



Maura Healey, Governor  
Kimberley Driscoll, Lieutenant Governor  
Gina Fiandaca, Secretary & CEO  
Phillip Eng, General Manager & CEO



## DESIGN MEMORANDUM

To: Distribution

From: Joseph A. Pavao Jr., P.E., Acting Chief Engineer *JAP*

Date: 4/24/2023

RE: Clarification of Permitting and Access Requirements for Commuter Railroad Rights of Way

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This design memorandum is intended to consolidate, reiterate, supplement, and clarify the MBTA's Permitting and Access Requirements for Commuter Railroad Rights of Way.

Design Consultants shall design to standards as prescribed by Code. MBTA Standards shall apply only where Code does not address a topic or the MBTA requires a standard above and beyond Code. The more stringent shall always apply.

### **APPLICABILITY**

For the purposes of construction administration and planning, the MBTA, in conjunction with the regulating authorities, has determined the need to reassert the FRA requirements owing to access and permitting outside stations limits and within the Commuter Rail right of way. For the purposes of permitting work, the station limits shall be defined as the edge of platform and within the station, or the gate at which ROW access stairs provide access onto the ROW. Areas within the station and behind the limits of these gates are subject to review and inspection by State permitting authorities. Areas beyond the station limits as defined above are NOT subject to the review or permitting requirements of local and state agencies as per FRA/Federal regulations.

State permitting authorities are reminded that inspection requires on-track safety per 49CFR214.7 and requires coordination with the Railroad authority prior to engaging. This includes platforms and adjacent areas as there is potential to foul the track. Simply, if engaging in duties such as: inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery are on or *near track or* have the *potential of fouling a track* they required to have on-track safety (49CFR214.7).