



# TOWN OF CONCORD

Department of Planning & Land Management

141 Keyes Road ~ Concord MA ~ 01742

October 12, 2021

To: Stephen Crane, Town Manager

From: Marcia Rasmussen, Director of Planning & Land Management **MAR**

Re: **Highlights and timeline for the Lowell Secondary Track Railroad Right-of-way; Junction Park and the Bruce Freeman Rail Trail (BFRT)**

As requested, here is a summary of background information and timeline regarding the State's acquisition of the Lowell Secondary Railroad Right-of-way, design for the Bruce Freeman Rail Trail and the design for Junction Park.

Since the spring 2021, in my capacity of supporting numerous committees, I have attended several meetings where some Concord residents have called into question the design intentions for the BFRT and Junction Park. There are some who have expressed the opinion that the Junction Park design was not intended to accommodate or include the BFRT; that the former railroad right-of-way cannot be shared. I have reviewed Town reports prepared for the BFRT, minutes of the Public Works Commission (PWC) and the BFRT Advisory Committee, memos and presentations prepared by Concord Public Works (CPW) staff, Town Meeting votes/actions, Massachusetts Department of Transportation documents and other records to determine that the walkway constructed as part of the Junction Park design was intended to include the BFRT. This memo provides a timeline of this record along with attachments or links of the documents mentioned.

The documents cited below demonstrate that it was the intention for the BFRT and Junction Park to co-occupy the right-of-way of the Lowell Secondary Track, and that the design implemented was done so with the express intention to provide a multi-purpose, multi-use path through Junction Park that could be used by all. It is therefore hoped that efforts/energies can be focused on how best to address concerns being raised about the multiple uses of this common area today. Said solutions may not meet every person's desire for how the right-of-way land is used but working toward a solution that accommodates all users/intentions for the site is a possibility if, and when, the resources are available.

**1982** – Commonwealth of Massachusetts deed is recorded for the taking of all or any portion of the land, premises, easements rights-of-way and other rights in Concord comprising the former Lowell Secondary Track (also known as the New York, New Haven and Hartford RR) right-of-way (Middlesex South Registry of Deeds Book 14609, pages 302-317, and Book 14836, pages 507-512).

**1987** – A feasibility study of the Sudbury to Lowell portion of the Lowell Secondary Track is prepared by the MPO's Central Transportation Planning Staff (CTPS) to consider converting the

former railroad right-of-way to a multi-use rail trail. An update of Phase 2C (Westford, Carlisle, Acton and Concord sections) is conducted in 2003.

**1991** – Town of Concord enters into a License Agreement with the State’s Executive Office of Transportation for use of a portion of the right-of-way for a park and walkway, to be named Junction Park.

**June 24, 2005** – The Town seeks input from the Massachusetts Bay Transportation Authority regarding the Town’s intent to: 1) align the rail trail through the MBTA commuter parking lot using pavement markings, signage or special pavers, and 2) Utilize the existing at-grade crossing of the active rail line at the West Concord Station platform (see attached letter dated June 24, 2005 from Town Manager Christopher Whelan to Director of Real Estate Mark Boyle).

**2005** – Consultant Fay, Spofford & Thorndike completes the August 2005 BFRT Environmental and Engineering Assessment with recommendations that the trail continue over the existing at-grade pedestrian crossing and through the existing park (excerpts from that report attached – full report available online here: <https://concordma.gov/993/Environmental-Reports-Information>).

**June 2009** – 25% Design Public Hearing for the Bruce Freeman Rail Trail Phase 2C is held at the Town House (see attached notice of public hearing). The 25% Design Plans did not include the connection between the Main Street intersection and the Nashoba Brook bridge because the MBTA was not willing to approve a trail crossing over the existing at-grade pedestrian crossing. The BFRT Advisory Committee then hired consultant Greenman-Pedersen, Inc. to consider design alternatives for crossing the commuter railroad.

**February 2010** – GPI submits the Proposed BFRT/MBTA Commuter Rail Crossing Alternatives Analysis to the Advisory Committee for consideration. Based on cost, safety and environmental factors, GPI recommended a wider sidewalk on Commonwealth Ave. as the Preferred Alternative (<https://concordma.gov/994/Commuter-Rail-Crossing-Analysis-Report>). Follow-up discussions with various stakeholders (West Concord Task Force and business and property owners along Commonwealth Ave.), however, led the Advisory Committee to reject the wider sidewalk alternative and to continue discussing alternative crossing locations of the commuter railroad with the MBTA.

**2009 to 2011** – Concord Public Works Engineering staff works with the West Concord Green Thumbs and a conceptual design from Mary Crain Penniman Design to improve and enhance Junction Park (see attached conceptual design plan).

**September 2011** – During an initial presentation to the Public Works Commission (PWC) in September (meeting minutes from September PWC meeting attached), Town Engineer states that the “walkway will be thirteen feet wide to accommodate the future Bruce Freeman Rail Trail extension if that should come through this area”. Several members of the public also spoke on this matter.

**November 3, 2011** – The BFRT Advisory Committee meeting minutes report that “the design plans for Junction Park were reviewed and the location of the potential trail right-of-way determined. Once the BFRT design is finalized, we would comment on the street crossing at Main Street, evaluate the surface of the area where the trail would go, and re-examine the area near the rail crossing” (see attached minutes of the meeting).

**November 10, 2011-** The PWC conducts another public meeting to discuss the design for Junction Park. The minutes include a history provided by the Town Engineer about the design for Junction Park and discussions with the designers for the BFRT. The memo prepared by CPW Town Engineer and presentation made at the meeting again indicates that the design accommodates the BFRT. Several members of the public raise concern that a separate path for the BFRT should be incorporated into the overall design (see attached minutes of the meeting, Town Engineer memorandum and excerpt from the presentation) but the final design does not include a separate path.

**April 26, 2012** – Town Meeting votes under Article 39 (see attached certified vote) to authorize the Select Board for purposes of establishing, constructing, operating, and maintaining a multi-use rail trail over the Lowell Secondary Track (also known as the New York, New Haven and Hartford RR) right-of-way.

**August 2012** – The Select Board votes to authorize the Town Manager to sign a license agreement with the Massachusetts Dept. of Transportation regarding use of certain portions of the Lowell Secondary Track as a public park and walkway (a.k.a. Junction Park). The License Agreement is signed on August 24, 2012 (both items attached).

**April 2013** – The Concord Public Works Engineering Division, working with Louis Berger and Associates, prepares conceptual plans for “Proposed Improvements for Bruce Freeman Rail Trail Pedestrian Crossing – West Concord Station” that shows the BFRT continuing adjacent to the commuter parking lot, over the commuter railroad next to the raised handicapped access platform and continuing over a portion of the property associated with then-West Concord Super Market (now Woods Hill Table restaurant) and connecting to Junction Park. These plans are submitted to the State for consideration of the proposed commuter rail crossing near the handicapped access platforms (attached cover sheet and layout plan from the 10-page plan set).

**April 1, 2014** – The Town receives approval from the MBTA of the proposed improvements for the BFRT pedestrian crossing – West Concord Station (letter attached). This design is then provided to the BFRT Design firm, GPI, to incorporate in the final design/construction drawings for the BFRT.

**November 2015** – A Design Public Informational Meeting is held by MassDOT to discuss Phase 2C of the proposed Bruce Freeman Rail Trail (BFRT) project in the Town of Concord, MA because of the final alignment of the trail in West Concord center, through Junction Park.

**April 6, 2016** – Town Meeting votes under Article 58 (passed by a declared near unanimous vote) to authorize the Select Board for purposes of establishing, constructing, operating and maintaining a multi-use rail trail over the Lowell Secondary Track (also known as the New York, New Haven and Hartford RR) right-of-way.