

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF TRANSPORTATION



DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

BERNARD COHEN  
SECRETARY

February 26, 2008

Gary Rhodes  
Building Commissioner  
Town Building  
Community and Development  
1622 Massachusetts Avenue  
Lexington, MA 02420

Dear Mr. Rhodes:

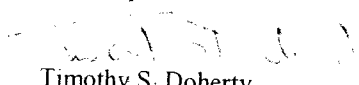
It has come to the attention of the Secretary of Transportation that consent has been given to build new construction for property located at 201 Bedford Street in Lexington, MA.

Please note that this property could be former railroad property or abuts land owned by the Massachusetts Bay Transportation Authority (MBTA) and that the MBTA should be notified immediately. A notice should be sent to their Real Estate Department at 10 Park Plaza, Room 5750, Boston, MA 02116 and update your "Notice of Abutter List" to reflect this information.

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 Executive Office of Transportation and Public Works. Pursuant to the intent of this statute, the Secretary has the responsibility to preserve former railroad property in the Commonwealth for present or future transportation-related use where appropriate.

Therefore, all new construction located at 201 Bedford Street in Lexington, MA should stop immediately until a determination is made or a request for consent to build is obtained from this office. For your information, please invite any interested applicants to EOTPW's website at [www.eot.state.ma.us](http://www.eot.state.ma.us) and follow the 40/54A prompts to the application page or contact Donna L. Hill in the Rail unit of my office @ 617-973-7011 or email Ms. Hill at [donna.hill@eot.state.ma.us](mailto:donna.hill@eot.state.ma.us).

Sincerely,

  
Timothy S. Doherty  
Director of Rail

Cc: D. L. Hill, Rail Unit