



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

SUSAN B. SCHLESINGER
*Assistant City Manager for
Community Development*

ELIZABETH EPSTEIN
*Deputy Director for
Community Development*

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OFFICE OF THE CITY MANAGER

TO: Robert W. Healy, City Manager

FROM: Susan B. Schlesinger, ^{SBS} Assistant City Manager for Community Development

DATE: September 4, 1996

RE: City Council Order #68 of June 3, 1996

The B & M Corporation (Guilford Industries) owns the Watertown Branch in West Cambridge and some rail yards and unused property in the North Point District of the City. On August 13, 1996, the B & M and the Massachusetts Executive Office of Transportation and Construction (EOTC) signed a Memorandum of understanding regarding the abandonment of the Watertown Branch (copy attached). According to this agreement, even if the abandonment is approved, the corridor will continue to be used as an industrial switching track serving the existing user. Under the signed agreement EOTC is to "assist such other public agencies, municipalities and authorities as appropriate in seeking to develop compatible public uses adjacent to, or across, the grant. Such uses do not include the development of the so called Charles River bikeway extension, which shall be the subject of future negotiations between the parties".

As you know, the City's interest in the future of this corridor include its use as a pedestrian and/or bicycle path. We are closely following the progress of the petition for abandonment to ensure that the City's interests and desires are considered should rail use end. In addition, Community Development staff have contacted the B & M to arrange a meeting with appropriate city and railroad staff to discuss improvements to landscaping and fences associated with the other B & M properties in Cambridge. I will keep you informed regarding the outcome of these discussions.

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

THE COMMONWEALTH OF MASSACHUSETTS
through its
EXECUTIVE OFFICE OF TRANSPORTATION & CONSTRUCTION

AND

BOSTON AND MAINE CORPORATION

CONCERNING

THE ABANDONMENT OF THE WATERTOWN BRANCH
LOCATED IN THE CITY OF CAMBRIDGE
AND
THE TOWN OF WATERTOWN

WHEREAS, the Commonwealth of Massachusetts, acting by and through its Executive Office of Transportation & Construction ("EOTC"), and in conformance with Chapter 161 C of the General Laws desires to preserve transportation opportunities along the Watertown Branch; and,

WHEREAS, Boston & Maine Corporation ("B&M") and its affiliate Springfield Terminal Railway Company seek to abandon their freight operating obligations pursuant to the Interstate Commerce Act; and

WHEREAS, EOTC and B&M are cognizant of the interests and concerns of the communities traversed by the branch line;

THEREFORE, EOTC and B&M agree to take the following steps to achieve the common interests of the parties:

1. Within thirty days of execution of this Memorandum B&M will grant to EOTC an easement right to control, enter upon and use for transportation and other directly related purposes a portion of the property known as the Watertown Branch from so called mile post 4.28 at Cambridge to and including a point at or near mile post 6.0 in Watertown, said grant to be effective only upon receipt of approval of B&M's abandonment petition to the U.S. Surface Transportation Board ("STB"), which petition EOTC will not oppose. This grant shall have a term of not less than seven years and six months provided, however, that B&M may terminate the easement on thirty (30) days notice if no railcars have moved over the grant property during the preceding one hundred twenty (120) days. B&M shall not take any action which would interfere with EOTC's exercise of its rights under the grant. Likewise, EOTC shall not take any action which would adversely affect the value or marketability of B&M's underlying property interest. During the term of the easement B&M will cooperate in negotiating the sale of the underlying property to a third party, which may be a public

page two

agency, subject to the easement conferred hereby.

2. EOTC will establish an immediate program of rehabilitation of the grant property to allow for its use as an industrial switching track. Any and all improvements made by EOTC shall remain the property of EOTC.

3. The industrial switching track created pursuant to this Memorandum and subsequent related agreements shall be maintained and operated by an industrial switching contractor to be chosen by and under contract with the shipper(s) receiving rail services on the grant property. EOTC shall have authority to license such switching operations as it may deem necessary in the public interest.

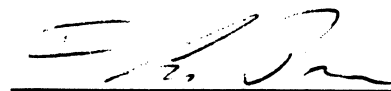
4. B&M will provide all necessary transportation services and arrangements for delivery and retrieval of rail cars to and from the licensed switching operator at or near the point of connection of the grant property to the B&M's main line. B&M agrees to enter into mutually satisfactory transportation service contracts with rail users located along the grant property.

5. EOTC will assist such other public agencies, municipalities and authorities as appropriate in seeking to develop compatible public uses adjacent to, or across, the grant. Such uses do not include the development of the so called Charles River bikeway extension, which shall be the subject of future negotiations between the parties.

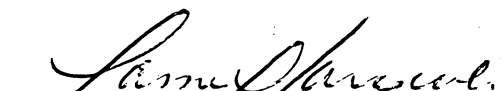
6. EOTC, in cooperation with the City of Cambridge, the Metropolitan District Commission, the Department of Public Utilities, and the Massachusetts Highway Department, will accomplish the installation of appropriate traffic warning devices at the grade crossing of the industrial switching track with Concord Avenue in the City of Cambridge.

This Memorandum of Understanding provides the basic framework for legal agreements by and between the parties. This document does not preclude the participation of other parties in the implementation of the goals set forth herein.

Executed this 13th day of August, 1996.



F. Colin Pease
Executive Vice President
Boston and Maine Corporation



James J. Kerasiotes
Secretary
Executive Office of
Transportation & Construction



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



2.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

September 16, 1996

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 7, regarding maintenance and upgrading of landscaping and fences of B & M Railroad property throughout the City, received from Assistant City Manager for Community Development Susan Schlesinger.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #2

S-453

Relative to Awaiting Report Item
Number Seven regarding maintenance
and upgrading of landscaping and
fences of B & M Railroad property
throughout the City.

In City Council September 16, 1996

PLACED ON FILE