

May 2, 2019

Stephanie Pollack
Secretary and CEO
Massachusetts Department of Transportation
10 Park Plaza
Boston, MA 02116

Re: 40/54A Requirements for Town of Dedham

Dear Ms. Pollack,

We are members of the Steering Committee of the Friends of the Dedham Heritage Rail Trail project. Craig Della Penna suggested we reach out to you about a situation that has come up for our rail trail project.

In short, we are seeking the State's help with ensuring that our Town honors the mandates that the State of Massachusetts Department of Transportation placed on our Town (our School Department in particular) in 2010 as part of the 40-54A state law regarding building projects on or near rail corridors.

Included with this letter are documents pertaining to the process that resulted in MassDOT's consent, with conditions, to construction of the Avery School on the former railway right-of-way, or "Dedham Secondary Branch." As you know, Massachusetts General Laws, chapter 40, section 54A provides that the Secretary of MassDOT must consent in writing, after public hearing, to the issuance of a building permit for construction on any land formerly used as a railroad right-of-way or any appurtenant property.

A public hearing was held on October 22, 2010, at the MassDOT to determine if construction of the Avery School on the abandoned Dedham Secondary Branch would adversely affect any potential transportation use. The Town submitted a "Letter of Commitment," signed by School Superintendent June M. Doe and Town Administrator William G. Keegan which supported the Metropolitan Area Planning Council in identifying the rail right-of-way as a future shared use path connecting downtown Dedham, the school, and the Readville Commuter Rail Station. The Town committed to: (1) A minimum of 50 feet of clearance (no structures) through the existing rail right-of-way for a future shared use path; and (2) Access through the existing right-of-way, and future driveway, shall be allowed for future users of a future shared path.

The permit consent process also included canvassing other agencies to determine their interest in the property. The Metropolitan Area Planning Council indicated that it had initially opposed the building of the Avery School in that location, but it resolved all issues in regard to the future right-of-way in accordance with the letter submitted by School Superintendent Doe and Town Manager Keegan. The MassDOT Office of Transportation Planning did not oppose issuance of the permit, but made comments about preserving future construction of the proposed Dedham Rail Trail and optimizing bicycle and walking access. The MassDOT District 6 Highway Division did not oppose the permit, but noted that "historically, old rail corridors have been used for recreational purposes such as bike trails."

By letter dated December 8, 2010, DOT Secretary and Chief Executive Officer Jeffrey B. Mullan consented to the issuance of a building permit, with the conditions proposed by the MassDOT Office of Transportation Planning. The conditions are as follows:

- The proposed building should be sited and constructed to allow the future construction of the Dedham Rail Trail.
- The school is sited and constructed to optimize bicycling and walking access in keeping with MassDOT's Safe Routes to School Program.
- The building is sited and constructed in accordance with MassDOT's GreenDOT Policy, promoting bicycle, pedestrian, and transit use.

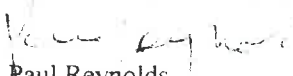
In 2010, the Town of Dedham accepted and committed to these conditions, and the Avery School was built. However, despite the clear directives from then MassDOT Secretary Mullan and the assurances made through the Letter of Commitment, the Town of Dedham and the Dedham School System have not yet honored these mandates. The Avery School was built on top of the rail corridor right-of-way, and part of the rail corridor right-of-way was taken for the current Avery School driveway, designated "Recreation Road," without incorporating any design features such as a protected bike/pedestrian walkway or any elements that would be compliant with a possible future shared use path. At the same time, the construction did take into account the need to maintain the right of way for future recreational use.


The Town and Schools are now about to embark on a circulation study around the schools which offers a tremendous opportunity to get professional recommendations on how to design, prioritize, and modify the rail right-of-way/Recreation Road for bicycle and pedestrian use and get the Town in compliance with these commitments. A failure to preserve the rail right-of-way for a shared use path and continued failure to prioritize safe bike and pedestrian measures or infrastructure, would be in violation of the permit granted by the State and the commitment given by the Town and School Committee in 2010. We also note that the study provides a wonderful opportunity to join the Safe Routes to School initiative. We have approached the School officials to request that they guarantee that the consulting firm that has been hired to do the Study receives and factors these documents and commitments into their scope of work. Unfortunately, they will not give us confirmation that this will happen.

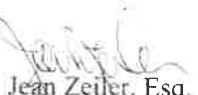
Our request is that the State "has our backs" and holds the Town of Dedham and Schools accountable by reminding them of the legally binding agreements they signed. A certified letter or some communication from you and/or Governor's Office, to the Town Manager, the School Superintendent, and the School Committee, would go a long way to support residents in Dedham who support the Dedham Rail Trail project.

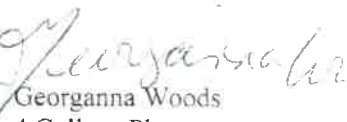
Thank you for your consideration and we look forward to your response


Sincerely,


 Paul Reynolds
 134 Mount Vernon Street
 Dedham, MA
paul@fablevision.com



 Paquita Bass
 164 Central Avenue
 Dedham, MA
paquitabass@gmail.com


 Jean Zeiler, Esq.
 59 Woodleigh Road
 Dedham, MA
jeanzeiler@gmail.com



 Georganna Woods
 4 College Place
 Dedham, MA
georgannawoods@gmail.com



John Dashe, MD, PhD
12 Worthington Street
Dedham, MA
jfdashe@alumni.upenn.edu



Michael N. Cocchi, MD
188 Walnut Street
Dedham, MA
michaelcocchiMD@gmail.com



Kathleen O'Neil
25 Woodlawn Street
Dedham, MA
kathleen02130@yahoo.com

Enclosures

cc: Governor Charlie Baker
Astrid Glynn
Jackie DeWolfe
Peter Sutton
Andrew Fischer