

The Commonwealth of Massachusetts
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DEPARTMENT OF PUBLIC UTILITIES
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CAMBRIDGE MA.

December 6, 1985

D.P.U. 85-250

Petition of the City of Cambridge requesting the Department of Public Utilities, pursuant to G.L. c. 160, § 104, to consent to the laying out of a pedestrian on-grade public way across the Consolidated Railroad Corporation tracks in the City of Cambridge.

On October 1, 1985, the City of Cambridge ("Cambridge") petitioned the Department of Public Utilities ("Department") pursuant to G.L. c. 160, § 104, to consent in writing to the laying out of a new way ("New Way"), a pedestrian on-grade public way across the Consolidated Rail Corporation ("Conrail") tracks in Cambridge.

G.L. c. 160, § 104, provides that a public way may be laid out across a railroad if the county commissioners ("Commissioners") adjudge, after notice to and hearing of all interested parties, that public necessity and convenience require the public way. A public way shall not be permitted to cross at grade level with the railroad unless it is determined by the Commissioners, after proper notice and hearing, that public necessity requires the public way to cross at grade level and the Department consents in writing.

On May 25, 1985, Cambridge petitioned the Commissioners of Middlesex County, meeting in Cambridge, for adjudication of the plan. After proper notice and viewing of the premises, a hearing was held on July 16, 1985, and continued on August 6, 1985. No one appeared at the hearing to object to the laying

out of the way. The Commissioners considered the feasibility of constructing a crossing at other than grade level, either by a bridge or by an underpass, and determined that the cost would be prohibitive. On August 20, 1985, the Commissioners issued partial decree No. 5808 in which they found that public convenience and necessity require New Way as a public way across the Conrail tracks.

New Way connects Fort Washington Park with a vehicle parking area intended for visitors to the Park. A copy of the design plan for Fort Washington Park prepared for the Cambridge Community Development Department has been filed with the Department.

The design plan shows that New Way begins at a point on publicly owned land, at the midline of Fort Washington Park, extending in a southeasterly direction for approximately 60 feet across the Conrail tracks to land along Vassar Street approximately 300 feet north of Audrey Street in Cambridge. The travelled portion of New Way is to be six feet eight inches wide.

Investigation by the Department shows that the track which New Way will cross is designated as the Grand Junction Secondary track. The track extends between Brighton and East Boston, a distance of 9.08 miles. Traffic on this segment of track consists of two local freight trains operating in each direction Monday through Friday, two local freight trains operating in each direction on Sundays and holidays, and one Boston & Maine

terminal switcher operating in each direction Monday through Friday. The operating time is between 3:00 p.m. and 7:00 a.m., with one train movement between 7:00 a.m. and 3:00 p.m. No passengers trains operate on this track. The maximum authorized train speed is 10 miles per hour. New Way is to be located .55 miles south of the existing Massachusetts Avenue highway grade crossing.

The Department finds that a pedestrian grade crossing such as New Way requires special safety protection. Accordingly we have determined based upon the Department's experience and the record in this case, that a system of flashing light signals, bells, automatic gates, and reflectorized warning signs is required to ensure appropriate protection of pedestrian traffic. The costs of installation and maintenance by Conrail of New Way and of the crossing protection system are costs to be borne by the City of Cambridge.

Accordingly, after investigation and consideration, it is ORDERED: That the petition of the City of Cambridge requesting the Department of Public Utilities to consent in writing, pursuant to G.L. c. 160, § 104, to the laying out a New Way pedestrian grade crossing over the Consolidated Rail Corporation tracks in the City of Cambridge be and is hereby GRANTED; and it is

PROVIDED: That this consent is conditioned on the installation of an automatic protection system approved by the American Association of Railroads consisting of approved

automatic protection system of flashing light signals in combination with automatic gates and pedestrian bells; and for the provision of manual initiation of the automatic protection system in the case of a track movement by a rail-confined vehicle other than a train; and it is

FURTHER PROVIDED: That the crossing warning signs required by G.L. c. 160, § 140, shall be reflectorized and of a type approved by the Department; and it is

FURTHER PROVIDED: That the crossing warning signs required by G.L. c. 160, § 140 shall be reflectorized and of a type approved by the Department; and it is

FURTHER PROVIDED:. That the automatic protection system shall be installed and maintained in a manner satisfactory to the Department; and it is

FURTHER PROVIDED: That the City of Cambridge shall assume all of the costs of installation and maintenance of the New Way surface and of the automatic protection system.

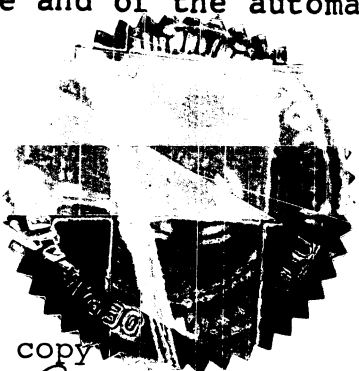
By Order of the Department,

/s/ PAUL F. LEVY

Chairman

A true copy

Attest:


MARY LI COTTRELL
Secretary

9.

F-428

Approval of the petition of the City of Cambridge requesting the Department of Public Utilities, pursuant to Chapter 160, Section 104 of the General Laws, to consent to the laying out of a pedestrian on-grade public way across the Consolidated Railroad Corporation tracks in the City of Cambridge.

In City Council,

December 30, 1985

12/30/85

Referred to the
City Manager

Copy sent to the City Manager 1/3/86 wch