

January 4, 2019

James Kern, Town Manager
26 Bryant Street
Dedham, MA 02026

Michael Welch, Superintendent of Schools
100 Whiting Avenue
Dedham, MA 02026

Dear Manager Kern and Superintendent Welch:

On November 26th we were pleased to see Town Meeting approve funding which will allow the School Committee to move forward with the circulation study around the schools. The Friends of the Dedham Heritage Rail Trail supported the study when it was proposed in the November 2016 Warrant (Article 7), again in April 2018 (Article 19), and the recent, successful effort that secured Town Meeting's approval in November 2018.

As the study moves forward, however, it is essential to include the requirements that the Massachusetts Department of Transportation (MassDOT) placed on the permit for construction of the Avery School. These particular requirements were a critical part of Massachusetts School Board Authority's oversight [as per MSBA Regulations 963 CMR 2.00], which, once met, allowed MSBA's awarding of 50.84% of the Avery School's approximately \$23 million dollar budget.

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." 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 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.

The upcoming circulation study 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. 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.

Beyond the clear legal commitment, and potential financial or legal ramifications of noncompliance, the Town and School Committee have an ethical and moral obligation to keep their word and demonstrate that the Town is a trustworthy partner with the State. As an essential element of having care, custody, and control of the rail corridor, the Town and School Committee have a fiduciary responsibility to fulfill the conditions required by MassDOT and the Letter of Commitment.

The good news is that Dedham has a history of working to support statewide efforts to promote greenways. The idea of a shared recreational trail using Dedham’s rail corridor is documented at least as far back as 2002, when the Town capped the rail bed with approval of the state Department of Environmental Protection as a “first step” in a “rails-to-trails” conversion. And while the Town may not be ready to complete the rail trail project at this time, recent surveys completed by Parks & Rec/Open Space, Livable Dedham, and hundreds of signatures on petitions in favor of the rail trail demonstrate that the community is overwhelmingly seeking improvements in walkability and bike-ability. Exploring alternative modes of transportation that would enhance safety in and around school property would align with community wishes. Respecting the MassDOT conditions in a comprehensive circulation study continues to signal Dedham’s forward- looking vision to create a safer, more enjoyable community for all ages. To that end, the upcoming study must look at access

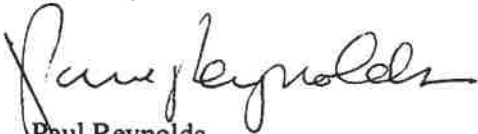
through the lens of prioritizing pedestrians and bicyclists and accommodating the shared use path, rather than simply count cars and seek ways to expedite vehicular traffic.

By designing a traffic study that honors our commitments to MSBA and MassDOT, Dedham is also demonstrating support for MassDOT's Safe Routes to School Program, which already includes over 800 partners in municipalities across the Commonwealth, and for Governor Baker's promotion of Massachusetts' rail trails and greenways. In so doing, we all have an opportunity to show our students how our community promotes sustainability, healthy living, and a clean environment by actively studying transportation alternatives.

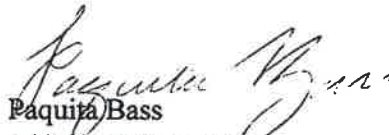
It is obvious that these documents are critically germane to the work of the upcoming circulation study, and it is our intent to ensure that the selected consultants receive this information.

We request a response by February 15, 2019 to acknowledge that you understand the documentation included with this letter and its intent. In addition, we request details on how the upcoming study will address these issues and how the Schools and the Town plan to rectify the current noncompliant situation.

Sincerely,



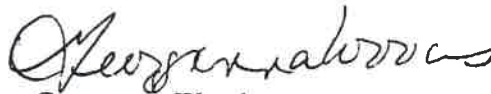
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Enclosures

**cc: Paul McMurtry, State Representative
Kenneth Cimeno, Building Commissioner
Pete Sutton, Bicycle and Pedestrian Program Coordinator, MassDOT
Jacqueline DeWolfe, Director of Sustainable Mobility, MassDOT**

School Committee:

**Stephen M. Bilafer
Mayanne MacDonald Briggs
Kevin R. Coughlin
Lisa Laprade
Tracey White
Joshua Donati
Melissa Pearrow**

Board of Selectmen:

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Dennis J. Guilfoyle
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