



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

December 2, 2016

Ranjit Singanayagam
Commissioner, Department of Inspectional Services
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Re: Request for Consent to the Issuance of a Building Permit
Property Located at 60 Albany Street in Cambridge, Massachusetts
File Reference # 16A-20

Dear Mr. Singanayagam,

I am writing with respect to your request for my consent to the issuance of a building permit for the Massachusetts Institute of Technology's (the "Applicant") construction of improvements to and expansion of the existing Central Utility Power Plant located at 60 Albany Street in Cambridge, Massachusetts.

The MIT project will involve construction of a cogeneration plant in a new building (the "New Building") on a 2.96 acre parcel of land adjacent to the active railroad right-of-way known as the Grand Junction Branch, and will include an overhead structure that will span a section of the Grand Junction Branch to connect the New Building (Building 42C) with an existing building (Building 42).

MIT's proposed construction will be located (in part) on land purchased from the New York Central Railroad, pursuant to a deed executed in December of 1964 and recorded with the Middlesex County Registry of Deeds in Book 10719, Page 278 (the "1964 Deed"). MIT's title grants to MIT certain rights to construct buildings adjacent to and above the tracks and right-of-way, subject to the railroad easements and related limitations described in the 1964 Deed.

The Grand Junction Branch was acquired by the Massachusetts Department of Transportation ("MassDOT") in 2010, and currently accommodates movement of non-revenue passenger equipment by both the Massachusetts Bay Transportation Authority ("MBTA") and the National Passenger Rail Corporation ("Amtrak"), as well as rail freight operations conducted by CSX Transportation ("CSXT"). The Grand Junction Branch has the potential to accommodate further public transportation uses in the future.

Massachusetts General Laws, Chapter 40, Section 54A, provides that no city or town in the Commonwealth shall issue a permit to build a structure of any kind on land "formerly used as a railroad right-of-way or any property appurtenant thereto formerly used by any railroad company in the Commonwealth," without the written consent of the Secretary of the Massachusetts Department of

Transportation. Pursuant to the intent of this statute, I have the responsibility to preserve former railroad property in the Commonwealth for present or future transportation-related use where appropriate.

After reviewing information on file at our office, canvassing interested agencies and conducting a public hearing on October 17, 2016, it has been determined that construction on the property will not adversely impact potential transportation uses. Accordingly, I give my consent to the issuance of a building permit for the above-referenced construction as detailed by the application material, subject to the terms and conditions set forth below.

1. The design, construction, maintenance and operation of the New Building shall comply with the terms of the 1964 Deed.
2. The design, construction, maintenance and operation of the New Building shall comply with MBTA (and applicable CSXT) requirements and generally accepted railroad practices and standards, and shall not interfere with safe and efficient railroad or transit operations along and within the Grand Junction Branch right-of-way.
3. MIT shall consult and cooperate with the MBTA during all phases of the project to ensure safe and efficient rail operations before, during and after construction. MIT will provide the MBTA with the opportunity to review and approve plans (including final stamped site / civil, architectural, structural and other relevant plans) for the New Building, and will implement the reasonable changes or other requirements imposed by the MBTA. MIT shall also provide the MBTA with the opportunity to review and approve construction logistics plans for proposed work near the railroad right-of-way that may impact rail operations.
4. MIT will conform to all federal, state and local laws concerning construction activities adjacent to an active railroad right-of-way, including provision of Railroad Protective Liability Insurance, Railway Worker Protection training and train protection (flagging) as required by the MBTA.
5. MIT shall consult with the MBTA regarding the need to obtain a license or other agreement from MassDOT or the MBTA prior to initiating construction elements which: (a) may impact MassDOT's or the MBTA's real property or transportation interests; or (b) have the potential to foul the right-of-way, impact rail operations, or, in the MBTA's judgement, require flagging or safety services from a railroad company. If MassDOT or the MBTA determine that such an agreement is required, MIT shall enter into such agreement prior to initiating construction.
6. The New Building shall provide a vertical clearance of no less than twenty-two feet six inches (22'-6") over the track, measured from the top of the existing rail to the lowest point at

which the New Building spans the track, including any exposed fixtures, stairwells, and any other appurtenances affixed to the New Building.

7. The New Building shall provide horizontal clearance of no less than sixty-four feet (64') to accommodate transportation uses.
8. There shall be no encroachment into the twenty-four (24') "No Build Zone".
9. MIT acknowledges that there may be surface or subsurface utilities on and adjacent to the Property and shall exercise reasonable care in performance of all construction activities in accordance with all applicable laws and regulations. If MIT installs new underground utilities within the right-of-way as part of its construction of the New Building, it shall locate said utilities at a depth no less than eight feet (8') and no greater than fourteen feet (14') below the ground's surface.
10. MIT shall ensure that no drainage is directed onto or toward the railroad right-of-way, and that no snow debris shall be pushed onto the right-of-way.
11. Upon completion of construction MIT shall provide MassDOT and the MBTA each with one (1) reproducible "as-built" copy of each approved site, architectural and structural construction drawing of the New Building to assist MassDOT and the MBTA in the potential planning and construction of public transportation uses along the Grand Junction branch within the Property. MIT shall likewise provide digital copies of the As-Built drawings in a format or formats acceptable to MassDOT and the MBTA, which may include Auto-CADD, ArcGIS or other such other formats as MassDOT or the MBTA may reasonably require.

Please note that the adjacent rail corridor and other locations in the vicinity of the proposed New Building have been the subject of feasibility studies by the City of Cambridge and MIT for potential development of a multi-use path and for potential additional transit uses. Any future construction in this area should take the City's goals for such uses into account, and I urge that MIT continue to work constructively with the City of Cambridge with respect to such goals.

The consent is granted by means of two original letters, one to the City of Cambridge Commissioner and the other to the Applicant.

Sincerely,



Stephanie Pollack
Secretary and Chief Executive Officer