfeld
Staff writer

Cambridge Rindge and Latin powered itsr way to the Eastern Mass divisional championships in basketball, disposing of Lowell by a 76-67 score on Saturday.

In what has become a commonplace occurence, junior guard Rumeal Robinson led the Warrior charge, pouring in 29 points, 9 of them coming in the fourth quarter.

Robinson has played inspired ball for Rindge with the chips down this year, having buried Brockton a few weeks ago with a 33-point performance. He has also picked up momentum throughout the playoff season.

Senior John Evans scored 15 for the Warriors, and senior Troy Smoot added anothor 13.

The win was especially sweet for the Warriors because unbeaten Lowell was one of the only two teams to they have lost to this year. Lowell also defeated the Warriors last year in the Division I North final.

The Warriors' record now stands at 22-2. They have now avenged losses to both Lowell and Brockton, and faced Brockton for the third time this year on Wednesday night after Chronicle presstime, when they were to play for the Division 1 Eastern Mass championship at UMass Boston.

Coach Mike Jarvis had one simple explanation for the victory over Lowell: "the best team won," he said.

Jarvis also predicted that the winner of Wednesday night's game will prove victorious in the Division I state finals, which will be held Saturday night at the Worcester Centrum at 7:30.

Looking ahead to the upcoming games, Jarvis expressed confidence in the Warriors: "if the best team wins, it's going to be us."

Peewees still on top; Bantams set for tourney

The Cambridge Bantam A team, sponsored by the Mount Auburn Post VFW, No. 8818, will play in the state tournament on Friday at 4:50 pm at the Natick Youth Arena against Framingham.

Other tourney games are set for Saturday at 7:30 am and 6:20 pm. The Peewees will play March 18 and the Bantams on March 19.

The Peewee A team, sponsored by Cambridge Bank and Trust, beat North Andover 9-1 on Saturday, with Mike Coffman and Franz Inglefinger scoring three goals and one assist each. George Tsafonias had two goals and three assists and Clinton Roderick had one goal and three assists. Keith Francis and Mark Clavette had one assist each.

The PeeWees, Danehy Associates, team is in first place in the Wilmington League with a 12-3-2 record after beating Medford, 9-1, with three goals and three assists from Coffman, two goals from Clavette and one goal each by Mark Lyle, Ingelfinger, Richie Vieites and Tsafonis. Assists went to Danny Hedges and Tsafonis (two each) and Clavette (one).

On Monday, the team defeated Nashua, NH, 5-1, with two goals and one assist by Roderick. Tsafonis and Coffman had one goal and two assists each, Clavette had the other goal and Ingelfinger, one assist. Goalies were Brian Higgins, Nicholas McQuaid and Keith Fay.

In earlier play, the team defeated Stoneham, 9-6, with three goals by Coffman, two by Ingelfinger and one each by Roderick, Lyle, Clavette and Tsafonias. Ingelfinger had two assists, Coffman had three and Elias Wolfberg and Roderick had one each.

East Division sets tryouts

The East Division of the Cambridge Little Baseball League will hold tryouts on Sunday, march 24, at Donnelly Field beginning at 12;30 for boys and girls ages eight through 12.

To be eligible, youths must be at least eight but no older than 12 by Aug. 1 of this year.

Candidates should bring a glove and proof of age. Registration will begin at 11:30 am.

In case of rain, the event will be held March 30 at 9 am. A second rain date of March 31 at 12:30 pm has also been set.

For information, call Joe Rigney at 868-5386 or Frank Manganelli at 864-9439.

Players selected last year do not have to attend tryouts and will be contacted by team managers and coaches about practe dates.

Boxing to highlight Charlesbank fete

Ten boxing bouts of three rounds will feature the annual Charlesbank Round Table, black-tie St. Patrick's Day program at the Sheraton Commander Hotel on Friday, March 15.

Proceeds of the $100-a-plate dinner will be donated to a Cambridge charity to be announced at the event.

The event is held in the main ballroom of the hotel and has become a very popular annual affair.

Edward J. Sullivan is chairman. Committee members include Charlesbank president John Campbell, Charles R. Laverty, Jr., Timothy Hickey, Walter Guleserian and Bill O'Brien.

West Division dance set

The West Division of the Cambridge Little Baseball League will hold a 50s dance on Friday, March 22, at the Mount Auburn Post VFW, No. 8818, on Huron avenue.

A disc jockey will play music from 8 pm to midnight to raise funds for the division season, which begins at the end of April. Tickets are $5.

In other news, the division will hold tryouts and registration in April. Any boy or girl interested in playing may watch for an anouncement of time and date in the Chronicle or contact David Sullivan at 491-2699 or Oakes Spaulding at 547-0297.

CRLS kids are halfway to England trip goal

The Cambridge to Cambridge British Exchange Program has raised $7,359 of the $15,600 needed to send 22 high school students to England, says William Bates, one of the coordinators of the trip.

Members of the boys basketball team and participants in the Urban Modifocation of Project Adventure (UMPA) will go on the trip. In order to raise the remaining funds, students, teachers, and parents from the high school will be sponsoring several activities starting this week.

On Friday March 15, "Oldies Night" at the War Memorial building will feature a basketball game between members of the New England Patriots and alumni of Rindge and Latin at 8 pm. "Oldies Cheerleaders" will cheer on the game. Tickets will be $5, with an "Oldies but Goodies Dance" to be held after the game, which will cost $3.

In addition, $1 tickets for a "bolo raffle" will go on sale this week, with 27 prizes ranging from tickets for two to the American Repertory Theatre to a bellygram from the Averof restaurant. The other prizes come from many different Cambridge sources.

Bates expressed his gratitude to those who have already contributed, and pointed out that this effort has been aided from sources throughout Cambridge. He added "we need a little more help to get there."

Those wishing to contribute to the efforts may do so by writing a check to "Cambridge to Cambridge Exchange," Cambridge Physical Education Department, War Memorial Building, 1640 Cambridge, Mass., 02138.

TOM EHRENFELD

City marks international women's day

The City of Cambridge celebrated International Women's Day on Friday, March 8, with a luncheon for city employees to honor the women who work for the city. Mayor Leonard Russell co-sponsored the event with the Cambridge Commission on the Status of Women.

In his address to the city workers present, Russell spoke movingly of the struggle for recognition of the accomplishments of women and the need for economic and social equality, citing the women of his family, his wife and three daughters, as part of his personal motivation.

City Councillor Alice Wolf noted that while councillors come and go, the working women of Cambridge, particularly those who labor for the city itself, often go unrecognized. Women's Commission Chair Mary Rogier spoke of the appropriateness of celebrating International Women's Day in Cambridge, a city with a rich ethnic, racial and international composition.

The city welcomed two special guests, Natasha and Dimitri Titov from the Permanent Mission to the United Nations of the Soviet Union. Both delegates spoke of the significance of International Women's Day in the context of world peace. They brought greetings from the Soviet Union where, they noted, the day is a national holiday, and a national Women's Commission works for the equality and advancement of women in the home and workplace. Later that evening, Natasha addressed a large gathering of women sponsored by the Women's International League for Peace and Freedom to continue the celebration of the day.

City softball league registration set

The Cambridge Recreation Division of the Department of Human Services will begin accepting applications for the softball leagues on Friday, March 15.

There will be competition in Industrial, Municipal, and Women's Softball. The deadline for taking applications will be April 5.

Teams that played last year and who again wish to play this year will be the first to be accepted as long as they have a majority of their players from last year's roster. A waiting list of new teams desiring to play will be established and entered for play as vacancies occur. New teams will be taken on a first-come basis.

All managers will be required to furnish proof of residency of their players before the team will be considered registered.

Municipal teams will bring in proof of residency and Industrial teams will bring in proof of teams' employment at the business that they represent.

Each team will pay an entry fee to be set at a later date. The Recreation Division is located at 51 Inman St., first floor.

Spring classes offered at War Memorial

The Cambridge Recreation Division announces the opening of registration for spring classes at the War Memorial Facility.

Registration opens March 15 and closes March 24 at the War Memorial. The hours are 5:30 pm to 8:30 pm Monday through Friday; 9 am to 4:30 pm, Saturdays; and noon to 4:30 pm, Sundays.

Classes are available for adults and children in swimming, tennis, advanced and toddler gymnastics, and Body Works for Women. Other activities include basketball for men and women, co-ed volley ball, weight room, and open swim times for adults, families, and children.

For complete information call the Recreation Division at 498-9028 Monday-Friday, 8:30 am. to 5 pm.

Grapplers named to All-Stars

Cambridge Rindge and Latin wrestling Coach Tom Healy has reason to crow this week after a record number of Warrior grapplers were tapped for the Suburban League All-star team.

Three varsity wrestlers were tapped for the All-Star team itself and two others were cited for honorable mention.

Named to the team were Derrick Dottin, who was also cited as the outstanding wrestler in the Belmont tournament and lost only one match this year; junior Rick Alford, who ended the year with a 10-1 record; and Barry Lyons. Honorable mentions went to Franco Rotondi and Jim Drewicz.

The CRLS grapplers ended their season with a 7-7 overall record.

Irish

(Continued from page 1)

important to the whole of Irish and Irish-American society is the towering figure of St. Patrick whose feast day will be celebrated on Sunday.

Though some doubt has been cast in recent years upon the authenticity of the traditional tales about St. Patrick, O'Reilly has considerably fewer doubts about the saint's existence than he seems to have about the little people. In conversation he talks about Ireland's patron saint as if he were a close friend, refering to him variously as "Pat," "Paddy," and "St. Pat."

"He was there alright," O'Reilly says with unshakeable certainty. "He was there."

According to stories passed down from generation to generation, St. Patrick's greatest feat was driving the serpents from the Emerald Isle, an act which reportedly led the way to the conversion of most of the island's population to Catholicism.

"That was away back before the 1800s, maybe around 3 A.D.," says O'Reilly.

"I think he ordered the snakes into the sea with some sort of power he had," says Corcoran, drawing upon memories of stories told him as a child. "I thought it was magnificent."

Neither O'Reilly nor Corcoran remembers hearing precisely how it happened that Ireland had become infested with serpents.

"All I know is 'twas a dangerous place at one time," says O'Reilly.

Of St. Patrick himself O'Reilly says: "He was a very religious man, very religious. He come from Scotland they say, but I don't know whether that's true or false. And he was higher than a priest, very high up in the Catholic religion. He must've been an archbishop or whatever they called 'em at that time."

The precise facts of St. Patrick's life notwithstanding, the Irish people, both in the states and Ireland, have celebrated his feast day with great fervor. But there are differences in the way the day is celebrated here and in Ireland.

"St. Patrick's Day was very important because it was more of a religious holiday in Ireland whereas here it was a holiday that was mixed up with Evacuation Day," says Corcoran who has vivid memories of the way the ' ' was observed at 12 Squire's Court in East Cambridge where he and his family lived.

Corcoran remembers Squire's Court — a series of worker's cottages provided for employees of the Squire's meat-packing plant — as being "about half Irish and half Italian" at the time.

"The wearing of the green" was important then as it is today, says Corcoran who now lives, appropriately, on Green street. "It was very important that you wore a green tie or some sort of symbol of the old land. A lot of the men would wear a green band around their hat."

But for the Irish residents of Squire's Court, the religious aspect of the day dominated with attendance at Mass the most important religious obligation. Everything right down to the shamrocks that suddenly bloomed on lapels and bonnets everywhere was imbued with religious meaning, he says.

"We were always taught that the shamrock was a symbol of the Trinity," says Corcoran of the tiny three-leafed plant which was often used to explain the Catholic doctrine of the union of God the Father, God the Son and God the Holy Spirit in one Holy Trinity.

"You always wore a shamrock," says O'Reilly of the St. Patrick's Day custom in Ireland. But differences in soil content and climate, he says, have caused that custom to be modified in this country.

"These shamrocks that ya see here on St. Paddy's Day, they're fakes," he says with mild indignation. "They're only clover and they sell 'em as shamrocks."

According to the man who spent a quarter of a century among the green mosses, grasses and shamrocks of Ireland, "The only place they grow is in Ireland."

Having pinned on their shamrocks, sung St. Paddy's praises at church, and returned home for a "Sunday" meal of corned beef and cabbage, the Irish would continue the celebration, says Corcoran.

"There'd always be some kind of party, and when there was a party, there would be Irish music," he says with a big pink-cheeked smile. "There'd be somebody who could play the accordian and somebody who could play the fiddle and everybody would sing the old Irish songs."

"Where I come from there was a famous song called "Cork City," he says. And of course there was "The Stone Outside Dan Murphy's Door."

"All beautiful songs sung by beautiful singers," he says wistfully.

But, if the Irish were noted for their silver throats, they also knew how to dance, according to O'Reilly whose mood visibly brightens when he recalls "the jigs and four-handed reels and lancers and step dances" he and his compatriots used to engage in at parties.

It was at such a dance, he says, that "I met my darlin' wife."

"She was glad to meet somebody from the Old Sod like herself, and so was I," he says, adding that he never trusted American-born women.

But, as important as dancing and singing were to a good Irish party, a good round of story-telling was what held them all together.

"I remember the older people would always get together and talk about the old times," says Corcoran. "Each one would try to outdo the other with a funny story about being an immigrant and not knowing the culture or the customs in the new country."

Corcoran recalls the stories being riddled with slang words like "greenhorn" (an Irish immigrant) and "narrowback" (a person born in this country).

(Continued on page 12A)

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PUBLIC NOTICE

The Cambridge City Council has scheduled a public hearing for Monday, March 18, 1985 at 7:00 p.m. in the City Council Chamber, City Hall, Cambridge, Massachusetts relative to the construction of an on-grade pedestrian crossing over the Conrail Grand Junction secondary tracks in the area of Fort Washington Park.

All interested persons are requested to attend and be heard.

By order of the City Council,

Paul E. Healy, City Clerk.


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Ivory Soap PERSONAL SIZE (Save 20¢) 4 PAK PKG. 89¢

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Scot Napkins ECONOMY SIZE 300 ct. PKG. 1.49

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CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex Inman & Broadway

To Robert W. Healy, City Manager

From Kathy A. Spiegelman, Assistant City Manager for Community Development **Date** February 28, 1985

Subject Background Information on the Fort Washington Improvement Project: On-Grade Crossing of the Railroad Tracks

The Community Development Department is requesting City Council to petition for a hearing before the County Commissioners to enable the City to move ahead with design and construction of an on-grade pedestrian crossing of the railroad tracks. At the February 25th City Council meeting, there seems to have been some confusion about the project and the need for City Council to hold a hearing. The crossing is one part of an overall public improvements project that was approved by City Council and is in construction, as described below. We need to move ahead as quickly as possible so that we do not face a loss of funding. We therefore request that City Council cancel the public hearing scheduled for March 18, and approve the petition for a County hearing.

In April 1983, the City of Cambridge was awarded a Public Works Economic Development grant of $407,779 for public improvements in the Cambridgeport industrial area in the vicinity of historic Fort Washington. Plan I shows the overall project area. The grant - from the Massachusetts Executive Office of Transportation and Construction, Department of Public Works - was leveraged by recent private investment of more than $15 million. The company primarily responsible for this investment of both money and jobs is American Science and Engineering (AS&E), located on Waverly Street across from Fort Washington.

The first phase of the project included reconstruction of portions of Erie Street and Waverly Street: paving, sidewalks and granite curbing, street trees, and lighting. Design work was done by the City's Department of Public Works under the direction of the City Engineer. Construction of this phase is substantially complete as of December, 1984.

The second phase of the project consists of a pedestrian on-grade crossing of the Conrail tracks between Vassar

Street and Waverly Street, providing a direct connection between the Cambridgeport neighborhood and the riverfront. The Cambridgeport businesses have strongly supported the crossing and were influential in gaining acceptance from Conrail for the crossing. The City has contracted with Storch Associates for design of the crossing. The company was selected because of its proven record in design and construction of railroad crossing and because of its ability to work with Conrail.

The procedures for construction of a public crossing of the railroad tracks include State regulations as well as railroad rules. The first step, in accordance with the attached portion of the Massachusetts General Laws, Chapter 160, Section 104, requires a public hearing before the County Commissioners. The County Commissioners will hold such a hearing at the request of City Council. A public way will be laid out across an existing railroad if the County Commissioners adjudge that public necessity and convenience so require and if the Public Utilities Commission consents thereto in writing.

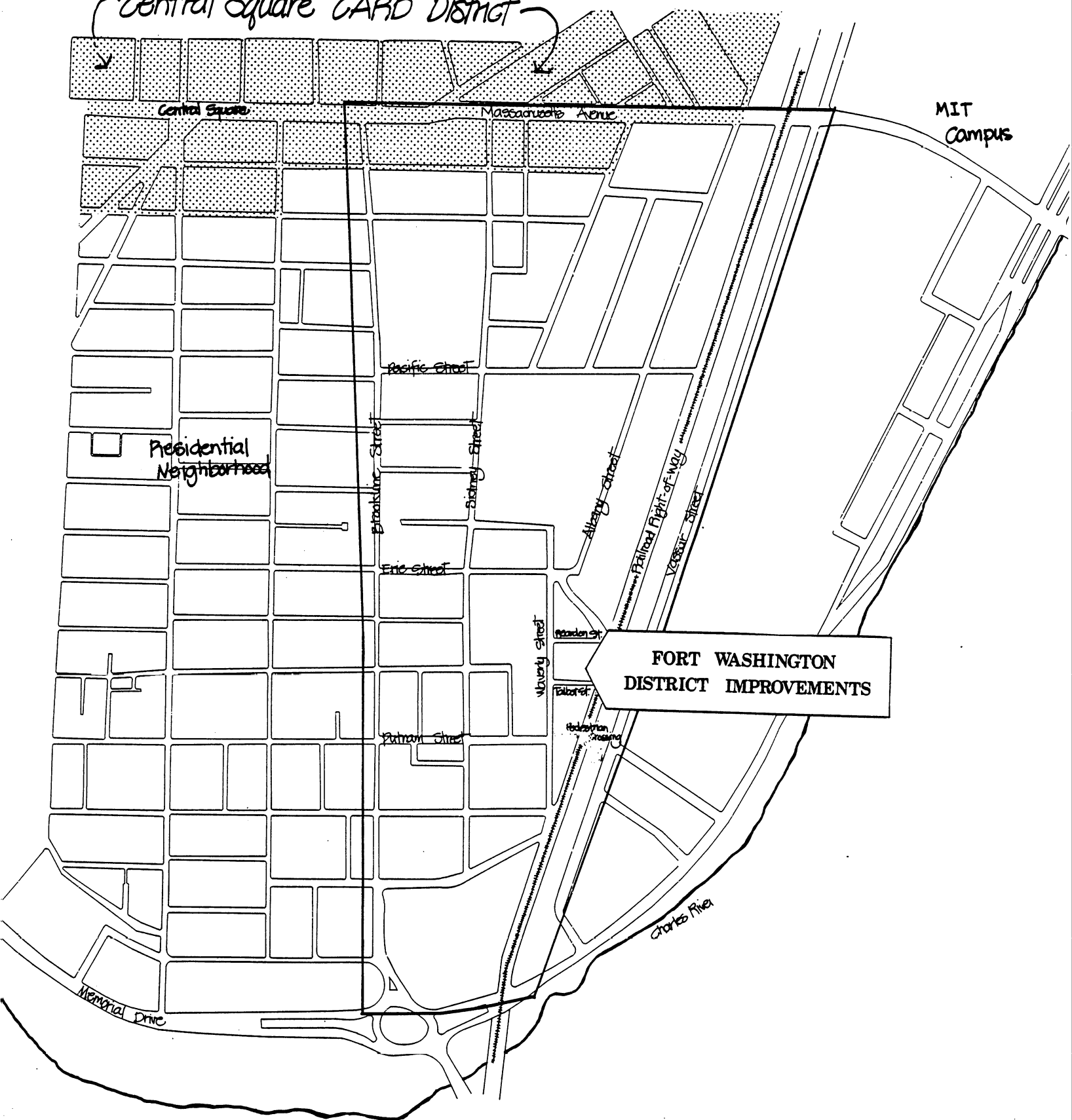
The need for such a crossing is clearly established in the attached memo from Lionel Rodgers, the railroad engineer from Storch Associates. In looking at the map you will note that there is no safe crossing of the tracks unless you go all the way up to Massachusetts Avenue or down to the B.U. Bridge. People are unwilling to make such a detour and throughout the day you can see people crossing the tracks. The number of trains using this track is small, usually freight cars travelling at slow speed, more likely at night than during the day.

We urge your support of the process as outlined above: that City Council cancel the March 18 public hearing and approve a petition for a County hearing. Thank you.

KAS/BF/tm

Attachment

Plan I



Project Location

§ 104. Proceedings to lay out public way across railroad

A public way may be laid out across a railroad previously constructed, if the county commissioners, or the department of public works in the case of a state highway, adjudge that public necessity and convenience so require; and in such case, after notice to the railroad corporation and a hearing of all parties interested, said commissioners or department, or a city or town by authority of the county commissioners granted upon petition of its board of aldermen or selectmen, may thus lay out a way across a railroad, in such manner as not to injure or obstruct the railroad, and otherwise in conformity with sections ninety-seven and ninety-eight. A public way shall not be permitted to cross at a level with the railroad unless it is determined by the department of public works, in the case of a state highway, or the county commissioners, in the case of any other public way, after notice to all persons interested and a hearing, that public necessity so requires, and the department of public utilities consents thereto in writing. If it is necessary in the laying out, construction or alteration of a state highway across a railroad to alter or relocate the railroad, the department of public works may take by eminent domain under chapter seventy-nine, on behalf of the railroad corporation, land or rights in land necessary for such alteration or relocation with the written approval of the department of public utilities. Charges and expenses for such alteration or relocation shall be paid by the department of public works. A copy of the proceedings of the department of public works in laying out a state highway under this section, including a copy of the plan of so much of said way as lies within the location of the railroad, shall be filed in the office of the county commissioners of the county where such way is located.

Amended by St.1933, c. 176; St.1955, c. 231.

Historical Note

R.S.1836, c. 39, § 69.
St.1857, c. 287, §§ 1 to 5.
G.S.1860, c. 63, §§ 57 to 59.
St.1874, c. 372, § 92.
St.1876, c. 73.
P.S.1860, c. 112, § 125.
R.L.1902, c. 111, § 130.
St.1906, c. 463, pt. 2, §§ 113, 258.

St.1933, c. 176, inserted "or the department of public works in the case of a state highway" in the first sentence, and made other changes in terminology in the section.

St.1955, c. 231, an emergency act, approved April 1, 1955, inserted the third and fourth sentences.

Cross References

Eminent domain, measure of damages, see c. 79, § 12.
Laying out, etc., of public ways, see c. 82, § 1 et seq.
Laying out of state highways, see c. 81, § 1 et seq.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 4, 1985

To the Honorable, the City Council:

I transmit herewith communication from Kathy A. Spiegelman, Assistant City Manager for Community Development, with background information on the request of the Community Development Department for the City Council to petition the County Commissioners to hold a public hearing for the construction of an on-grade pedestrian crossing over the Conrail Grand Junction secondary tracks in the area of Fort Washington Park. It is requested that the public hearing scheduled for March 18 be cancelled.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

Agenda Item No. 10

Re: enclosed background information on the request of the Community Development Dept. for the City Council to petition the County Commissioners to hold a public hearing on construction of an on-grade pedestrian crossing over the Conrail Grand Junction secondary tracks in the area of Ft. Washington Park & requesting that the public hearing scheduled for March 18, 1985 be cancelled.

3/11/1985

Action on Petition Deferred until Spalding and Slye report on Petition submitted by Green St neighborhood re access to Mass Avenue Motion of C D Sullivan

In City Council

March 4, 1985

Tabled for 3 weeks

3/4/1985

Original Hearing scheduled for March 18, at 9 AM prevailed on motion of Councillor David Sullivan

Law Review Commentaries

Passenger transportation agencies; railroad crossings. Edward N. Gadsby, 3 Annual Survey of Mass.Law, Boston College, p. 147 (1956).

Library References

Railroads ⇐96.

C.J.S. Railroads § 156.

Notes of Decisions

In general 1
Agreements with railroad 4
Authority of city or town officials 3
Compensation of railroad 6
Expenses borne by public 5
Powers of county commissioners 2
Remedies 7

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1. In general

P.S.1882, c. 49, §§ 60, 63, imposing the duty of constructing highways, laid out and ordered to be constructed, on towns and cities within which they are located, and providing that the county commissioners shall, on default of a town or city, cause the highway to be completed, applied to highways laid out under c. 112, § 125, across a railroad previously constructed. New Haven & N. R. Co. v. County Com'rs of Hampshire County (1899) 52 N.E. 1076, 173 Mass. 12.

Under Pub.St. c. 112, § 125, authorizing a highway or town way to be laid out across a railroad previously constructed, a footway could be laid out. Boston & A. R. Co. v. City of Boston (1885) 2 N.E. 943, 140 Mass. 87.

St.1857, c. 287, concerning the laying out of highways across railroads, applied to a petition for the laying out of a highway, pending at the time of its passage. Old Colony & F. R. R. Co. v. Plymouth County Com'rs (1858) 77 Mass. 512, 11 Gray 512.

2. Powers of county commissioners

Under Pub.St. c. 112, § 125, county commissioners had no power to order railroad to construct across its railroad highway which they have laid out and located. New Haven & N. R. Co. v. County Com'rs of Hampshire (1899) 52 N.E. 1076, 173 Mass. 12.

In the case of Boston & M. R. v. Middlesex County (1861) 83 Mass. 324, 1 Allen 324, the court said: "When the public convenience and necessity require that a new highway shall be laid out across an existing railroad, the county commissioners in their respective counties are empowered to locate and establish it; and it is thereupon made their duty to determine whether it shall be laid out over, or under, or on a level with the railroad. Their determination and direction relative to this whole subject are final and conclusive."

3. Authority of city or town officials

Under G.S.1860, c. 63, § 59, the mayor and aldermen of cities or selectmen of towns had no authority to lay out a way across any portion of the land, not exceeding five rods in width, which had been taken by a railroad corporation for their railroad, unless permission so to do had been granted by the county commissioners. Com. v. Inhabitants of Haverhill (1863) 89 Mass. 523, 7 Allen 523.

Where R.S.1836, c. 39, § 69, provided that if, after the laying out and making of any railroad already granted, or which may be hereafter granted, any turnpike road or other way shall be so laid out as to cross said railroad, the said turnpike road or way may be so made as to pass under or over said railroad, and said turnpike or way shall, in all cases, be so made as not to obstruct or injure such railroad, town or city authorities had no power to lay out a highway across a railroad on a level therewith. Boston & M. R. R. v. City of Lawrence (1861) 84 Mass. 107, 2 Allen 107.

4. Agreements with railroad

City board of aldermen acting under Pub.St.1882, c. 112, § 125, were without

authority to make agreement with railroad whereby latter consented to granting petition to lay out street at grade across railroad on condition that city erect and maintain gate at crossing, but such contract was valid and binding on city, at least for reasonable time, in view of the fact that county commissioners found that public safety required erection of gates, and in view of § 107 of said chapter. Old Colony R. Co. v. City of New Bedford (1905) 74 N. E. 468, 188 Mass. 234.

Since, under R.S.1836, c. 39, § 69, town or city authorities had no power to lay out a highway across a railroad on a level therewith, a railroad company was not estopped from objecting to the exercise of such power by an agreement made by it with former owners of the land, which contained a stipulation for a right of way, to be used by such owners and their assigns, at the place where the highway was afterwards laid out. Boston & M. R. R. v. City of Lawrence (1861) 84 Mass. 107, 2 Allen 107.

A railroad company was not estopped from objecting to the exercise of such power by an agreement made by it with former owners of the land, which contained a stipulation for a right of way, to be used by such owners and their assigns, at the place where the highway was afterwards laid out. Id.

5. Expenses borne by public

Where the occasion for the construction and maintenance of a bridge either over or under a railroad arose from the laying out and construction across the railroad of a way which was required by the public convenience and necessity, the expenses so incurred were for the benefit of the public and not of the railroad corporation and should have been borne by the county, city, town or corporation whose duty it was to build and maintain such way. Trustees of New York, N. H. & H. R. Co. v. City of New Bedford (1944) 52 N.E.2d 324, 315 Mass. 154.

Where city was authorized to construct certain streets across and under railroad, and railroad corporation was ordered to construct steel girder bridge to carry railroad over such street, under § 107 of this chapter, cost of repair was required to be borne by the city. Id.

6. Compensation of railroad

Where a highway is laid out across a railroad, the railroad company is entitled to compensation for the fair value of the land taken, subject to its use for railroad purposes. Boston & A. R. Co. v. City of Cambridge (1893) 34 N.E. 382, 159 Mass. 283.

7. Remedies

Where mayor and city council petition county commissioners, under G.S.1860, c. 63, § 59, for authority to lay out way 50 feet wide, to cross railroad track at grade, and lay out road only 40 feet in width, remedy for error was solely by certiorari. Old Colony R. Co. v. City of Fall River (1888) 18 N.E. 425, 147 Mass. 455.

Under G.S.1860, c. 63, §§ 57, 60, railroad company, having refused to construct way over portion occupied by its tracks, could not enjoin city from performing work in any suitable manner. Id.

Under St.1857, c. 287, an adjudication by county commissioners, laying out a highway across a railroad, which did not state whether the highway was to be carried over or under or on a level with the railroad, or show that special notice was given to the railroad corporation, was erroneous, and would be quashed on certiorari, although the railroad corporation actually appeared and were heard before the commissioners. Old Colony & F. R. R. Co. v. Plymouth County Com'rs (1858) 77 Mass. 512, 11 Gray 512.

§ 104A. Building, equipment or machinery moving; duty of railroad; reimbursement of costs

Whenever a person wishes to move a building, equipment or machinery over the right of way of a railroad corporation at the loca-

§ 104. Proceedings to lay out public way across railroad

A public way may be laid out across a railroad previously constructed, if the county commissioners, or the department of public works in the case of a state highway, adjudge that public necessity and convenience so require; and in such case, after notice to the railroad corporation and a hearing of all parties interested, said commissioners or department, or a city or town by authority of the county commissioners granted upon petition of its board of aldermen or selectmen, may thus lay out a way across a railroad, in such manner as not to injure or obstruct the railroad, and otherwise in conformity with sections ninety-seven and ninety-eight. A public way shall not be permitted to cross at a level with the railroad unless it is determined by the department of public works, in the case of a state highway, or the county commissioners, in the case of any other public way, after notice to all persons interested and a hearing, that public necessity so requires, and the department of public utilities consents thereto in writing. If it is necessary in the laying out, construction or alteration of a state highway across a railroad to alter or relocate the railroad, the department of public works may take by eminent domain under chapter seventy-nine, on behalf of the railroad corporation, land or rights in land necessary for such alteration or relocation with the written approval of the department of public utilities. Charges and expenses for such alteration or relocation shall be paid by the department of public works. A copy of the proceedings of the department of public works in laying out a state highway under this section, including a copy of the plan of so much of said way as lies within the location of the railroad, shall be filed in the office of the county commissioners of the county where such way is located.

Amended by St.1933, c. 176; St.1955, c. 231.

Historical Note

R.S.1836, c. 39, § 69.
St.1857, c. 287, §§ 1 to 5.
G.S.1860, c. 63, §§ 57 to 59.
St.1874, c. 372, § 92.
St.1876, c. 73.
P.S.1860, c. 112, § 125.
R.L.1902, c. 111, § 130.
St.1906, c. 463, pt. 2, §§ 113, 258.

St.1933, c. 176, inserted "or the department of public works in the case of a state highway" in the first sentence, and made other changes in terminology in the section.

St.1955, c. 231, an emergency act, approved April 1, 1955, inserted the third and fourth sentences.

Cross References

Eminent domain, measure of damages, see c. 79, § 12.
Laying out, etc., of public ways, see c. 82, § 1 et seq.
Laying out of state highways, see c. 81, § 4 et seq.

C. C. 106

City of Cambridge

PUBLIC NOTICE

The Cambridge City Council has scheduled a public hearing for Monday, March 18, 1985 at 7:00 p. m. in the City Council Chamber, City Hall, Cambridge, Massachusetts relative to the construction of an on-grade pedestrian crossing over the Conrail Grand Junction secondary tracks in the area of Fort Washington Park.

All interested persons are requested to attend and be heard.

By order of the City Council,

Paul E. Healy, City Clerk.

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

March 6, 1985

Middlesex County Commissioners
Office of the County Commissioners
Middlesex Superior Courthouse
40 Thorndike Street
Cambridge, MA 02141

Gentlemen:

The City Council of Cambridge has scheduled a public hearing on Monday, March 18, 1985 to consider the petition of the Community Development Department for the construction of a pedestrian crossing over Boston & Albany railroad tracks located behind the Fort Washington Park located on Vassar Street; said pedestrian crossing to be approximately 60 feet across the railraod tracks at a point approximately 300 feet north of Audrey Street.

Enclosed is a map of the area under consideration. In the event the Council approves this petition under Chapter 160, Section 104 of the General Laws, a petition will then be addressed to the County Commissioners.

Any input that the Commissioners can provide for the hearing will be greatly appreciated.

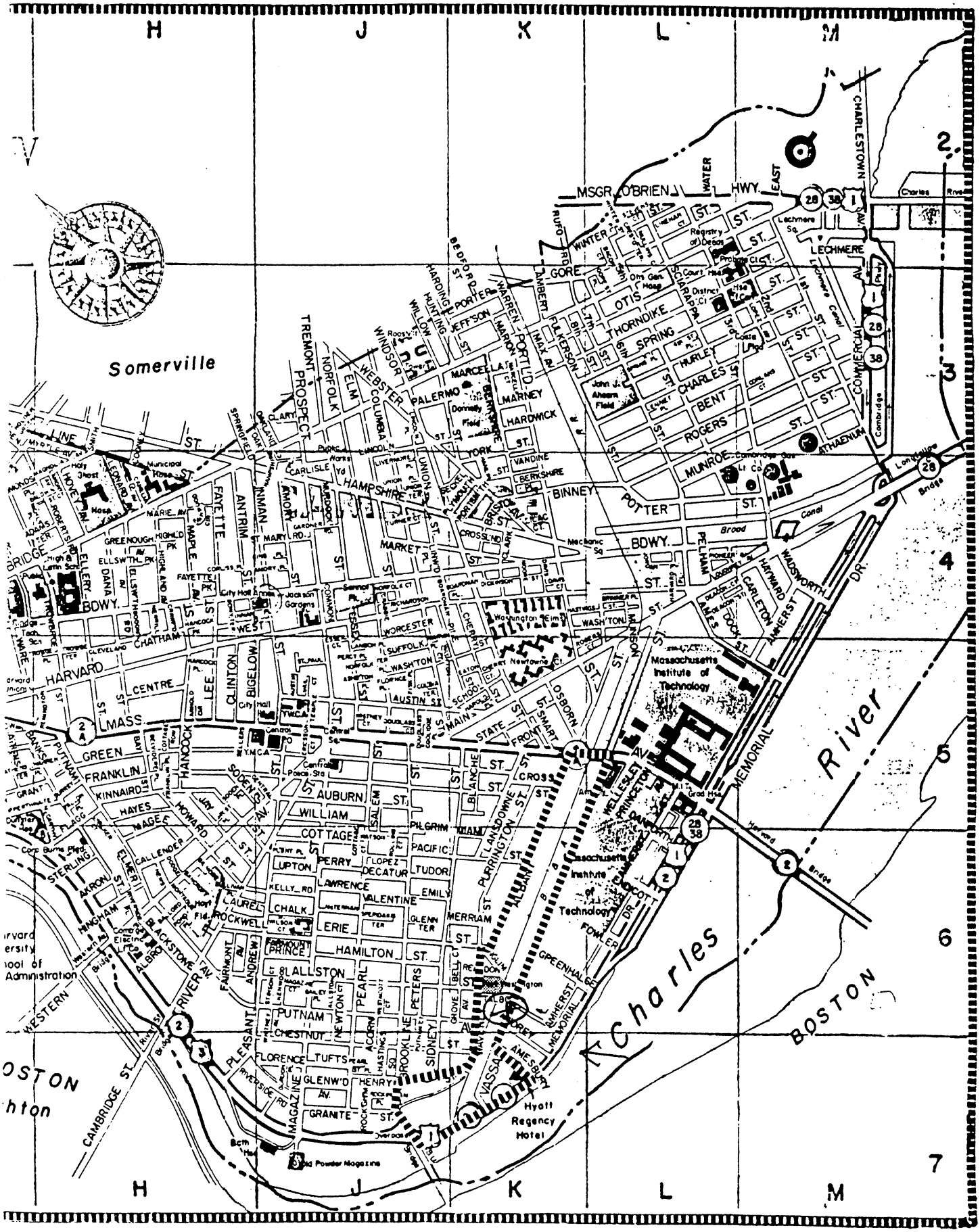
Very truly yours,

Paul E. Healy

Paul E. Healy, City Clerk.

PEH/mh

Enclosure



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Administration

CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex Inman & Broadway

To Robert W. Healy, City Manager

From Kathy A. Spiegelman, Assistant City Manager for Community Development **Date** February 20, 1985

Subject Petition to the County Commissioners for a Public Hearing for an On-Grade Pedestrian Crossing

An on-grade pedestrian crossing of the Conrail tracks has been proposed by the City of Cambridge as part of a State-funded Public Works Economic Development project. Since this will be a public crossing, legal regulations require that the proposed crossing be approved by the County and the Massachusetts Department of Public Utilities. The procedures call for a public hearing to be held by the County Commissioners at the request of the Cambridge City Council to review the proposal and decide whether public safety and convenience require that a crossing be constructed. Attached you will find a memo discussing the need for the crossing and the petition for a hearing.

We are requesting City Council to petition for a hearing before the County Commissioners to enable the City through the Community Development Department to move ahead with this project.

KAS/BF/tm

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

Agenda Item No. 7

IN COUNCIL

February 25, 1985

To the Middlesex County Commissioners:

Respectfully represent the undersigned City Council of the City of Cambridge, in said County of Middlesex, that public convenience and necessity, as well as safety, require the laying out of a new Way across the locations and tracks of Conrail, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, all in accordance with the provisions of Section 104 of Chapter 160 of the General Laws. The crossing and location as described above are shown on the attached plan.

Wherefore, we pray you will lay out said new way across the said railroad location and tracks, at grade therewith, as above set forth.

Date:_____

_____
Cambridge City Council

§ 104. Proceedings to lay out public way across railroad

A public way may be laid out across a railroad previously constructed, if the county commissioners, or the department of public works in the case of a state highway, adjudge that public necessity and convenience so require; and in such case, after notice to the railroad corporation and a hearing of all parties interested, said commissioners or department, or a city or town by authority of the county commissioners granted upon petition of its board of aldermen or selectmen, may thus lay out a way across a railroad, in such manner as not to injure or obstruct the railroad, and otherwise in conformity with sections ninety-seven and ninety-eight. A public way shall not be permitted to cross at a level with the railroad unless it is determined by the department of public works, in the case of a state highway, or the county commissioners, in the case of any other public way, after notice to all persons interested and a hearing, that public necessity so requires, and the department of public utilities consents thereto in writing. If it is necessary in the laying out, construction or alteration of a state highway across a railroad to alter or relocate the railroad, the department of public works may take by eminent domain under chapter seventy-nine, on behalf of the railroad corporation, land or rights in land necessary for such alteration or relocation with the written approval of the department of public utilities. Charges and expenses for such alteration or relocation shall be paid by the department of public works. A copy of the proceedings of the department of public works in laying out a state highway under this section, including a copy of the plan of so much of said way as lies within the location of the railroad, shall be filed in the office of the county commissioners of the county where such way is located.

Amended by St.1933, c. 176; St.1955, c. 231.

Historical Note

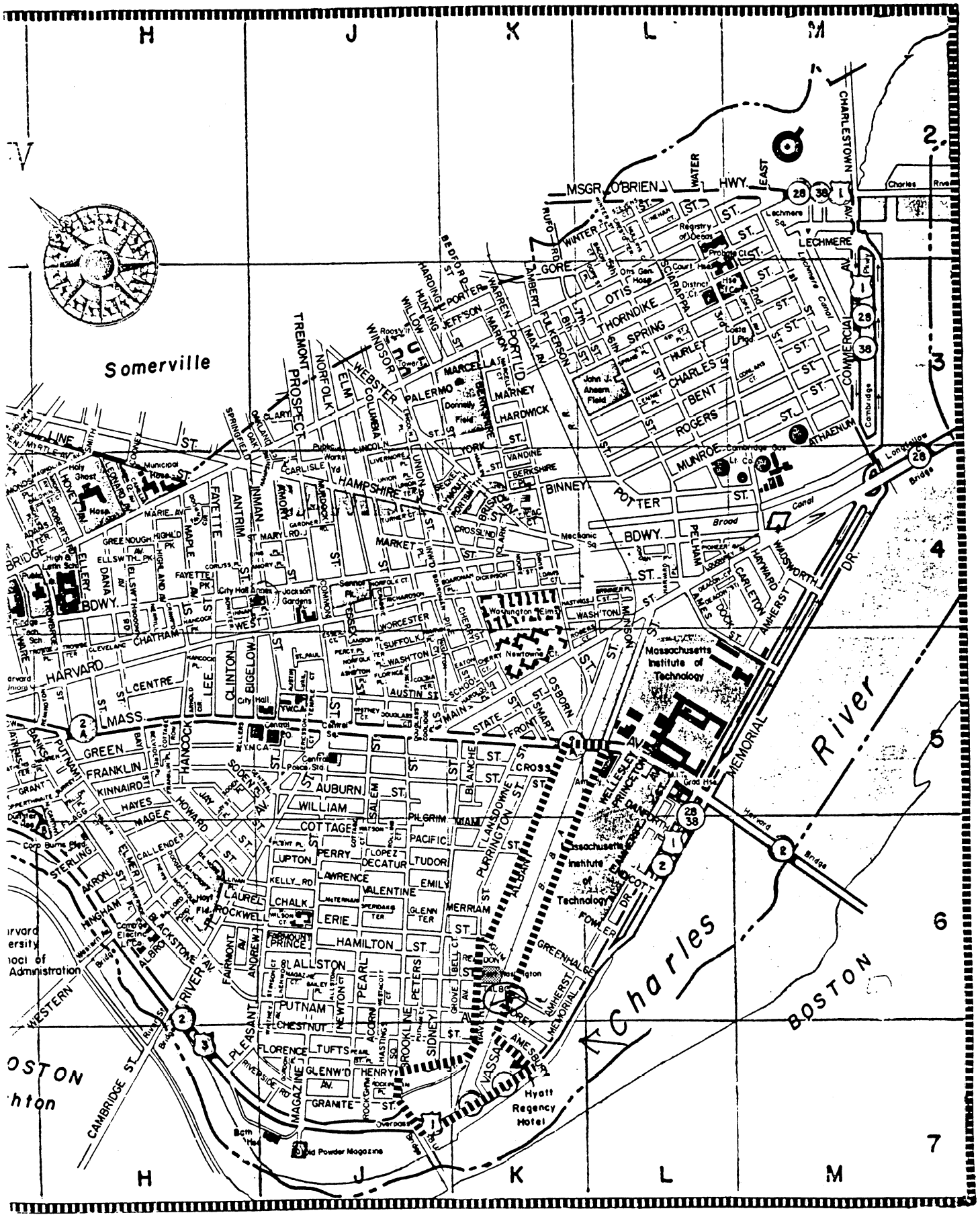
R.S.1836, c. 39, § 69.
St.1857, c. 287, §§ 1 to 5.
G.S.1860, c. 63, §§ 57 to 59.
St.1874, c. 372, § 92.
St.1876, c. 73.
P.S.1869, c. 112, § 125.
R.L.1902, c. 111, § 130.
St.1906, c. 463, pt. 2, §§ 113, 258.

St.1933, c. 176, inserted "or the department of public works in the case of a state highway" in the first sentence, and made other changes in terminology in the section.

St.1955, c. 231, an emergency act, approved April 1, 1955, inserted the third and fourth sentences.

Cross References

Eminent domain, measure of damages, see c. 79, § 12.
Laying out, etc., of public ways, see c. 82, § 1 et seq.
Laying out of state highways, see c. 81, § 4 et seq.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Somerville
MSGR. O'BRIEN HWY.
CHARLESTOWN
EAST
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LECHMERE
COMMERCIAL
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SPRING
HURLEY
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ROGERS
MUNROE
ATHENAEUM
Cambridge
Longfellow Bridge
POTTER
BINNEY
BDWY.
Canal
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Mechanic Sq
PELHAM
CARLETON
HAYWARD
AMHERST
WADSWORTH
DR.
Massachusetts Institute of Technology
MEMORIAL
River
Harvard Bridge
Charles
BOSTON
GREENHALGE
MAIN
STATE
FRONT
SMART
OSBORN
AUSTIN ST
CROSS
BLANCHE
LANSDOWNE
PURRINGTON
ALBANY
MERRIAM
PACIFIC
TUDOR
DECATUR
LOPEZ
PERRY
LUPTON
KELLY RD
LAWRENCE
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GLENN TER
HAMILTON
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PETERS
PUTNAM
CHESTNUT
NEWTON
ACORN
SIDNEY
BROOKLINE
FLORENCE
TUFTS
GLENW'D
HENRY
GRANITE
VASSAR
AMES
Hyatt Regency Hotel
Old Powder Magazine
MAGAZINE
RIVERSIDE RD
CAMBRIDGE ST
RIVER
PLEASANT
FAIRMONT
ANDREW
BLACKSTONE
ALBRO
STERLING
AKRON
HINGHAM
CALLENDER
ROCKWELL
LAUREL
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HOWARD
HAYES
KINNAIRD
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HOVEY
ADAMS
MYRTLE AV
LINE
HOLLAND
MONTROSE
ROBERTS
LEONARD
Municipal Hose
Holy Ghost
CLARK
SPRINGFIELD
OAKLAND
PROSPECT
TREMONT
NORFOLK
ELM
WEBSTER
COLUMBIA
WINDSOR
WILLOW
HUNTING
HARVARD
BEDFORD
PORTER
JEFFSON
WARREN
MARION
PORTLD
LAMBERT
FULKERSON
MAX IN
MARCELLA
PALERMO
BERKSHIRE
LMARNEY
HARDWICK
YORK
VANDINE
BERKSHIRE
HAMPSHIRE
LINCOLN
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CARLISLE
MURDOCK
ARMORY
MARY LD
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MARKET PL
CROSS'D
BRISTOL
CLARK
CHERRY ST
WORCESTER
SUFFOLK
WASH'TON
AUSTIN ST
SCHOOL
EATON
CORNET Newtown
WASH'TON
WINSLOW
MANSION
ESSEX
COMMON
Washington Elms
Jackson Gardens
City Hall
Central Sq
Police Sta
YMCA
CLINTON
BIGELOW
LEE
LCENTRE
LMASS.
HANCOCK
SOUTH
AUBURN
WILLIAM
COTTAGE
LANSDOWNE
PILGRIM
MIAM
Cambridge Electric Co
Corp Burns Bldg
Hoyt Field
Harvard University Dept of Administration
WESTERN
BOSTON
Charles
Bridge
Longfellow Bridge
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28
38

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

Agenda Item No. 7

IN COUNCIL

February 25, 1985

To the Middlesex County Commissioners:

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Cambridge City Council

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Cambridge City Council

STORCH ENGINEERS **MEMORANDUM**

To: Elizabeth G. Flemings **Date:** February 13, 1985

From: Lionel M. Rodgers

Project: Cambridge - Fort Washington Park

Subject: Need for Pedestrian Crossing Over Conrail Grand Junction Tracks

Copy To:

A pedestrian crossing of the Conrail Grand Junction secondary tracks in the vicinity of Fort Washington Park is proposed by the City of Cambridge.

At the present time, a legal route for a pedestrian to travel the hundred feet from the Fort Washington Park area to the south side of the Conrail Grand Junction tracks requires a detour of almost a mile or more. If the pedestrian elects to go east on Albany Street to Massachusetts Avenue and then down Vassar Street, the distance is approximately 5,600 feet. If the pedestrian elects to go west on Albany Street to Erie Street, along Erie Street to Waverly Street and Henry Street to Brookline Street and then along Brookline Street to Memorial Drive and back east to Vassar Street and along Vassar Street to a point opposite the park, the distance is approximately 4,600 feet.

Needless to say, people desiring to cross a railroad track to reach a destination a few hundred feet away do not take a one mile walk - they tresspass and cross unsafely and such tresspassing can presently be observed throughout the day.

The changing nature of the Cambridgeport area neighborhood is increasing further the need for a safe pedestrian crossing. The area immediately west of the Conrail line has long been primarily warehouses, trucking terminals and other industrial and commercial uses, much of it vacant during recent years. It has previously generated little pedestrian traffic. The development of "high tech" in the former trucking terminal is greatly increasing the daytime population with employees who will want to reach the Charles River Esplanade, or in the case of M.I.T. students employed part-time by "High Tech" employers, to travel to and from their apartments on the east side of the Conrail line. The revitalization plans for this area are well set forth in the booklet "Cambridgeport - Revitalization" published in 1983 by the City of Cambridge Community Development Department. This plan envisions the conversion of the 100 acres of presently underutilized land into an attractive business, industrial and residential area with coordinated design and a visual coherence between the various usage areas utilizing landscaping, parks and other techniques.

A vital element in the proposed Cambridgeport development plan will be elimination of the present mile long unbroken barrier between the two sides of the Grand Junction secondary track through the opening of a crossing near the midpoint if this barrier.

The City of Cambridge has expressed willingness to finance the cost of full railroad crossing warning devices to protect the proposed crossing including both flashing lights, and if deemed necessary, automatic gates. Railroad traffic on this section of the Grand Junction is limited to a very few movements in any 24 hour period and many of these movements occur at night and speed is very limited.

We believe the need for this crossing is clearly established, and that such a crossing will provide well protected and safe passage in place of the present unguarded situation.

LMR/lcw
6294/BaCr

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Robert W. Healy, City Manager **Date** February 27, 1985

From Paul E. Healy, City Clerk **Reference**

Subject Agenda Items 6,7 & 14 of 2/25/85

Pursuant to the above referenced agenda items, please be advised that the City Council has scheduled a public hearing on the request of Spaulding & Slye for a license for a pedestrian bridge over CambridgePark Drive to be held on Monday, March 11, 1985 at 7:00 p.m. The Council has also scheduled a public hearing for Monday, March 18, 1985 at 6:00 p.m. concerning the application for UDAG funding from HUD to assist UST Corporation in the construction of a new office building, and at 7:00 p.m. on March 18th has scheduled a public hearing on the petition for a hearing before the County Commissioners regarding the construction of a crossing over the Conrail Grand Junction secondary tracks of Fort Washington.

In connection with the above, Councillor Graham at the meeting of February 25th moved that the City Manager be requested to provide all pertinent documents and materials prior to these scheduled hearings.

Your very kind attention in this matter will be greatly appreciated by the City Council.

PEH/mh

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

February 25, 1985

To the Honorable, the City Council:

Enclosed please find copy of a communication from Kathy A. Spiegelman, Assistant City Manager for Community Development, requesting that the City Council petition for a hearing before the County Commissioners to enable the City, through the Community Development Department, to construct an on-grade crossing over the Conrail Grand Junction secondary tracks in the area of Fort Washington Park.

I respectfully request that this petition be submitted to the County Commissioners.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

Agenda Item No. 7

S-384

Re: requesting City Council petition for a hearing before the County Commissioners regarding construction of a crossing over the Conrail Grand Junction secondary tracks of Fort Washington Park.

letter sent to City Mgr. requesting all pertinent documents in time for hearing. (copy within) 2/27/85 mh

In City Council,

February 25, 1985

2/25/85

Order Adopted

Setting Hearing

on Petition for

7PM on March 1[illegible]