

**APPENDIX (WITH APPENDICES A - F, K & L)**

**NORTH CAMBRIDGE RAILROAD  
SAFETY STUDY  
Cambridge, Massachusetts**

**June 1994**

Prepared for:  
**The City of Cambridge**  
**Community Development Department**

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Architects, Landscape Architects, Planners, Urban Designers

In association with:  
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Consulting Engineers



# **NORTH CAMBRIDGE RAILROAD SAFETY STUDY**

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## **INTRODUCTION**

This study was commissioned by the Cambridge Community Development Department in response to a request from the North Cambridge Stabilization Committee (NCSC) to study safety issues around the MBTA Commuter Rail tracks in North Cambridge. A committee was formed with representatives from the NCSC, Walden Square Apartments, Jefferson Park Housing and Fresh Pond Apartments to oversee the progress of the study.

The Project Area runs along both sides of the tracks from Alewife Brook Parkway to Walden Street. At the western end, near Alewife Brook Parkway, the tracks run between Fresh Pond Mall and Danahy Park on the south and Fresh Pond Apartments and Jefferson Park residential developments on the north. The rest of the Project Area is mostly residential.

Because of the limited number and inconvenience of the existing railroad crossings in the area, and the strong desire of local residents to go between destinations on opposite sides of the tracks, a number of people walk across and/or along the tracks, creating the potential for serious accidents.

The purpose of this study was to look at the existing conditions which contribute to the safety problems, and assess alternative solutions to those problems. In addition to site inspections, community meetings and surveys, and conversations with local officials to assess existing conditions and community concerns, other locations with similar situations were reviewed for potential solutions. Finally, a series of alternative solutions were developed and evaluated for community and railroad acceptance, effectiveness and cost. Based on those evaluations, recommendations for future actions have been developed.

## APPENDIX A

## **Site Observations: Danehy Park**

**Saturday AM 11/26/93**

- 10:45            young woman 20 ± crossed into Danehy by Jefferson. Walked to park path &/ into park (saw her 5 minutes later walking along walk)
  
- 11:00            woman 35-40 crossed into park w/dog & walked along berm, man crossed into freight line w/her (50±), walked along freight line into shopping center
  
- 11:15            woman crossed back
  
- 11:18            older man (60's) walked by opening along freight line into shopping plaza (didn't see where he came from)
  
- 11:22            young woman 20± crossed @ Jefferson into park, walked straight to path to talk to maintenance person
  
- 11:30            older man came back along freight line & walked into park and crossed over Jefferson
  
- 11:35            young man came from Sherman St. direction & walked along main line towards shopping center
  
- 11:40            young woman crossed back

## Site Observations: Fresh Pond Shopping Center

Saturday AM 10/30/93

10:45            1 young man 20±  
                    1 middle age on Alewife bridge walking in opposite directions  
                    \*young family (couple w/ 8± yr old girl) walked from Danehy thru lot to hole  
                         in fence along tracks to hole in fence @ Rindge

10:50            started raining

                    little girl 8±, 10± yr. old boy on bike, and elderly man walking separately  
                         from shopping plaza across bridge

10:53            young family (mother w/ 2 toddlers) on bridge walking towards plaza

                    2 middle-aged women

                    \*1 man 35± came from Rindge and crossed tracks into plaza

10:55            2 men 30± walking in opposite directions on bridge

                    2 joggers, 1 bicyclist on bridge heading towards plaza

11:00            2 men 30± cross on bridge

11:01            \*young man 25± came from plaza, crossed tracks to Rindge

                    1 man 30±, 1 woman 30± on bridge towards plaza

11:03            young man and young woman on bridge walking towards plaza

11:07            1 middle-aged woman on bridge walking away from plaza

                    1 young man on bridge walking towards plaza

11:10            young woman 25± on bridge walking away from plaza

                    young woman 16± on bridge walking towards plaza

                    TRAIN

                    \*young man 25± comes from Rindge and crosses tracks to plaza

                    young family and bicyclist on bridge walking towards plaza

                    young woman and young woman w/ child (toddler) on bridge walking away  
                         from plaza

                    2 young women (18±) and 1 man on bridge walking towards plaza

\* R.O.W. Crossings (others are bridge crossings)

11:15      \*young woman and child (8± boy) came from Rindge and crossed tracks into plaza  
              young man 20± walked up dirt hill to bridge  
              \*middle-aged man 60± came from Rindge, crossed tracks to plaza

11:16      mother and 8± yr. old boy on bridge walking away from plaza  
              young woman 20± on bridge walking towards plaza  
              young man 20± on bridge walking towards plaza

11:19      2 kids, boy & girl 10±, on bridge walking towards plaza

11:21      man 25± on bridge walking towards plaza  
              \*man 18± came from Rindge, walked back and cut in at movie theatre

11:22      4 young women, 3 young men cross at bridge

11:26      \*young woman 18± came from Rindge and crossed tracks into plaza  
              \*2 young men 20± & 25±, and 1 woman 25± came from Rindge and crossed into plaza (couple headed towards movie theatre)  
              jogger on bridge (man 25±)

11:33      2 young men crossing on bridge  
              \*1 elderly man from Rindge crossing into plaza  
              \*1 young man 20± from plaza crossing into Rindge  
              2 joggers, young man and young woman on bridge away from plaza

11:35      young man on bridge walking away from plaza

11:36      young man 20± on bridge walking away from plaza  
              elderly man walking from plaza to Rindge (was same man that crossed over earlier, had a Brooks bag)

11:42      young woman 20± w/telephone came from movie theatre (had popcorn), entered tracks, crossed and walked towards Alewife / under bridge and seemed to cut into parking lot

11:44      TRAIN

11:45      young woman on bridge towards plaza



11:46            2 young men on bridge walking towards plaza

                    1 young woman 26± & child 8± on bridge walking away from plaza

                    1 young man 20± on bridge towards plaza

11:48            \*elderly woman crossed from plaza - can't seem to find entrance to Rindge -  
                     standing on tracks looking around, crossed back over and into plaza - went  
                     down by movie theatre

                    2 girls 8± on bridge, away from plaza

11:53            elderly woman on bridge walking towards plaza

                    2 young women on bridge walking away from plaza

11:54            1 young man, 1 young woman, both 25±, cross on bridge

11:55            young couple on bridge away from plaza

11:56            \*young woman from Rindge crossed into plaza

                    \*elderly man crossed back

                    2 young men 18± on bridge towards plaza

11:57            \*3 young women 18±, from farther down tracks crossed into plaza

                    \*1 elderly man from Alewife direction crossed into plaza back by bridge

11:59            mother and child cross at bridge

# Site Observations: Yerxa Road

Thursday AM, 11/4/93

Age	Destination	Frequency	Time
5	School	2	8:00
12	School	2	↓
19	School	2	
8	School	1	
7	School	2	
15	School	2	
14	School	2	
9	School	2	
7	School	2	
5	School	2	
12	School	2	
13	School	2	
14	School	2	
12	School	2	
14	School	2	
30	School	2	
HS age	School	2	
HS age	School	2	
	School	2	
	School	2	
30			
11	School	2	
30			8:05
10	School		↓
11	School		
30s	School		
50s	Visiting Nurses	2 (Wed.)	
11	School		8:10
8	School		↓
10	School		
10	School		
30			
2 school age children with parents or older siblings			
3 @ 8	School		
14	School		
2 8-year-olds w/father			
40			

<u>Age</u>	<u>Destination</u>	<u>Frequency</u>	<u>Time</u>
50			
60			8:15
30			↓
12	School		
30	Returning mother		
11 + 32	School (& mom)		
12	School		
12	School		
11 + 35	School (& mom)		
11 + 35	School (& mom)		
35 + baby	dad with baby returning from walking older kids		
35	dad returning		8:20
mom w/2			↓
7-yr olds			
	returning mom		
	returning mom		
10	school		
30	just taking a walk		
25	crosses 2 times a day to work @ Genetics Inst		8:30
			↓
Mom & 6 yr old	School		
38	crosses to Camb. Friends school w/ kid		
75	church	2	8:35
30	work	2	↓
24	work @ Tobin School	4	
60			8:40
70	shop on Mass. Ave. @ Pemberton Market	2	↓
35	work	2	
53	lives in Walden Sq. Apts. - walks to bus to visit mother in nursing home		8:50
			↓
60	does not speak English		
35	Cambridge Clinic		9:10
35	work	2	↓
55	school	2	
40	shopping	2	
30	library	2	9:20
30	work	2	↓



## APPENDIX B

North Cambridge Railroad Safety Study  
Community Survey Results  
November 1993

	Rindge Towers	Jefferson Park	Walden Square	Other
	33 Surveys received	22 Surveys received	3 Surveys received	16 Surveys received
How old are you?				
0-10	2	2	1	6
11-20	2	5	1	2
21-60	22 (one of these is 60)	10	1	8
60 and over	6	5	0	0
did not identify	1	0	0	0
Why do you cross the tracks?				
recreation/social	4	4	2	3
work	0	5	0	2
school	1	0	2	8
shop	30	14	0	2
other	5	2	0	5
When you cross the tracks where are you going?				
movie	18	7	1	5
Danehy Park	11	11	0	4
shopping center	30	14	1	2
school	1 (Tobin)	1	2	8
work	0	1	0	2
Rindge Field	6	0	0	0
Gately Shelter	0	1	1	2
MBTA	1	0	1	1
other	3	3	0	3
How do you get to the other side of the tracks?				
walk	28	16	3	14
bike	1	4	0	0
public transportation	1	2	0	2
car	5	5	0	7
other	1	0	0	2

How often do you cross the tracks?

several times per day	3	5	1	1
once or twice a day	5	8	1	7
weekly	16	8	1	3
infrequently	8	2	1	5

When do you cross the tracks?

weekdays	21	14	2	13
weekends	24	13	1	2

At what time of day do you cross the tracks?

6:00AM - 9:00AM	0	5	0	8
9:30AM - 11:00AM	9	3	1	3
11:30AM - 1:00PM	11	4	1	1
1:30PM - 4:00PM	14	6	1	6
4:00PM - 7:00PM	15	8	1	2
7:00PM - 10:00PM	2	5	0	3
Other	2	1	0	1

If you could change things, what would you do?

Put in a pedestrian overpass/where	18	6	2	6
Put in a pedestrian underpass/where	5	2	0	0
Put in an at-grade crossing/where	2	13	0	2
Have trains sound whistle	18	1	1	5
Slow trains down	10	3	0	3
Put trains underground	9	2	0	5
Other	0	0	0	3

If the following were constructed within one block of where you cross the tracks, would you use

A pedestrian bridge; yes	23	6	2	10
A pedestrian bridge; no	5	3	1	2
A pedestrian underpass; yes	12	1	0	6
A pedestrian underpass; no	5	2	1	7
An at grade crossing; yes	8	13	0	3
An at grade crossing; no	3	2	1	9
A path to existing crossings; yes	12	2	1	6
A path to existing crossings; no	3	1	0	4

To make your trip, would you use a regular bus if one were available?

yes	10	6	1	5
no	8	1	1	6
sometimes	13	10	0	6

Do you know of any people who have been  
hurt crossing the train tracks?

Explain: Where, when, age, health, etc.

yes	7	6	0	1
no	15	1	1	11



## Comments from Community Survey

- Comments related to accidents on the tracks included:
  - One respondent said a few years ago his friend's fiancée was killed coming home from work; she was 30 years old and in good health.
  - Four people have died crossing the tracks.
  - A middle-age woman was killed in the summer.
  - Two or three neighbors (one in the past year) have died crossing the tracks.
  - Suicide was thought to be a motive in one case.
  - One respondent saw a child fall with his bicycle on the tracks and struggle to get up.
  - One respondent has fallen trying to carry her baby carriage across the tracks.
- Other general comments on the surveys included the following:
  - Request for information on what time the trains pass
  - Request for a better barrier than chain link fence at Yerxa Rd.
  - Statement that the Alewife bridge is too far to go with kids
  - Request for improved fencing by the tennis courts
  - Request for improvements to the underpass at Yerxa Rd. including signs, lights, "painted footsteps or bronze like the Porter Square T", and advertisement
  - Statement that it is unclear when the survey asks about "crossings" whether it means "dangerously by foot, alone or any way"
  - Comment that an underpass would not feel safe; putting trains underground would be ideal; an overpass at the Fitzgerald School would be an easy way to go
  - Comment that it would be nice to have a "standard, economical grocery store" not Bread and Circus
  - Request for an overpass because it is difficult to walk over the Alewife Bridge in the winter - it's windy and the sidewalks aren't cleaned of snow
  - Request for CPCD to do something - signs, lights, whistles
  - Comment that "if I could walk one block I would take the bridge that is there but I'm ill, not old, and I have to find the short way to the pharmacy"
  - Comment that the MBTA should add the shopping plaza as a stop for the #83 bus - should drop and pickup at the shopping plaza
  - Comment that it's difficult and painful for elderly, and other people who have difficulty walking, to go across the existing bridge - an overpass is a solution if it doesn't go uphill; an underpass is a possible solution

- Comment that a pedestrian overpass will not work because it will freeze and not be cleaned of snow and that an underpass is dangerous and will flood
- Comment that the underpass at Yerxa is used as a urinal and should be closed
- Comment that the survey was a good way to raise safety consciousness
- One additional comment could not be read.

### **Comments from the November 9 Public Meeting**

The following comments were made by people attending the public meeting:

- The Yerxa Road crossing is used by teen center traffic and summer camp at the Fitzgerald School, as well as people crossing to go to the #83 bus stop on Rindge Ave.
- The opening at the handball court is another hazardous area for children.
- People run onto the tracks to retrieve tennis balls.
- The opinions of people living on Richdale Avenue should be considered.
- #83 bus riders cross at Jefferson Park to avoid the mound of earth at Rindge Towers.
- At Belles Circle, children between ages 6 and 14 are playing on the tracks.
- Children are playing "chicken" with the trains at the Sherman Street crossing.
- Underpasses are perceived as unsafe and not a good long-term solution.
- Summer use by Jefferson Park is up to 5 times winter use.
- Personal security should be considered behind Jefferson Park. Muggings in the ROW are common behind Jefferson.
- The MBTA promised to provide barriers 16 years ago.
- The Alewife Brook Parkway bridge is too steep, too long, too slippery in the winter, eroded in some locations, and too isolated and poorly lit. Bikes are a hazard.

- This is a growing section of Cambridge with the highest concentration of 5-14 year olds. Jefferson Park has 875 residents and 423 are under 16 years old.

In addition to comments on use and concerns, residents suggested or requested the following:

- The MBTA should run busses or shuttles to the shopping plaza.
- Trains should slow down immediately.
- Perhaps there is a solution such as mechanical gates that can close at crossings when trains are coming.
- More than audible alarms are needed - some people may not hear well.
- Signage, education and warning lights are needed now.
- The railroad should be depressed. ISTEA money should be investigated for funding.
- A pedestrian bridge should be investigated - perhaps with an elevator for those who have difficulty walking.
- There should be a guard at the crossing at Yerxa.
- Jefferson Park residents do not want a pedestrian bridge immediately adjacent to Jefferson Park.
- There should be a class action suit against the MBTA. The onus is on the MBTA and the City to correct the problem.



## APPENDIX C



June 23, 1993

Officer Waneda Ward  
Cambridge Police Department  
Accident Investigation Section  
5 Western Avenue  
Cambridge, MA 02139

Re: Railroad Accident Statistics

Dear Officer Ward:

This is in response to your request of June 18, 1993, regarding incidents involving Commuter Rail operations in the North Cambridge area. Please be advised that my records indicate there have been three incidents all involving trespassers. They are as follows:

Charles Zabitis, age 67, (fatality)  
D/I: 11/19/87  
Location: West of Sherman Street

John Russell, age 50, (multiple injuries)  
D/I: 09/07/92  
Location: Porter Square

Elizabeth Ricker, age 45, (fatality)  
D/I: 03/11/93  
Location: West of Sherman Street

Should you need any further information please do not hesitate to contact my office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Joseph T. Kadyick, Jr.", written over a circular embossed or stamped seal.  
Joseph T. Kadyick, Jr.  
Division Manager - Claims

JTK/mrd

AN EQUAL OPPORTUNITY EMPLOYER



DATE USE  
ONLY

ME

93-797

PLACE

DECEASED

TYPE

AGE

SEX

RACE

EDUC

AGE

BIRTHDAY

MARRIAGE

REASON

OUT-STATE

DISP

AUTOP

NEED EXAM

MARRIAGE

WORK IN

PLACE

CITY

NEW YORK

DECEDENT

INFORMANT

DISPOSITION

CERTIFIER

INVESTIGATION  
COMPLETED

DECEDENT - NAME FIRST <b>ELIZABETH</b>		MIDDLE <b>A.</b>		LAST <b>RICKER</b>		SEX <b>FEM</b>	DATE OF DEATH (Mo., Day, Yr.) <b>MARCH 11, 1993</b>
PLACE OF BIRTH (City/Town) <b>CAMBRIDGE</b>		COUNTY OF DEATH <b>MIDDLESEX</b>		HOSPITAL OR OTHER INSTITUTION - Name (If not in other, give street and number) <b>REAR OF FRESH POND CINEMA</b>			
PLACE OF DEATH (Check only one) <input type="checkbox"/> Hospital <input type="checkbox"/> EPOC/Chapman <input type="checkbox"/> ODA <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input checked="" type="checkbox"/> Other (Specify) <b>M.B.T.A TRACKS</b>		SOCIAL SECURITY NUMBER <b>031-36-2878</b>		IF US WAR VETERAN SPECIFY WAR <b>7 - - - -</b>			
WAS DECEDENT OF HISPANIC ORIGIN? (If yes, Specify Puerto Rican, Dominican, Cuban, etc.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		RACE (As of 1980, Black, American Indian, etc.) (Specify) <b>WHITE</b>		DECEDENT'S EDUCATION (Highest Grade Completed) Grade 12-13   College (1-4, 5-6) <b>12</b>			
AGE - Last Birthday (Yr.) <b>45</b>		UNDER 1 YEAR MO.   DAYS <b>0   0</b>		UNDER 1 DAY HOURS   MIN. <b>0   0</b>		DATE OF BIRTH (Mo., Day, Yr.) <b>AUGUST 8, 1947</b>	
BIRTHPLACE (City and State or Foreign Country) <b>BOSTON, MASSACHUSETTS</b>		MARRIED, NEVER MARRIED, WIDOWED OR DIVORCED <b>N/MARRIED</b>		LAST SPOUSE (If wife, give maiden name) <b>13 - - - - -</b>		USUAL OCCUPATION (If none) <b>NURSES AIDE</b>	
RESIDENCE - NO. & ST., CITY/TOWN, COUNTY, STATE/COUNTRY <b>362 RINDGE AVENUE CAMBRIDGE, MIDDLESEX MASSACHUSETTS</b>		ZIP CODE <b>02140</b>		FATHER - FULL NAME <b>HORACE RICKER</b>			
STATE OF BIRTH (If not in U.S., name country) <b>MA</b>		MOTHER - NAME (Given) (Maiden) <b>CATHERINE CUNNINGHAM</b>		STATE OF BIRTH (If not in U.S., name country) <b>MA</b>		INFORMANT'S NAME <b>MARIAELENA BROOME</b>	
MAILING ADDRESS - NO. & ST., CITY/TOWN, STATE, ZIP CODE <b>1202 JETTE CT. BOSTON MA 02135</b>		RELATIONSHIP <b>SISTER</b>		METHOD OF DISPOSITION <input checked="" type="checkbox"/> BURIAL <input type="checkbox"/> CREMATION <input type="checkbox"/> REMOVAL FROM STATE <input type="checkbox"/> OTHER SPEC. <b>23 JOHN F. REEN</b>			
FUNDAL SERVICE LICENSE <b>5071</b>		PLACE OF DISPOSITION (Name of Cemetery, Crematorium, etc.) <b>MOUNT AUBURN CREMATORY</b>					
LOCATION (City/Town, State) <b>CAMBRIDGE, MASSACHUSETTS</b>		DATE OF DISPOSITION (Mo., Day, Yr.) <b>2 MAR. 20, 1993</b>					
NAME AND ADDRESS OF FACILITY <b>REEN FUNERAL HOME 63 CHESTNUT HILL AVENUE, BOSTON 02135</b>		PART I - Enter the disease, injuries, or complications that caused the death. Do not use only the mode of dying, such as cardiac or respiratory arrest, stroke or heart failure. List only one cause on each line (a through d). PRINT OR TYPE LEGIBLY.					
IMMEDIATE CAUSE (Final disease or condition resulting in death) <b>MULTIPLE INJURIES DUE TO BLUNT TRAUMA.</b>		DUE TO OR AS A CONSEQUENCE OF <b>UNKNOWN</b>				APPROXIMATE INTERVAL Between Onset and Death	
Subsequently has conditions, if any leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that induced events resulting in death) LAST.		DUE TO OR AS A CONSEQUENCE OF					
DUE TO OR AS A CONSEQUENCE OF							
DUE TO OR AS A CONSEQUENCE OF							
PART II - Other significant conditions contributing to death but not resulting in underlying cause given in Part I		WAS AUTOPSY PERFORMED? (Yes or No) <b>YES</b>				WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or No) <b>YES</b>	
WAS CASE REFERRED TO M.E.? (Yes or No) <b>YES</b>		MANNER OF DEATH <input type="checkbox"/> NATURAL <input checked="" type="checkbox"/> ACCIDENT <input type="checkbox"/> HOMICIDE <input type="checkbox"/> SUICIDE <input type="checkbox"/> COULD NOT BE DETERMINED <input type="checkbox"/> PENDING INVESTIGATION		DATE OF INJURY (Mo., Day, Yr.) <b>MARCH 11, 1993</b>		TIME OF INJURY (Mo., Day, Yr.) <b>ABOUT 2:25 P M</b>	
INJURY AT WORK? (Yes or No) <b>NO</b>		DESCRIBE HOW INJURY OCCURRED <b>IN FRONT OF ONCOMING TRAIN.</b>					
PLACE OF INJURY - At home, farm, school, factory, office, etc. Specify <b>RAILROAD TRACKS</b>		LOCATION (No. & St., City/Town, State) <b>EASTBOUND OF M.B.T.A. TRACK APPROACHING AREA OF FRESH POND MALL, CAMBRIDGE, MA</b>					
To be completed by certifier (physician only) 35a To the best of my knowledge, death occurred at the time, date, and place and due to the cause(s) stated. Signature DATE SIGNED (Mo., Day, Yr.) <b>35b</b>		HOUR OF DEATH <b>35c</b>		On the basis of examination and/or investigation on my opinion death occurred at the time, date, and place and due to the cause(s) stated. Signature DATE SIGNED (Mo., Day, Yr.) <b>37a APRIL 15, 1993</b>		HOUR OF DEATH <b>37c UNKNOWN</b>	
NAME OF ATTENDING PHYSICIAN IF NOT CERTIFIER <b>Antonio E. Boschetti, M.D., Medical Examiner</b>		PHONE NO. OF PHYSICIAN <b>784 Massachusetts Avenue, Boston, MA 02118</b>		PRONOUNCED DEAD (Mo., Day, Yr.) <b>37b MARCH 11, 1993</b>		PRONOUNCED DEAD (Mo., Day, Yr.) <b>37d 2:30 P M</b>	
NAME AND ADDRESS OF CERTIFYING PHYSICIAN OR MEDICAL EXAMINER (If not certifier) <b>Antonio E. Boschetti, M.D., Medical Examiner</b>		PHONE NO. OF PHYSICIAN <b>784 Massachusetts Avenue, Boston, MA 02118</b>		NAME OF PRONOUNCING REGISTERED NURSE <b>40b</b>		LICENSE NO. OF CERTIFIER <b>27010</b>	
WAS THERE AN R.N. PRONOUNCING? (Yes or No) <b>40a</b>		IF YES, DATE PRONOUNCED <b>40b</b>		IF YES, TIME PRONOUNCED <b>40c</b>		NAME <b>40d</b>	
DATE OF BIRTH (Mo., Day, Yr.) <b>MARCH 16, 1993</b>		RECEIVED IN THE CITY/TOWN OF: <b>CAMBRIDGE</b>		DATE OF RECORD <b>MAR 19, 1993</b>		SIGNATURE - MO. OF HEALTH AGENT <b>S/KEVIN DOHERTY</b>	
CLERK'S SIGNATURE <b>D. Margaret Doherty</b>		CLERK'S SIGNATURE <b>D. Margaret Doherty</b>					

ACK INK ONLY

01-00

MAY 23 1993

A TRUE COPY ATTEST:

D. Margaret Doherty

CITY CLERK

## Cambridge Police Department Supplemental Report

File Number

93-2049

15. Crg. Case Invest. ☐ 16. City Editor ☐ 17. Date of Occurrence 03-11-93 2:25P 18. Date of Report 03-11-93 6:30P

19. Business/Complaint Name

Address

20. Date in Court

21. Judge

22. Court

23. Disposition

Block

At approx 2:25PM Daniel R. Kinne, (3255-046-52-4513) an engineer for Amtrak (1-800-392-1017) was operating his train (engine 1054) with 4 ~~Passenger~~ Cars eastbound on track 2 - while approaching the area of Fresh Pond Mall, operating at the speed of 48 to 50 MPH, (speed limit 55 MPH) he observed a woman crossing the tracks - when she stopped between tracks 1 + 2, he sounded his horn several times - She then seemed to fall in front of his train - he put on his emergency brakes and stopped about 820 feet down the tracks - he observed a person lying on tracks and called his operator for assist.

Cambridge Rescue (at transfer), Police, (Lt Power, Sgt Brian E. Lyons, Arthur Keough) M.B.T.A. Police Sgt Borelli and others responded. Body of W/F approx 45 YRS. was found on R.R. Track 1. between opening in fence at Fresh Pond Mall and opening in fence going to 362-34 Rindge Ave - She appeared to be about 80 feet from point of impact with possible broken leg and severe head damage.

Cambridge Police Detectives were called Sgt Walsh (at Fitzgerald) - Det Phillips and Sgt Drewery responded - M/E's office (267-6767) and State Police (994-4055) also responded along with Amtrak supervisors - the train was at a halt and the crime scene was preserved. Pictures were taken by Cambridge Sgt Drewery and measurement were taken by Sgt Borelli of the M.B.T.A. Police.

105. Status of Case

Cleared ☐ Seized ☐  
 Arrest ☐ Comp. / Wt. ☐  
 Hearing ☐ Unknd. ☐  
 Station Ad. ☐ Other ☐  
 Continued Inv. ☐

115. Property Recovered

Yes ☐

Total Value

125. Juvenile Card Made

Yes ☐No ☐

135. Narcotic Number

145. Narcotic/Alcohol Sheet used

Yes ☐No ☐

155. Technical Work

Yes ☐Photo ☐Finger Print ☐Circumst. ☐Other ☐

By Whom

165. Victim/Comp. Cont.

In Person ☐Letter ☐Phone ☐Call Card ☐

175. Photo Viewed

Yes ☐No ☐

185. Citation No.

195. Time Expended

Investigation

Original Reporting Off.

205 Reporting Officer's Signature

Badge / Unit

Division

215 Reviewing Officer's Signature

Signature



## Cambridge Police Department Supplemental Report

File  
Number

93-2044

1. Org. Case Invest. <input type="checkbox"/>		City Senator <input type="checkbox"/>		22. Date of Occurrence		32. Date of Report		42. P.C.N.	
Alt. Incident Report <input type="checkbox"/>		Sudden Death <input type="checkbox"/>		M D Y T		M D Y T			
Follow Up Invest. <input type="checkbox"/>		Child in Custody <input type="checkbox"/>							
45. Business/Complainant's Name									
Address									
65. Date in Court		75. Judge		85. Court		95. Disposition			
Block # Richard Broome of 1202 Jetto Court Brighton Mass (789-5464) and brother-in-law of deceased made a positive I.D. of Elizabeth Richer Age 46 - 362 Ringear Michael West, a good friend of Elizabeth Richer claims that she has been depressed lately and has attempted to commit suicide twice in the past. Officer Smith from M/E's office was in charge with the removal of the body. M/E's have all property - secured scene at 4:40 PM. at 6:00 PM, I spoke to Sgt Borelli of the M.B.T.A. Police and he made out the M/E reports.									
105. Status of Case									
Cleared <input type="checkbox"/> Suspended <input type="checkbox"/> Arrest <input type="checkbox"/> Comp/War <input type="checkbox"/> Hearing <input type="checkbox"/> Unbound <input type="checkbox"/> Station Adj. <input type="checkbox"/> Other <input type="checkbox"/> Continued Inv. <input type="checkbox"/>									
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Total Value									
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135. Narcotic Number									
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Composite <input type="checkbox"/>									
Other <input type="checkbox"/>									
By Whom									
165. Victim/Comp. Cont.									
In Person <input type="checkbox"/>									
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Car Card <input type="checkbox"/>									
175. Photo Viewed									
Yes <input type="checkbox"/> No <input type="checkbox"/>									
185. Citation No.									
195. Time Expended									
Investigation									
Original Reporting Off									
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Edward J. Lyons		3-20				J. A. G. H. I.			



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**POWER IN NUMBERS** is one way the Roosevelt Towers  
Tenants Council has managed to work together with city and  
state officials to seek funding for their abandoned eight-story

Towers building. Clorne Evans  
the project manager, secures  
community towards its goal.

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Friday

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2:30 the high school  
or the summer after  
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here, but until then  
here, kids.

## B & M work fails to ease JP pedestrian fears

Work was scheduled to begin this week along  
Sherman St. at that very point where the B&M  
railroad tracks bring motorists to a cautious  
halt.

Included in B&M's plans are rehabilitation of  
four tracks, installation of new ties, welded  
rails, new flashing lights and fluorescent gates.

State Sen. Francis McCann, who claims he's  
worked hard for the past three years trying to  
convince the railroad of the need for improving  
the crossing, said "it will be a pleasure for  
motorists to use the Sherman St. crossing."

And indeed it might. But it's doubtful the  
residents of Jefferson Park will rest easier  
because cars and trucks will make the crossing  
with fewer jolts and bumps.

B&M's \$225,000 repair job, which should end  
by late July according to a spokesman for the  
railroad, is not likely to impress them either.

About four years ago Michael Doran was  
struck and killed by a train along the tracks  
behind Jefferson Park. Another youth, mark  
Bothelho, was struck about three years ago.  
"And a whole bunch of dogs and animals have  
been hit," one young lady said matter-of-factly.

The Sherman St. railroad crossing is no more  
than a couple hundred yards from Ethel

Hutchinson's back window, which also looks  
out over the tracks.

At one time, a cyclone fence separated the  
rear of Jefferson Park from the B&M railroad  
lines. Now, the housing development  
recreation area and the tracks are one large  
playground. The fence has been effectively  
destroyed - all but a strip no more than a  
hundred feet long - and no one has been eager to  
replace it for the past two years.

### Vandalism cited

Residents of Jefferson Park have been partly  
to blame for that condition. Cars - stolen and  
otherwise - have been driven into and through  
portions of the fence according to Cambridge  
Housing Authority personnel. And other people,  
who wish to avoid the long walk to the Fresh  
Pond shopping center via the bridge along  
Alewife Brook Parkway, have opened artificial  
gates in the fences which provide easier access  
across the railroad tracks.

CHA director Lewis Spence said he's faced  
with a "Catch-22 situation."

"Even if we replaced the fence people are

(Continued on Page Two)

**YELLOW CAB 24 HOUR SERVICE 547-3000**

them, notes Everteze. With the help of City Manager James L. Sullivan, a course in typing

move future tenants from the 96 high-rise units in the Tower that might be opened up join in that spirit of cooperation.

there.

# Sherman St. RR

June 23  
1977  
(2)

(Continued from Page One)

still going to find a way to go through because they don't want to make a long walk to the shopping center," he explained. "We had considered leaving a formal opening that could be used as a regular crossing. But that opens us to legal liability if someone gets hurt," he added.

Spence said that several months ago a proposal to construct a new fence was studied "but it was the opinion of the staff and the residents we talked to that it would be a waste of money."

Spence did admit the issue could be resolved if the Jefferson Park community demonstrated a willingness "to protect something that we put up." He did express a sense of confidence about residents' desires to cooperate.

## Getting better

"At Jefferson Park there is more and more we can do that survives. It's getting better," he declared.

Ethel Hutchinson isn't likely to be appeased until a solid fence is erected, however. She sees too many "doobies" - young children - walking and playing unattended along the tracks every morning and afternoon. Better supervision by a parent would help in part but there are an estimated 4000 families in the Jefferson Park-Ridge Towers, which means there are a lot of children, not all of whom can be entrusted to a guardian throughout the entire day.

And it's these doobies who worry her most. "At least the freight trains go fairly slow but those others do better than 45 miles an hour," she insisted.

She claims that residents were vocal four

years ago when the train accident claimed one life. But in recent years people have either become frustrated or passive.

"I don't mind speaking out. But I can't do it alone. I tell my neighbors 'you've got to bitch too,'" she said.

The fence and the railroad tracks are not her only problems or concerns at Jefferson Park. She once asked for window screens so that during the summer months she could keep her windows open and let in fresh air without allowing insects in as well. But before the screens were supplied her youngest child tumbled from the window to the pavement below.

When he extends both arms forward the left arm is as straight as anyone else's. The right one, unfortunately, extends at a sickening angle. His mother says he will carry that scar the rest of his life.

And then there are reports of mice throughout the basement rubbish area. Thus far, the rodents have not infiltrated her apartment. But she insists they are visible in other buildings.

A little girl at play Monday afternoon at Jefferson Park boasted of finding a mouse in her apartment earlier in the day.

But these problems take a back seat presently to that involving the fence. Mrs. Hutchinson would like to see some improvement before another youngster or animal is struck by a fast-moving train.

In the meantime repairs are being done to the surface of the crossing at Sherman St. Within five weeks motorists will be able to clear the tracks without suffering annoying bumps.

Mrs. Hutchinson probably won't notice the difference.

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## Summer school registration

The Cambridge public school system will hold registration for summer school through Monday from 8:30 a.m. to 3:30 p.m. in room 145 at 1700 Cambridge St. and also in room 130 at Cambridge High and Latin School.

Summer school classes begin Tuesday. All Cambridge high school students who wish to take make-up courses or earn extra credit are eligible to register.

## City of Cambridge

### CITY COUNCIL SCHEDULE

Monday, June 27, 1977

6:00 P.M. Special City Council Meeting to discuss

## AUCTION

The immediate and urgent removal of a consisting of PERSIAN & ORIENTAL RUM demanded for immediate disposal at the highest bidder in single pieces.

This direct shipment, in our opinion, is the design, craftsmanship and colors of handma

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# UPDATE

## Manager encouraged by MBTA response to railroad danger

7/14/77 Cambridge  
Chronicle

City Manager James Sullivan and a pair of residents from the Jefferson Park-Rindge Towers area paid visit on June 30 to the Massachusetts Bay Transportation Authority in Boston and when they left their meeting with MBTA officials they were more encouraged than at any time in recent years.

The subject of the meeting was the MBTA-B&M Railroad tracks which pass to the rear of Jefferson Park and Rindge Towers in North Cambridge. This area has been a source of grave concern to residents for many years, as pedestrian traffic commonly traverses the tracks en route to the Fresh Pond Shopping Center.

Four years ago a young man was struck and killed by a passing train. Protests rose over the dangers existing along the tracks and caused by the non-existence of a footbridge or warning signals.

Nothing was done, however, as city and railroad officials dismissed the possibility of a footbridge project as too costly.

On June 24 Marilyn Hyley was struck by not one but two commuter trains as she set out for work at the shopping center. Her death came less than a week after residents had again started clamoring that something be done to make the journey across the tracks a safer one.

Finally, at the end of last month, the city manager, MBTA officials (the MBTA now owns the B&M railroad) and two North Cambridge residents met and discussed alternatives to erection of a footbridge. Both the city and MBTA still believe a footbridge would be too costly.

"I was very encouraged by the meeting. They've agreed to do some cost estimates and to consider developing a grade crossing," the city manager explained later.

A grade crossing, similar to the one at Sherman St., would caution pedestrians of approaching trains. Warning devices and gates could possibly be erected there.

"The MBTA expressed no reluctance to help us on this matter. They said they'd get back to us on this," Sullivan said without suggesting when a solution might be reached.

Joale Avekian, who lives in the Jefferson Park area, said she was "very definitely pleased" by the MBTA's concern.

She said some residents were now opting for bus service rather than risk crossing the tracks to get to the shopping center. She also suggested that construction of a footbridge would not deter all residents from using the tracks as a quicker avenue of travel.

"The MBTA refused to build a bridge but I think if they install some lights that would really help," Avekian added.

14 months after fatality

Sept 7, 1978

VV I

# Rindge RR walk still being planned

By David Wilson

It's a sunny September Saturday morning and residents of the Rindge Towers Apartments and Jefferson Park stream across the railroad tracks to shop at the Fresh Pond Shopping Center.

A small child stumbles and falls.

Women cross with armloads of groceries.

Twice an hour, a B & M commuter train rumbles by, but the people are careful and no one is hurt.

That only happens occasionally. Like last June, when Marilyn Ryley, 33, was crushed between two trains as she walked to work.

She was the second fatality in four years and her death brought cries for a pedestrian overpass, to prevent further injuries.

Fourteen months later, the fence keeping people off the tracks is down and plans for an overpass are no closer to completion than they were last year. The city claims it hasn't the money to build the walkway and has approached several agencies for support.

None have responded to the city's appeals.

Residents use the tracks instead of walking down Rindge Avenue and over the Alewife Parkway Bridge. They say that route is too long and cumbersome when laden with groceries. In the winter, snow removal is haphazard. Many elderly live in the Rindge Towers and they find the shorter route much easier.

Dick Easler, transportation coordinator for the Cambridge Community Development Department had hoped that the Red Line

construction project might bring some funds.

Department of Public Works has yet to decide if it will assist, as part of the Roadways Improvement project.

The MBTA owns the B & M line and it had planned to convert a temporary bridge used in the Red Line project. This month, however, those plans were changed and the bridge will not be built.

"We won't need that bridge to carry the surplus landfill from the project to the dump," said John Kerry, assistant project manager of the Red Line extension. "We're going to haul it out Route 2 to Wittermore Avenue instead of bringing it to the city dump."

MBTA Chief of Railroad Operations Brewerton Clark must now go back to the drawing board to come up with another plan. He claims that the MBTA does not have the estimated \$750,000 needed to construct an overpass. Costs for the structure have risen as the walkway must meet state Architectural Barrier Board regulations.

"These rules create a longer bridge," says Clark. "It's got to be a ramp with no stairs to accommodate the handicapped. It would make the bridge much too long to be feasible."

Clark doubts if the MBTA will do anything soon on the project. Easler has asked the MBTA to put signals and lights at the crossing, but this too is still only under consideration. Clark said that his office must wait to see what happens with the Red Line project before making anymore plans.

The construction is going to be a mess," he said. "There are going to be filling by the tracks



**CROSSING THE TRACKS** This youngster crosses the tracks near the Rindge Towers Apartments and Jefferson Park where two people have been killed in the past five years. Residents who petitioned the city last year to have an overpass built will have to wait longer as the project is still being planned.

and that will create all sorts of problems."

Meanwhile, residents continue to cross the tracks regularly. "I doubt if anything will ever get built here," said a mother one morning as she crossed the tracks to go to Zayre's.

"Two people have already been killed here. [X] we have to wait for a third," she added.

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THE BOSTON GLOBE WEDNESDAY, MAY 2, 1984 73

## Burlington man killed by train while crossing Cambridge track

By Stephanie Chayez  
Globe Staff

A 27-year-old Burlington man was struck and killed by a five-car Boston and Maine commuter train near Fresh Pond in Cambridge yesterday afternoon, police officials said.

The victim was identified David Durrell.

About 4:30 p.m., he was crossing a section of track that is commonly used as a walkway between the Fresh Pond Shopping Mall and the Fresh Pond Apartments when an eastbound B & M train traveling at 20 mph struck him, police said.

"Whether he didn't see it coming or didn't hear it, or what, we'll never know," said Cambridge Police Officer George Walker.

The victim was with two friends who were waiting to cross the tracks after he crossed first, Walker said. His friends thought he had cleared the track before the train passed, and it was only after the train passed that they realized he had been hit, Walker said.

The driver of train No. 458, which was traveling from Fitchburg to North Station, apparently saw the man from a distance and blew the train's whistle, then be-

gan applying brakes, said Lt. Robert Wall of the B & M Railroad police force. B & M officials declined to identify the train's driver.

"He couldn't stop in time. You need at least five train lengths to stop," Wall said. "In this instance, the train completely stopped about 310 feet after impact."

The victim was taken to Mount Auburn Hospital in Cambridge, where he was declared dead shortly after he arrived, police said.

At the hospital, two friends and the victim's brother said they were too overcome by grief to talk about the accident.

"This is just too much to handle. We thought he had made it across the tracks," an unidentified woman friend said. "We had just gone to Stop & Shop to get something to eat and we were going back to the apartment to fix some lunch."

Lt. Wall said the section of track where pedestrians cross is an unauthorized walkway. He said a fence installed by the railroad to prevent people from crossing at that point has been cut away time after time. Crossing the track there is convenient for people who live in the apartments regardless of the danger, he said.

## Man dies after hit by train

A 27-YEAR-old Burlington man was struck and killed by a commuter train yesterday afternoon near the Fresh Pond Parkway in Cambridge.

Police said the victim was David Burrell, who was pronounced dead at Mt. Auburn Hospital in Cambridge at 5:35 p.m.

Witnesses said Burrell was carrying a bag of groceries and walking with a woman across four sets of tracks when the accident occurred.

Witnesses said the engineer of the Fitchburg-to-Boston train blew his horn and the woman companion yelled for Burrell to stop but he kept walking across the tracks towards the Rindge Towers on Rindge Avenue.

## Man killed crossing train tracks

CAMBRIDGE (UPI) — A 27-year-old Burlington man died yesterday after he was struck by a Boston and Maine commuter train in Cambridge.

David Burrell was pronounced dead at Mt. Auburn Hospital at about 5 p.m., officials said.

Witnesses said Burrell was crossing the tracks near the Fresh Pond Mall and apparently did not hear the train's horn.

6 The Boston Herald, Thursday, May 3, 1984

\*\*\*\*\*

## Second man in two days killed by commuter train

FOR THE second time in as many days, a man was struck and killed by a commuter train yesterday.

MBTA spokesman Bernard Cohen said the victim, described as white, and approximately age 30 to 35, was lying on the north-bound train tracks

about 100 feet south of the Wedgemere Station in Winchester with a half-empty liquor bottle. He was apparently drunk, Cohen said.

He died immediately when the express train to Lowell from Somerville, traveling about 40 miles an hour, hit him at 5:25 p.m. be-

fore the engineer could stop, Cohen said.

Cohen said police told him the man had no identification.

A 27-year-old Burlington man died Tuesday afternoon when he was struck by a commuter train near Fresh Pond Parkway in Cambridge.



# Cambridge Chronicle

May 10, 1984

VO. 138, NO. 19

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THURSDAY, MAY 10, 1984

ONE SECTION PAGES 1-15: 2A-11A

30 CENTS

and magician Jim Vetter  
in suspense. (Photo by

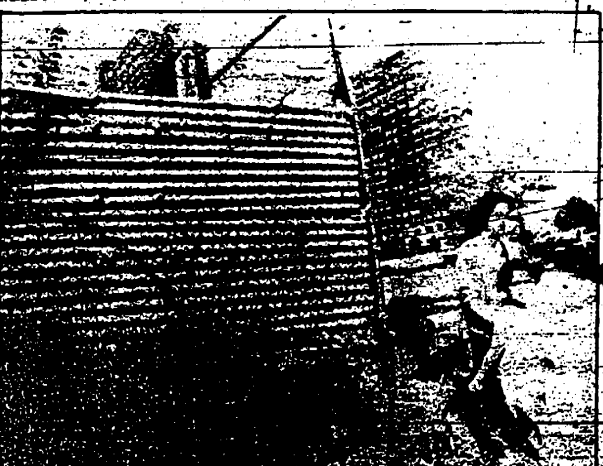
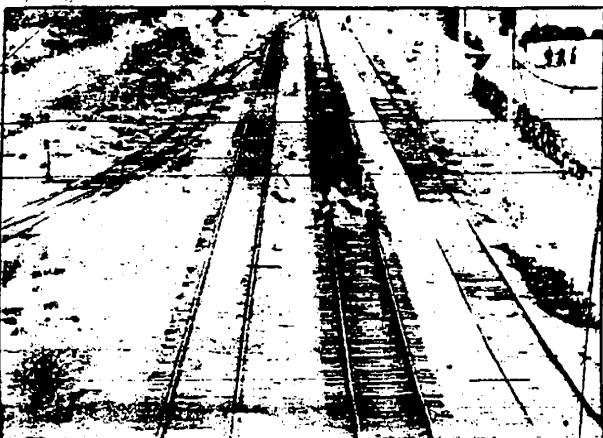
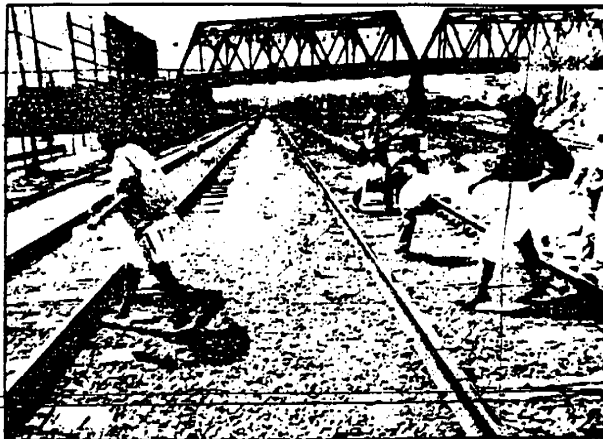
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## Fatality renews concern about railroad crossing

By Jack Hayes  
Staff writer

The death last week of a 27-year-old man on railroad tracks in North Cambridge has brought into sharp focus once again a long history of back-passing and managerial and governmental inaction that may have contributed to the deaths of at least two people and serious injuries to as many as four.

The continued existence of an extremely dangerous and illegal railroad crossing seven years after a resident of North Cambridge was fatally injured by a commuter train there raises serious questions about who is responsible for the safety of Cambridge residents and whether or not residents who literally live "on the wrong side of the tracks" receive the same protection as others in the city.

The issue of the danger posed by an improvised railroad crossing behind Rindge Towers emerged again on May 1 when

David Durrell of Hurlington was struck and killed by a Boston and Maine (B&M) commuter train as he was crossing the tracks with some friends.

The crossing in question consists of an improvised path across four sets of railroad tracks between the Rindge Towers apartment buildings and the Fresh Pond Shopping Center on Alewife Brook parkway. On both sides of the tracks, which are used principally by B&M commuter trains, cyclone fences have been cut away, trampled, or constructed in such a way that it is possible to walk the 75 feet or so across the railroad right of way.

The alternative to walking across the tracks is to walk about a half a mile to a bridge on Alewife Brook parkway or approximately the same distance in the opposite direction to Sherman street where there is an intersection with crossing gates.

(Continued on page 10)

## Decision expected on Ruggles license suit

Judge Edward J. Rockett is expected to make a decision within a week or two concerning the transfer of a liquor license to Ruggles of Harvard Square Inc.

The pizza restaurant, which has sought a liquor license since Oct. 7, 1982, has brought a civil suit against the Cambridge Licensing Commission in Middlesex Superior Court.

Ruggles is charging the commission with acting in an "unreasonable, arbitrary, and capricious" fashion when it denied the eatery a liquor license transfer from the Brickyard Pub Inc. last Sept. 13.

Last week, lawyers for both sides argued their cases before Rockett, and he said he would try to make a ruling in the case as soon as possible.

The commission denied the license transfer to Ruggles because it wants to limit the number of liquor licenses in the Harvard Square area.

The city also denied the application of

area churches, neighborhood organizations, and some city officials who are opposing the transfer of the license to Ruggles.

Nevertheless, Ruggles is claiming the commission is saying one thing while doing another.

In court papers, the restaurant charged approval of a liquor license transfer to Grendel's Den as one example of the commission's not abiding by its own limitation.

The restaurant also charged the board acted contrary to the Harvard Square policy when it transferred an alcoholic beverage license to the old Charles Square Hotel.

The commission, Ruggles charged, unduly weighed upon the transfer of the Harvard Square license to Ruggles, and he said he would try to make a ruling in the case as soon as possible.

## Compromise reached Fitzgerald reached

# Railroad crossing

May 10 1984

(2)

(Continued from page 1)

For reasons apparently having as much to do with human nature as anything, scores of people from the Rindge Towers side of the tracks work or do their shopping in the shopping center traverse the tracks every day.

That is precisely what 35-year-old Marilyn Ryley did on the morning of June 23 of 1977. Ryley, an employee at the time of the Bell Deight delicatessen in the shopping center, was on her way to work from her apartment in Rindge Towers when she was caught between trains going in opposite directions on the tracks and killed.

To many who have not grown accustomed to trips across the tracks as those living along Rindge Avenue have, the deaths of Ryley and Burrell may seem like acts of carelessness. Nearly everyone who makes the trip with any frequency, however, says that either they have had a close call or they know someone who has. Many have memories of a long series of train-related deaths in the area.

"I've seen four or five deaths," said Everett Murray, a resident of one of the towers since 1970.

"I had a couple close calls myself," said Keith Williams, another long-time resident of the apartment complex. "You might have something on your mind." Williams said in explanation of how a person might cross the tracks and not see a train. "After a while you just tune out the sounds of the train."

"They should have a guard here or something," Williams continued. "It might cost some money but it could save a life."

In fact the question of money seems to be one of the main impediments to resolving the situation as no one individual, governmental body or management firm seems to be able or willing to raise the funds necessary to construct a footbridge or make improvements that would eliminate the danger of the crossing.

This fact is made more complicated by a longstanding disagreement about who is responsible for preserving the safety of those who cross the tracks.

The area between the fences is owned by the Mass./Bay Transportation Authority (MBTA) which purchased the tracks and property from Boston and Maine (B&M) railroad in 1977. Though the B&M claims the tracks as its exclusive right-of-way, MBTA spokesperson Lesto Fisher said recently that the MBTA has generally taken responsibility for maintaining the tracks and keeping people off of the tracks.

The present condition of the fences, however, leaves some doubt as to how well the MBTA has fulfilled this responsibility. On the Rindge Towers side of the tracks, at least one foot of fence has been lying flat on the ground for so long that trees have grown through them.

On the shopping center side of the tracks, the fences have foot openings have been cut out of them, no, allow walkers to cross the tracks. No, allow walkers to cross the tracks. No, allow walkers to cross the tracks.

Fisher said the MBTA may have been responsible for construction of the posts, but he said that he believes the MBTA has agreements with the management of the shopping center and the apartments giving those two bodies the responsibility for upkeep of the fences. As of last Tuesday, he said, MBTA lawyers were searching for those agreements.

Max Wasserman, owner of Sherman Associates, which manages the Alewife Brook apartments, (the tower along Alewife Brook Pkwy.) said he and the managers of the other two Rindge buildings are responsible for maintaining the fences.

But, said Donna Bronk, manager of the two other buildings, "It's my understanding that it's the responsibility of the railroad." Bronk however expressed some uncertainty about the matter and said her employer, Federal Management of Boston, would have the definitive answer. Messages left at Federal Management received no response as of "Chronicle" press time.

Kate Murphy, assistant to the senior vice-president of Saunders Associates, which manages the shopping center, said her office had not heard about the recent death on the tracks and said she was not sure who maintained the fence for the shopping center. A maintenance worker at the shopping center said Tuesday that he repaired the fence frequently but there was virtually no way to keep people from crossing the tracks.

## Frustrated

Jonie Avakian, a resident since 1965 of the Jefferson Park housing development next to Rindge Towers, has been trying to do something about the railroad crossing for over ten years.

In 1973 after a sixth grade boy who lived in Jefferson Park was killed at the nearby Sherman street railroad crossing, Avakian said she and 25 other neighborhood residents went to the city council to ask that something be done to protect the safety of the area's residents, many of whom — like those in Rindge Towers — are poor and not especially politically influential.

She said the council looked into the matter and helped secure a promise from the Army Corps of Engineers to build a foot bridge out of surplus Army materials. Nothing was ever done, she said, because of squabbling over who owned the land the bridge would be built on.

She and several others tried again in 1977 following the Ryley death. That time she said the city manager, several other city officials, and a group of tenants met with MBTA officials who said they would build a "grade crossing" with railroad gates, warning lights and a walkway that would enable people to walk easily over the six-inch rails.

Six months later, she said, some rail construction work was done which did little but make the middle tracks higher and somewhat safer, without any gates. No grade crossings were ever installed.

"Four people have been killed and four

people maimed," she said, "and nothing has ever been done."

Avakian added, however, that a foot bridge is expected to be constructed behind Jefferson Park as part of large-scale renovations going on at the housing development. This, she pointed out, will not solve the problem of the crossing behind Rindge Towers.

Terry Laine of the Cambridge Housing Authority said that half of the estimated \$200,000 needed to build the bridge has been raised but she was not sure where the rest of the money might come from for the structure, which she said is probably not be finished for at least two years.

City Councilor Thomas Danahy, who says he often crosses the tracks behind the Towers while jogging, said the failure to resolve the crossing problem is essentially a financial one.

"It's a matter of who's going to pay for it," he said. "My own feeling is that the state or the federal government should pay for it."

"I might stick an order in at the council next week to see if we can light a fire under somebody's behind," Danahy said, adding that he and other city officials have attempted several times over the years to

resolve the crossing problem.

Fish and City Councilor resident of North Cambridge said he thought he feels it is not only money that's keeping a bridge from being built.

You're dealing with poor people," he said of many of the people who cross the tracks via the increasingly crossing. "I explained that because many of the residents of Rindge Towers do not use public officials treat them with varying degrees of concern. Many of the apartments in the two Rindge Towers known as the Fresh Pond Apartments are federally subsidized."

"It's like you live on the wrong side of the tracks," said Ben Halprin, a tenant since 1971 in one of the towers. "Something has to be done," he added. "Forget about who's going to pay for it."

In the meantime, mothers, fathers, and children will continue to stream across the tracks between their homes and the stores they patronize and work in, senior citizens, many of whom have trouble getting up and down stairs, will continue to trudge across the rocky railroad bed, and students at the Fitzgerald School, which has already had one pupil in a train accident, will continue to walk and play along the tracks.

## Webelos cubs graduate

The Cambridge Council

Boy Scouts of America

welcomes the newest Boy

Scouts in the City of Cam-

bridge. The new scouts

graduated into the scouting

program at a recent

ceremony held at the North

Church Congregational on

Massachusetts Avenue. The

boys graduated from the

Cub Scouting program into

the Boy Scouting program

after completing three

years as Cub Scouts. The

final year of Cub Scouting

was spent in the Webelos

program working on activ-

ity badges and preparing to

join the Boy Scout program.

The graduating Scouts

were presented for the

ceremony by the adult

leadership of the Cub Scout

Packs and welcomed into

Scouting by the Scout

masters of the Cambridge

Council Scout Troops. Com-

missioner Richard

LaBassiere was master of

ceremonies for the

ceremony and a gift of an

American flag set was

presented to every boy by

Executive board member

Allen Korb.

Graduating from Pack 6

were Scouts Ethan Carberg,

Liam Davis, Alex Hax-

elaine, and Adam Spence.

Todd Harvey and Einar

King graduated from Pack

33 Robert Hill, Henry

Manuel, Paul Williams,

Jason Santoro, Matthew

Shaw, Hernando Sutton, Je-

frey Webb and Dean Webb

graduated from Pack 22.

Webelos scouts graduating

from Pack 16 were Matthew

Cox, Mack, Myles, and

Lucas Felix.

The new Scouts will now

be able to participate in the

Cambridge Council

Scouting Camporee to be

held on May 18-19 and 20 at

## Ruggles suit

(Continued from page 1)

Harvard Square, its leadership has interests in competing alcoholic beverages licenses.

The entry further contends that the license transfer was denied even though the commission felt no more public drunkenness, sale to minors, or other public harm would result if it was granted.

"The very inability to articulate how a Ruggles license would be detrimental to the public interest compels the conclusion that the commission's generalized reasons for denial of Ruggles' transfer application were not its real reasons for denial," the restaurant's legal brief reads.

The city, meanwhile, counters by noting that the court in other cases has decided not to substitute its judgment for the judgments made by local authorities.

Local licensing boards have the expertise and knowledge of community problems to make decisions regarding license transfers, the city claims.

"According to its court briefs, the city says a licensing board decision must be found to be 'whimsical or not based on logical analysis' for it to be overturned."

In the case of Ruggles, the brief says the reasons for denial given by the board represent a "judgment" that was not arbitrary and capricious.

—ANTHONY SALDO

## ENGINEERING SKILL

THE TEMPORARY...  
...THE...  
...THE...

JUST IN TIME FOR

Mother's Day

CULTURED PEARLS

Direct from the Orient

30% OFF

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May 11-14

Open House

# UPDATE CAMBRIDGE

## NEIGHBORHOOD NOTES

### Rindge Tower Tenants Plan to Petition for Footbridge across Tracks

Rindge Tower tenants are gearing up for a two-pronged campaign to ensure that a footbridge across the railroad tracks between their buildings and the Fresh Pond shopping center is funded in the next city budget.

Tenants, many of whom have been pushing for a bridge for up to 13 years, say residents of the buildings have been injured and killed crossing the train tracks, and that the alternate route, the bridge on the Alewife Brook Parkway, is equally dangerous because of heavy traffic and unshoveled paths.

Residents plan to conduct a petition drive in the lobbies of the towers and at the shopping center to solicit support for the bridge. They also plan to meet with the city manager, who makes up the budget, and with city councillors, many of whom signed a pledge written by the tenants to vote against any proposed budget that does not include bridge funding.

"For thirteen years it's been an issue up here, but for the city it's not a priority," Paulette Johnson, tenants union chair, said at a recent meeting where several tenants exchanged horror stories about crossing the railroad tracks and vowed to not let another city budget pass without money for their bridge.

Residents say there are no signals or speed limits for the trains at that section of the track, and by the time someone crossing the tracks hears the train horn, there is not much time to get across the four sets of tracks. "I was sitting in my car watching a man crossing the tracks and I didn't even see the train until the guy was hit," noted Carol Duclos, a resident of one of the towers.

Duclos said another time she and her 5-year-old son were crossing the tracks and she saw a train approaching so quickly there wasn't time to get all the way across. "I had my son between my legs and I had to hold on to one set of tracks or we would have been sucked right in" by the passing train, she said.

After more than 50 tenants brought their complaints to city council last April, the council unanimously approved the construction of a footbridge. But no funding was recommended by the city manager, so the project got no further, explains City Councillor David Sullivan.

Sullivan says he has met with City Manager Robert Healy, who questions whether the bridge would in fact be used enough to war-



PHOTO BY RICHARD FELDMAN

Rindge Towers tenants want a footbridge over the railroad tracks, between their complex and the Fresh Pond shopping center.

rant the expense. Joe Kelliog of the Cambridge Community Development Department has estimated that a bridge could cost between \$508,000 and \$1 million to construct. "I'm quite sure it would, and he just needs to be convinced of that," Sullivan says, suggesting tenants also meet with Healy to drive home that point.

Most of the tenants in the towers walk across the tracks because "it's a three minute walk as opposed to walking around the corner, over the bridge (on the Alewife Brook Parkway), and back down" to the shopping

center, Johnson explains.

Residents say crossing the tracks is especially dangerous for children, who often play in the area, drag their bicycles across the tracks, and are unaware of the potential dangers.

Tenants at the meeting also discussed requirements for the bridge, such as access for the handicapped, and some sort of cover over the bridge, but "if and when they decide to do it there are things we can request... right now we just need to get the bridge up," Johnson said.

### First Phase of Road Upgrades in Lechmere Square Near Completion

While the first phase of road improvements in the Lechmere Square area is almost complete, the entire renovation project won't be finished for approximately another two years, according to Richard Easler, transportation coordinator with the city's community development department.

Easler says that paving of streets included in the project's first phase is scheduled to be finished "before winter sets in." This will alleviate some of the traffic tie-ups in the area and keep drivers from taking short cuts through the residential neighborhood which bothers some East Cambridge residents. Phase I of the project includes the O'Brien Highway from Third Street to Industrial Park Road, the block of Cambridge Street between Lechmere Square and First Street, and First Street between Cambridge and Binney streets, Easler explains. Trees and grassy

areas will be planted along the highway in the spring, he adds.

"There is such congestion and tie-ups of cars, they sneak into the side streets to duck it," explains City Councillor Al Vellucci. He says drivers will follow the back routes drive down Ois, Thorndike and Spring streets, which lead directly into the Lechmere Sales parking lot. "It's opened a lot of traffic lanes into the neighborhoods," he charges.

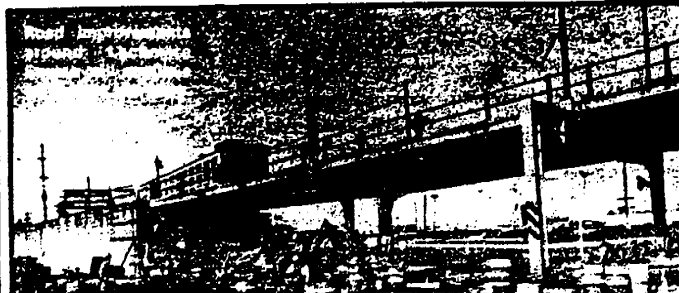
Vellucci says he has been fielding a lot of complaints from residents about traffic on Lamberg, Gore and Fulkerson streets, where traffic congestion-evaders have discovered another route to escape the construction area on the O'Brien highway. Vellucci says he filed an order in city council requesting the city traffic and parking department study that area to see if any of the problem could be alleviated. But Easler and George Teso, direc-

tor of traffic and parking, says the problem will solve itself as soon as Phase I of the project is finished.

The second phase in the eight to nine million dollar construction project is a widening of the bridge on Commercial Avenue over the Lechmere Canal from four to six lanes. "Demolition of several buildings to make way for the construction will be done soon, and some bridge work can be begun over the winter, Easler says, adding the entire project will take about two years to complete. Traffic will be allowed on the bridge throughout construction, he says, explaining half the bridge will be built at a time, with cars using the other half during construction.

Teso adds that the next construction phase "won't have as much impact" because cars will be allowed to use First Street, and a truck ban will be imposed on Third Street to keep the trucks out of the residential neighborhood. The construction contract stipulates that traffic must be kept moving in all directions at all times, Teso notes, adding, "It might move slow but it will move."

Bids opened last month for the third phase of the project, Easler says. This phase involves widening Commercial Avenue to six lanes for two-way traffic and returning three of the current five lanes of the Cambridge Parkway to a park, leaving one traffic lane and one parking lane on the parkway, and a green strip along the river, he explains. Construction is expected to begin next spring and be complete within the construction season, he says.



### East Cambridge Residents Push for St. Park in Area

East Cambridge supporters of a street pedestrian park, amidst what results from a recent postcard survey, will be at the Cambridge Council meeting next Monday for a proposal for a project they have been for more than a year.

An overwhelming 134 of 180 who responded to the mail survey by the Cambridge Community Development Department (CDD) unconsciously support permanently closing Ois traffic between Second and Third streets, Liza Malenfant, a planner at adds another 20 respondents as park if various conditions they like, such as adequate security and maintenance and not allowing dogs into the area.

But there is some neighborhood opposition to the plan. "We don't want Betty Saccoccio, an Ois Street resident, to stay in the area do not support long-time residents and plan to stay in the area do not support that block will force me problems throughout the rest of the neighborhood. "And there will be a lot of kids hanging around there... even don't have enough police and it will be worse... with kids playing ball in windows."

Plans for the park, adjacent to the Bulfinch Courthouse complex, a brick walkway enclosed by two iron gates at the Second and Third streets, explains Malenfant. In the be benches and a fountain that served over for performances, also ed by trees and shrubbery. Malenfant says.

If the park project is approved, city council hearing, construction in the spring — after the new park on First Street is completed so house employees who currently on Street will have new parking at the park.

Maintenance for the park will be of by Bulfinch Courthouse developer Gund, and a security plan worked out with the city police departments, Malenfant adds.

Nick Geraigery, a member of the bridge Stabilization Committee, always been for it. "It will be interesting and much cleaner than cars that are parked there now."

But City Councillor Al Vellucci requested the postcard survey a soliciting neighborhood opinion residents living across the street from posed park are opposed to it because fear people driving to attend park at the park will park their cars in residents' homes.

Saccoccio says neighbors of park gathered signatures from a petition which they presented at our hearing. But Geraigery says people who signed it had distorted the plans for the park were and rescinded their signatures.

After several community hearings, proposal made it to the city council only to be charter-righted (or dismissed) by City Councillor Walter who claimed he was not sure if the hood fully supported the plan.

The Ois Street park was proposed as part of the overall plan in 1978, as a way to connect the neighborhood with the Lechmere waterfront area, Malenfant explains. Ois Street is constructed, Ois Street and First Street will be closed to traffic only, she adds.

— Neighborhood News by

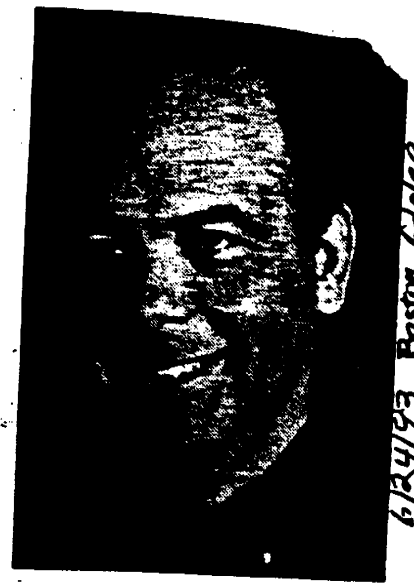
Mayor Leonard Russell, also displeased with the commission's decision, requested city manager Robert Healy set up a meeting between Frost and area residents.

However, family is the subject of worry that an epidemic will get in the country, causing a wide baby boom.

So come in, any time,  
register for the free seminar.  
If you don't visit it, who knows  
you'll find the new  
Berkson's quite unlike the  
carpet and rug store  
you've ever seen.  
It's just what  
business has to  
look like today.  
Like everyone.

city center, Harvard had bought water land from Cambridge developer Louis DiGiiovanni and had an option to sell it back to DiGiiovanni if their plans for the site—which now houses University Plaza—did not work out. If Harvard had not objected to the district and if they had to sell the land back to DiGiiovanni, the university could have been sued by the developer for not preventing a decrease in the land's value, claims O'Neill.

In this case, O'Neill is puzzled by the council's decision to have Harvard sue him for this. They are saying "don't worry your suit. We wish you sue me," she says. "It's a confusing message for me."



**MICHAEL H. SAVITCH**

## **Michael H. Savitch, 48**

*Ch. 7 news photographer*

A memorial service will be held today for WHDH-TV (Ch. 7) news photographer Michael H. Savitch, 48. He died Tuesday of an apparent heart attack at his home in Bedford.

Mr. Savitch was born in Boston and attended Peabody High School, Grahm Junior College and Middlesex College, from which he received a degree in communications.

During his 17 years with Channel 7, Mr. Savitch worked almost every major event in the city, from presidential visits to tenement fires.

Mr. Savitch won a Boston Press Photographers Association award in 1980 for his coverage of the Tall Ships visit to Boston. In 1983, he received a letter of commendation from the Cambridge Police Department for assisting in the rescue of a woman who had been hit by a train.

He leaves his wife, Shari; two sons, Joseph and Joshua; his parents, Mildred and Howard Savitch of Peabody; and a sister, Terry Patria of North Andover.

Services will be held at 11 a.m. in Temple Isaiah in Lexington. Burial will be in Shawsheen Cemetery, Bedford.



GLOBE STAFF PHOTO / PAT GREENHOUSE

Officials examine the scene where a girl was struck and killed yesterday by an MBTA commuter train.

# Girl, 10, killed by MBTA train

## Somerville fourth-grader is struck near Union Square

By Patrick McGee  
CONTRIBUTING REPORTER  
and Thomas C. Palmer Jr.  
GLOBE STAFF

**SOMERVILLE** — A 10-year-old Somerville girl was fatally injured yesterday afternoon when she was hit by a commuter train under a bridge near Union Square, authorities said.

Officials said Natasha Shillingford was struck by the Massachusetts Bay Transportation Authority train on the tracks under the Washington Street bridge about 1 p.m. She was pronounced dead at Massachusetts General Hospital about 30 minutes later.

Police said Shillingford, a fourth-grader at Lincoln Community School, and several other youths were spray painting graffiti when the Fitchburg-Boston inbound train came around a bend. Shillingford, who lived near the accident site, and the others apparently were on their

way home, police said.

"We think they were probably doing a little graffiti on the wall down there on the wall of the bridge. The wall has new graffiti on it," said Capt. James Tatoksy. "It's a place where the kids have been hanging around and we've been chasing them out all the time."

The accident remained under investigation last night.

Lionel Burton, who said he was the girl's uncle, described her as a "very friendly" youth with an interest in ballet.

"She was a nice, lovely kid," Burton said.

Some area residents said the tracks are dangerous because there is no fence to keep out trespassers. Youths often go to the area to drink alcohol and spray paint, and neighbors have complained to authorities in the past, several residents said.

"We've called the MBTA. We've

called everyone we could think of to call," said Nicholas Nardone, who has lived in nearby Olive Square for about 11 years. "From day one when I moved in here it's been an issue. It's a damn shame it had to be a thing like this to bring attention to it."

Eric Bosco, who also lives in Olive Square, said he heard screams at the time of the accident, then saw three youths run from the area.

MBTA spokeswoman Robin Bavaro said the place where the accident occurred was not a particular problem area. The accident involved the 11:24 a.m. train from Fitchburg to Boston, she said.

It was the fifth death on Boston-area commuter-line tracks this year. Bavaro said that last year there were eight deaths on commuter tracks, which she said was an unusually high number.

## Woman killed when hit by train

A 45-year-old Cambridge woman was killed yesterday afternoon when she was struck by an MBTA commuter rail train while attempting to cross the train tracks. The woman was crossing the tracks near Fresh Pond and Rindge Towers in Cambridge when an inbound commuter train from Fitchburg hit her.

3/12/93 Boston Globe

Elizabeth Ricker



Last Friday afternoon, about 25 people marched from the former Tent City site to MIT and staged a sit in outside MIT executive offices. There were heated exchanges between the Tent City group and MIT's Suduko, but no injuries or arrests.

On Monday, more than 100 people gathered in the lobby of an MIT building for a noontime protest that included anti MIT folk songs and speeches by Tent City residents, their supporters, and two city councilors. After the rally, a group of about 20 people marched to the former Tent City site and sang protest songs.

"We are not going anywhere until the principles of Tent City prevail," said Guernsey, an advocate who has become the chief spokesperson for the group. "We are morally outraged about the activities of MIT."

MIT's eviction action has been criticized for its "bad timing" and "bad faith." It came just four days after the city council requested a hands-on negotiations process. And according to those close to last week's events, the negotiations never seemed to have a chance.

"I was somewhat surprised that they would move without negotiating given the city council's actions," said Mangano, who met with MIT's Walter Milne last Wednesday at City Hall, two days before the eviction.

"I urged him to sit down at the table and talk with the Tent City folk and he said he understood what I was saying," Mangano recalls. "But Mr. Milne was not prepared to come to the table to talk."

City Councilors Alice Wolf and Frank Duchay further criticized MIT's timing at protest events after the eviction. Wolf said the eviction was carried out "in very, very bad faith" and Duchay called the action "reprehensible for one of the most important institutions in the community."

Rumors of a Tent City eviction circulated through the city as early as Wednesday night. Many Tent City supporters showed up at the site early Thursday morning expecting MIT police to show up. Cambridge Police Chief Anthony Paolillo visited the site

ty site was located within the boundaries of a proposed two million square foot office, retail and housing development known as University Park.

A rezoning proposal for the development is currently under review by the city. And a number of councilors said this week in the wake of the eviction that the proposal should be reexamined to include more affordable housing for low to moderate income people.

"This highlights things that many other people have been saying for years," Councilor Wolf said. "We need more housing."

Former Tent City residents and their supporters are now planning for future negotiations with MIT and waiting for details on a proposal from a private developer to provide a rent-free building at 245 River St. Under the proposal, approved by the city council this week and accepted by the Tent City people, the building would be offered rent-free for six months to the homeless people and the city would pay for utilities.

There are questions about how the building would be managed and what can be done beyond the temporary six-month arrangement for the homeless people. The city is expected to investigate those details this week.

A meeting between MIT and former Tent City residents is also expected to take place this week.

"We would like to accept (the six-month rent-free) offer with the clear understanding that it is only part of the package and this is not the final solution," said Stewart Guernsey. "We want negotiations with MIT. We certainly don't think MIT itself can solve the problem but we do not excuse MIT from its obligation."

The former Tent City residents, now scattered at shelters and friends' homes in the area, have also hinted that they may regroup on another site in the city.

At one point during this week's council meeting, Parks drew a loud round of applause when she asked aloud, "Can we put our tents out front of city hall for awhile?"

## Y offers racquetball

Beginner and intermediate levels of racquetball instruction are being offered by the Cambridge Family Y, 820 Massachusetts Ave. Classes began on Tuesday, Nov. 3. These are four week sessions. Beginners

classes are offered from 6:40 to 7:30 pm and intermediates from 7:30 to 8:20 pm. Fees are \$25 for members and \$50 for non-members.

For further information, contact the Cambridge Family Y at 876-3860.

## Man killed on tracks

Continued from page 1

there were two sites proposed for the bridge. The first choice would bridge the shopping center to Rindge Towers. The second proposal is a bridge to link Jefferson Park to the proposed New Street Athletic facility.

The train tracks are MBTA property, and Zabitis was struck by a commuter train. "The site is a constant problem. We rebuilt the fence over and over," said Win Carbona, spokesman for the MBTA.

The recent incident is under investigation by the State Department of Public Utilities (DPU), which oversees safety of the general public,

railroad equipment and tracks.

MBTA property is included in DPU jurisdiction, giving the DPU power to issue rules or requirements to the MBTA, regarding fences, pedestrian crossings and rights of way.

Zabitis was a lifelong resident of Cambridge.

He had hearing problems and did not see very well, said Cyr, who knew him. "He was very independent; he fought going into a nursing home," added Cyr, executive director of the Cambridge Committee of Elders.



**ROYALTY** — Margaret Coady was proclaimed the 1987 Watching Our Weight (WOW) queen at the North Cambridge Senior Center recently. The weight control program is an activity of the

# YOUTH



By J. Barry Mothes  
Staff writer

One week ago a sense of hope and progress surrounded the story of a group of homeless people living in tents since mid-October on a block of MIT-owned property.

The city council had agreed to ask MIT to let homeless residents at "Tent City" stay put until a settlement could be reached with MIT on finding permanent housing for the residents.

Philip Mangano, the city's widely respected emergency services coordinator, was picked to mediate the negotiations.

"We're moving in the right direction," said one councilor after last week's council meeting.

But this week the city is reeling after MIT police carried out a sudden, and some say unnecessarily aggressive, eviction of the homeless residents at 6:30 am last Friday.

Ten people were arrested during the eviction but only one, "mayor" Evelyn Parks, was a Tent City resident. The others were advocates for the homeless and Tent City supporters. Parks was briefly hospitalized for injuries sustained during the arrest.

MIT's action last Friday has ignited an emotional debate in the city about the institution's ethical and moral character, its role in the city's housing crisis, the behavior of its campus police, and a range of issues related to the growing problem of homelessness in Cambridge.

I'm very angry at the situation MIT placed some very vulnerable people in, to have to scramble for housing on the coldest weekend of the year.

Stewart Guernsey  
Advocate for  
the homeless



MIT POLICE handcuff Tent City "Mayor" Evelyn Parks during last Friday's early morning bust. (Photo by Phil Barber)

Continued on page 8

versity to commit  
e. (Staff photo by

# Man killed crossing RR

By Jane Thurman  
Staff writer

A 67 year-old Cambridge man was struck and killed by a train while taking a shortcut last Thursday across commuter rail tracks in North Cambridge.

Charles Zabitis of 402 Rindge Ave. was killed when walking across the tracks after getting through a fence opening opposite the Fresh Pond Shopping Center.

For years, North Cambridge residents have ignored the nearby "railroad bridge" and cut across the

tracks to get to the shopping center.

"Everybody cuts across the tracks," said Ed Cyr, a North Cambridge resident. "You can either go 100 yards or go over the bridge and walk half a mile. For 20 years, people have been arguing about how a bridge should be built there. In my lifetime half a dozen people have been killed there."

According to Councilor Sandra Graham, the city council passed an order five years ago, ordering the city manager to have a footbridge built over the tracks. City Manager Robert Healy says that because of re-

cent handicapped requirements, the cost of building the bridge would cost over \$1 million, not including a land taking on the shopping center side of the track.

Healy also said he was unable to obtain a funding source for the construction of the bridge.

"How many deaths is it going to take before that bridge is made?" Graham asked this week. "It's either money or lives."

Last September, Healy also said

Continued on page 8

# Man wins suit on ticket, charges rights violated

By Jay Weaver  
Staff writer

Two weeks ago, a Boston resident won a tough legal battle against the city over a \$10 parking ticket, but he's not stopping there.

Next week, Peter A. Crawford, 33, will take the city back to court for allegedly violating his civil rights after his ticketed car was towed.

ago. The recent court decision on the parking violation has already forced the city to change its regulations in loading zones.

In the lawsuit, Crawford is seeking \$50,000 in damages for false imprisonment, assault and battery, mental anguish, and violation of his rights on the evening of Nov. 13, 1984. The pre-trial hearing is set for Friday, Dec. 4, in U.S. District Court in Boston.

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## MBTA train kills man in Cambridge

CAMBRIDGE — A 66-year old man was struck and killed Thursday afternoon by a train on a commuter-rail line, MBTA spokesman Peter Dimond said. The victim, Charles Zabitis of Linden Avenue Cambridge, was crossing railroad tracks near the Fresh Pond Shopping Center at 1:46 p.m. and failed to hear the warning blast of a train traveling toward Fitchburg. The man was killed upon impact, Dimond said.

# Arts Organize

## River Fest

### mission agencies

department, which is a non-profit arm, the is completely under direction of city hall. The Multicultural Arts Center, which is owned with a permanent lease on real estate, is a non-profit organization that is performing arts at 1 Second St. outside of municipal govern-

"We're often not aware of what other is doing, my opinion is that such an effort is fantastic," said

or seems to have no agenda for the coming David Vickery, an council board member. it was it gives every- opportunity to step back everything in a new Vickery said. "We've in the last couple of

or said he doesn't many people will be mission, but agreed on it takes is wide

resident at CMAC, helped organize the community chorus, the Chills concerts. missions will come to conclusions,"

These records were easily investigated, or left and Hebert, said Out-

enough funding and

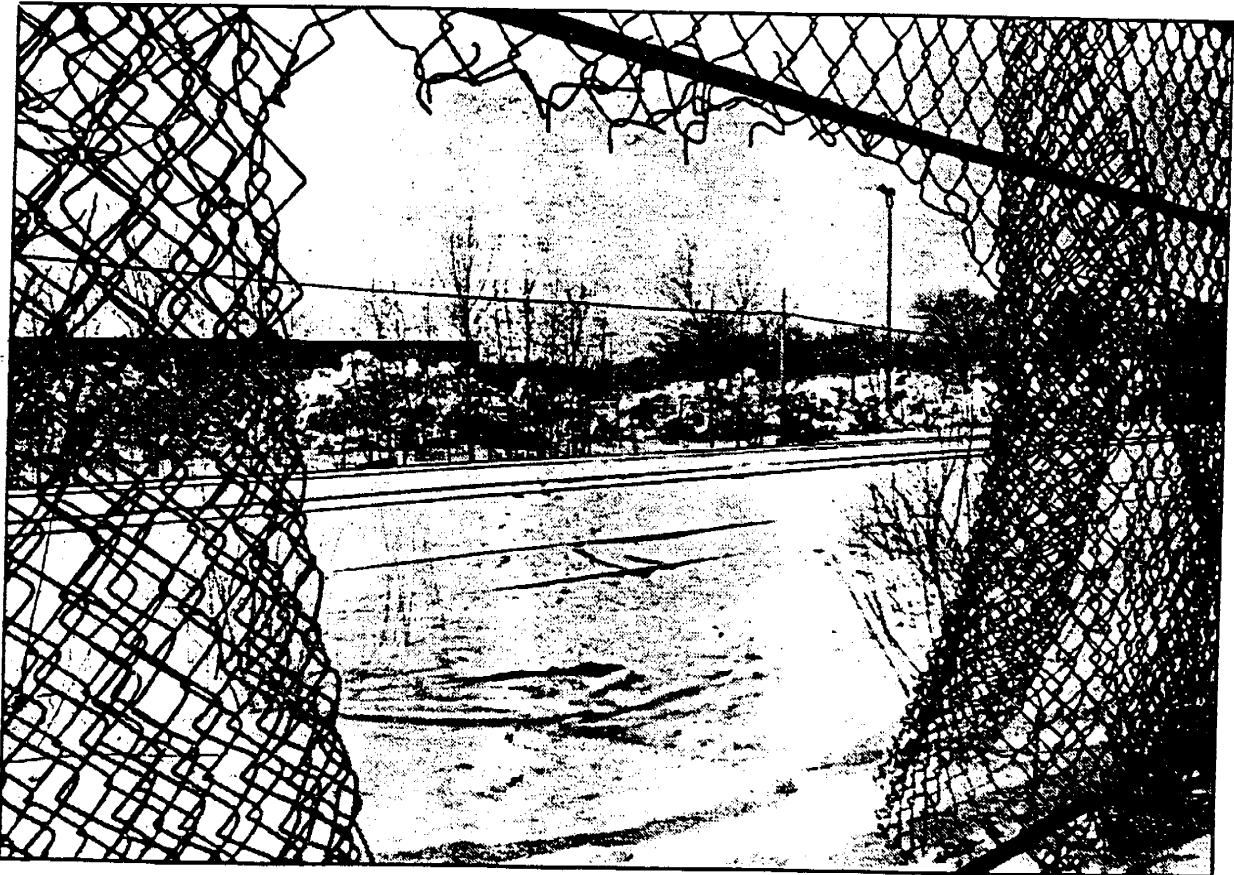


PHOTO BY JANE TYSKA

This hole in the fence behind Rindge Towers, which people use to cut across MBTA tracks, is believed to be the one Elizabeth Richer passed through last Thursday before being struck and killed by a train.

## Train kills woman crossing tracks

BY SCOTT FARMELANT  
Chronicle Staff

A 45-year Rindge Towers resident was struck and killed by a train last Thursday while crossing commuter railroad tracks behind the apartment complex that were a popular neighborhood shortcut.

Elizabeth Richer was hit and killed immediately by the inbound train from Fitchburg at 12:30 pm. MBTA officials said the death highlights an ongoing problem near the

Alewife T station.

"It appears that [Richer] was crossing the tracks after she had crawled through a hole in the fence at a place where people should not be," said Loring Barnes, a T spokesperson.

Barnes said the train operator tried to brake the locomotive, but Richer had no chance. Officials were unsure whether Richer was coming from or going to the Fresh Pond Mall, which is across the tracks from the apartment complex.

T officials said they have long

tried to keep area residents from cutting holes in the chain link fences behind the Rindge Tower complex and the Fresh Pond Mall because of the danger.

Apparently, neither mall employees nor workers from the apartment buildings have been able to keep neighbors from tearing open the fence.

"We'd like to urge people not to take that shortcut. There's a sidewalk and we know that it takes a little longer, but it's a lot safer," said Jim Ball, another T spokesperson.

## New leadership will change CCA, but how?

Observers see more assertive party under Dowds

# A safety lesson unlearned?

*After woman's death on tracks near mall, path is cleared again*

BY SCOTT FARMELANT  
Chronicle Staff

A tragic death on the tracks behind Rindge Towers brought renewed calls for safety measures at a popular, but dangerous neighborhood shortcut. Yet three days after Betty Richer died, workers at the Fresh Pond Mall cleared the way for another tragedy.

With the tragedy still fresh in mind, maintenance workers at the shopping Plaza plowed a walkway

to the tracks following the big blizzard, moving aside mountains of snow so potential consumers could risk death to do a little shopping. The action sickened tower officials.

"We've done everything but those people over there [at the Fresh Pond Mall] don't give a shit about us. This community keeps experiencing the loss, not them," said Donna Bronk, property manager at the Fresh Pond Towers.

"I can't believe it. [Snow plow operators] probably didn't know

what happened," said Michael Losee, maintenance supervisor for the mall. Sema Magzelci, the mall's general manager, did not return numerous calls on the matter.

Richer's death stands as the latest in a series of accidental deaths attributed to the short cut and passing locomotives. Most recently, tower resident Charlie Zabitis, an elderly and deaf man, died in 1988 while using the short cut. Though the MBTA did not document the number of deaths that occurred at the crossing, City Councilor Ed Cyr recalled numerous deaths at the illegal intersection when he grew up in the area.

Bronk estimated that most tower residents do not drive and therefore must walk to nearby stores. Though use of the short cut has dropped since the Stop & Shop super market left the shopping plaza, those who frequent the mall refuse to use the sidewalk since it takes an estimated ten minutes to go around. Maintenance of fences surrounding the tracks compounds the problem since both the MBTA and tower officials deny ownership of the fence.

Bronk said that her company had spent thousands of dollars trying to keep the tower side of the fence closed but that even a welding operation failed to keep residents from cutting fences. Bronk added that mall officials have refused to address the problem on their side, only

putting posts in a man-made opening. Bronk said that measure was designed to keep people from stealing shopping carts.

Peter Dimond of the MBTA said the authority has never owned the fence. Dimond added that the Fresh Pond Mall's plowing operation was "pretty disappointing."

"We certainly don't want to encourage people to cross the tracks. We're in the business to promote safety," said Dimond.

Bronk cited the need for a pedestrian overpass, but said that such a walkway would carry numerous liability and ownership issues between the tower, city and MBTA. Bronk noted that like many residents, Betty Richer was probably running a small errand when she died since a fresh-brewed pot of coffee was found in her apartment shortly after the fatal mishap.

Despite Richer's tragic death, Rindge Tower residents still use the short cut. One woman seen crossing the track early Friday morning refused to comment on why she used the short cut. But the woman said she knew Richer.

Richer "was my best friend," snapped the woman. Then, clad in a full-length parka and wearing wrap-around sunglasses, the woman stepped through the mall-side opening and walked across the icy tracks, heading for home.



A resident passes through the pathway that was used by the victim of a recent train accident near Fresh Pond Mall

PHOTO BY JANE TYSKA

Lucas

# Sister and friend question 'suicide' ruling in woman's death

BY SCOTT FARMELANT

Chronicle Staff

Grief surrounded the March death of Elizabeth Ricker, who died after a commuter train ran over her while she crossed the tracks behind her apartment complex. With authorities now ruling Ricker's death a suicide without explanation, anger has replaced mourning.

"It's a disgrace. How dare they try to disgrace my sister's reputation. My God, the woman's dead here. I haven't even had time to grieve over her," said Maria Broome, Ricker's sister, after the Suffolk County Medical Examiner ruled the death suicide.

The certificate has outraged Broome and others. They argue that Ricker showed no signs of being suicidal and had made plans to attend a bible meeting in the hours before she died.

Furthermore, they question why Ricker would brew a fresh pot of coffee and visit the pharmacy across the tracks if she planned to kill herself on the afternoon she died. Finally, they wonder if the medical examiner knew that Ricker was an epileptic prone to frequent seizures.

"Why did [Ricker] just make a fresh pot of coffee? Why did she go get her medication? That's a cop out. [Suicide] just doesn't make any sense. And what about her epilepsy?" asked Donna Bronk, manager of the Fresh Pond Apartments/Rindge Towers where Ricker resided.

Ricker died the afternoon of March 11. According to Ricker's death certificate, Dr. Antonio Boschetti of the Suffolk County Medical Examiner's office ruled that Ricker, 45, killed herself. Under privacy laws, the medical examiner does not have to provide a public explanation for the ruling.

"These are confidential records. I am not going to answer any questions," said Mildred Anglin, administrator for the Suffolk County of-

fice. Anglin added the medical examiner would be happy to speak with the family should they seek more information.

Broome, who has hired an attorney to explore possible legal remedies with regard to the death certificate, said nobody from the medical examiner's office ever contacted her and that she was never informed of her right to question the autopsy report.

"I didn't hear nothing about it," said Broome.

The ruling of suicide compounds the already difficult situation surrounding Ricker's death. After the death, years of failed promises for an overpass behind the Rindge Towers erupted on the political scene.

North Cambridge activists, citing at least eight deaths by train at the intersection, renewed their call for an elevated walkway. The issue surfaced at city council meetings and most recently, at budget hearings, as Michael Brandon of the North Cambridge Stabilization Committee accused the city of failing to fund a walkway as agreed during the mid-1980s.

For now, Broome, Donna Bronk and other friends remain skeptical of the motivations for the suicide ruling.

"I honestly don't know what's going on. I think somebody's trying to ruin my sister's reputation," says Broome, who thinks her sister suffered a seizure on the tracks and was unable to avoid the oncoming train.

Bronk, who noted that Ricker spoke to her the morning of her death about that night's Jehovah Witness meeting with two good friends, said the woman appeared to be in high spirits.

"I'm not a psychologist and I don't profess to be, but she seemed fine. [Suicide] is ridiculous. I just don't believe it," said Bronk, who knew Ricker for nine years.

Broome confirmed Bronk's assertion, noting that her sister was looking forward to that evening's bible study group.

Broome who said she initially received a death certificate that didn't indicate suicide, called for an investigation of the entire affair.

"Let's get down to the real issue and not try and make excuses about this thing. The question is the safety without the overpass. The whole thing is outrageous," said Broome.

CAMBRIDGE CHRONICLE

JUNE 10, 1993

## CAMBRIDGE

# Death on commuter rail tracks spurs review of crossing

## Rindge Towers residents eschew truss bridge for a dangerous shortcut to shopping center

By Susan Pollack  
SPECIAL TO THE GLOBE

CAMBRIDGE - It was not the first time a North Cambridge resident was killed while crossing the railroad tracks near the Fresh Pond Shopping Center. But last month, when a neighbor she had spoken to only that morning was struck dead by an inbound Fitchburg commuter train, Mamie McNary was shaken.

"The situation hit home," said the 72-year-old Rindge Towers resident. "If they don't build an overpass, it's only a matter of time before another person is killed crossing."

McNary's neighbor, Elizabeth Richer, 45, was struck on March 11 while going to the pharmacy to pick up some medicine. McNary herself refuses to cross the tracks. When she has to go shopping, she walks the long way around, across the Metropolitan District Commission's truss bridge. But for

people living in the two Rindge Towers buildings farther east and at Jefferson Park, the bridge is even farther out of the way. What's more, residents complain, during winter snowstorms the sidewalk over the bridge is often left unshoveled and is therefore treacherous.

For many, the most direct route to the shopping center is straight across the railroad tracks. Richer's death has thus far not seemed to have deterred other risk-takers. Indeed, during a 15-minute stretch on a recent Wednesday afternoon, some 20 people - including schoolgirls in uniforms, a couple with a child in a stroller, some young boys and an older woman - were seen crossing the tracks.

They squeezed between openings in a chain-link fence at the edge of the mall,

**'If they don't build an overpass, it's only a matter of time before another person is killed crossing.'**

MAMIE McNARY, Rindge Towers resident

where people leave shopping carts. During the same 15 minutes, far fewer people - only a jogger and a couple of pedestrians - crossed the truss bridge.

While the MDC has imminent plans to reconstruct the truss bridge to make it safer and more pleasant for pedestrians, motorists and cyclists, the project does not address the needs of residents who need a direct way to get to the shopping mall, say North Cambridge residents and activists.

"There seems to be a lack of understand-

ing of the real issue," said North Cambridge native Peter Cignetti. A local firefighter who was among those who successfully lobbied to have a traffic light installed on Fresh Pond Parkway at the mall, Cignetti has taken on the overpass cause.

On Wednesday night he brought the case to the North Cambridge Stabilization Committee, which voted to set up a subcommittee to raise the issue with the City Council. The committee also decided to investigate possible funding via a federal community block grant.

This is not the first time residents have brought their case for an overpass to the city and MBTA. The issue has been raised at least three or four times since 1977, every time someone was killed, said Richard Clarey, chairman of the stabilization commit-

tee. In 1987 the city went so far as to have a study performed and drawings made. At the time, it was calculated that it would cost \$1.5 million to construct a steel overpass, Clarey said. "That's not a lot, considering the resources of the city," he said.

MBTA spokesman Jim Ball said the state agency has no plans for an overpass and no funds for it, although, he noted, the MBTA would be open to talking to the city about such a project.

Michael Rosenberg, head of Cambridge's Community Development Department, said the fact that residents regularly risk lives to get to the shopping center is "obviously, a serious problem."

Rosenberg's department worked on the earlier proposal for an overpass. In his view, the real issue, besides funding, is building an overpass that is located in the right place and of the right design so that people use the structure rather than taking the shortcut across the tracks.

# Funeral fund set up for Somerville girl

## Authorities probing cause of fatal MBTA train accident near Union Square

By Zachary R. Dowdy  
GLOBE STAFF

Friends and neighbors of the 10-year-old Somerville girl who was killed on train tracks near her home have established a fund to defray the costs of her funeral.

Natasha Shillingford was struck by a Boston-Fitchburg Massachusetts Bay Transportation Authority train at about 2 p.m. Wednesday.

Authorities are still probing the cause of the accident, which occurred under the Washington Street Bridge near Union Square, said Robin Bayaro, an MBTA spokeswoman.

Friends of the family said they set up the fund to provide help at a difficult time, particularly since the girl's mother was laid off two weeks ago.

"Natasha's mother is a single parent," said Lotlene Forde, of Hyde Park, a longtime family friend who had known Natasha Shillingford since she was born.

"We're just trying to be there for her and give her all the support she needs. Natasha was such a beautiful child."

Forde said the girl's shoelaces may have gotten caught in the tracks but authorities yesterday could not confirm the theory. One of Shillingford's black sneakers was reportedly knocked off her foot when she was struck.

The speed of the train is also a factor, authorities said, adding that the point along the tracks where the children were crossing is close to a bend that would prevent them from seeing the train until it was very close.

Somerville police have said they thought the girl was with children who were spraying graffiti on a wall near the tracks.

But Forde, who said such behavior was not in keeping with the girl's character, said Shillingford may have been en route to or from a nearby park.

Michelle Murtagh, who lives on the victim's block, set up the fund yesterday afternoon. The mother of a young girl who had often played with Natasha, Murtagh said there's \$80 in the fund so far.

"Anything people can give will help," Murtagh said.

Donations may be sent to the Natasha Shillingford Fund, c/o Somerset Savings Bank, 212 Elm St., Somerville, 02144.

# Girl, 11, hit and killed by train

By JULES CRITTENDEN

An 11-year-old Somerville girl may have been with a group of kids spray-painting gang symbols under a bridge when she was struck and killed by a commuter train yesterday afternoon, said police.

Natasha Shillingford was declared dead at Massachusetts General Hospital shortly after the 1:50 p.m. accident.

Under the Washington Street bridge by Union Square, where Shillingford was struck, a black spray can lay under the crudely painted gang symbols, "SWA" for Sisters With Attitude, and "MAKRIADOS", the name of a Cambridge gang.

Twenty feet farther down the track, one of her black Reeboks lay near where the girl's body landed.

"The train conductor said he saw a group of kids by the bridge," said Somerville Police Capt. James Tatoski. "We think she panicked, fell and was struck. The other kids ran."

Shillingford suffered massive head and internal injuries when she was struck by a Fitchburg-to-Boston train that might have been travel-



**FATAL TRACK:** A train passes by as investigators examine the site where Natasha Shillingford, 11, was struck by another train. Staff photo by Jon Hill

a bend in the tracks, the train would have roared into sight just seconds before it reached the place where Shillingford was struck.

The girl's family was too shaken up yesterday to talk about her death.

Although some friends said Shillingford hung around with "girls who get in trouble" and emulated older gang members, others said they were surprised at reports that she was spray painting when she was killed.

"I didn't think she would do something like this," said Farrah

police from a photo. "She's my little sister's best friend ... This is very weird. She's a very quiet little girl."

Narjara Bueno, 11, who has known Shillingford since kindergarten, agreed. "She's a very quiet girl. She never gets into trouble."

Pierce speculated Shillingford and her friends may have used the name of Makriados, a Cambridge gang, as "just a tag, like girls have a gang posse."

Bueno said she saw Shillingford and another girl scribbling "Makriados" and other gang



Staff photo, right, by Jon Hill

**TRAGIC TALK:** At right, a Somerville police sergeant explains to neighborhood youths what happened to Natasha Shillingford above who





# Girl killed by train

BY TIMOTHY LUNDERGAN  
Journal staff

A train struck and killed an 11-year-old girl behind the Lincoln Park Community School Wednesday afternoon.

The girl, Natasha Shillingford, was rushed to Massachusetts General Hospital after being struck by the train around 12:50 p.m. on the MBTA commuter rail line near the Washington Street overpass. At the hospital she was pronounced dead of massive internal injuries.

She was a student at the Lincoln

Park School and lived on Somerville Avenue.

Police investigators believe the victim had gotten onto the tracks through a break in the fence.

Five children were seen on the tracks before the accident. The train blew its whistle to warn them and the children began running away.

The victim "must have fallen," surmises Police Captain James Tatosky. The other children were unable to reach her in time.

Students had been let out of school because Wednesday was an early release day.

TRAIN, page 14

## Girl killed by train

TRAIN, from page 1

The MBTA commuter train was coming inbound to Boston from Fitchburg, according to an MBTA spokeswoman. The accident is under investigation by the MBTA.

The area under the bridge is covered with graffiti, indicating that it is a hangout.

"We're down there all the time, and so is the T" to chase people away from the tracks, Tatosky said. "Every time they put a barrier up, someone tears it down."

A couple of years ago, an elderly man was killed by a train near the same location. A few months later, a teenager was seriously injured by another train.

The B&M and MBTA responded by replacing sections of fence that had been cut by people seeking shortcuts with tougher wire fencing.

"The cutting of the fences was done by adults," Lincoln Park Principal Robert Sorabella said, so they could get to Washington Street and bus stops without having to walk around the school.

The tougher, new fencing has been "a considerable improvement," Sorabella said, but people still cut across the tracks. In at least one place, the fence has been cut so people can push their way through it. Investigators believe the children who went onto the tracks Wednesday took that route.

"Kids can get on the tracks a number of ways," including cutting through neighbors' yards and climbing fences, Sorabella added.

The victim was unconscious when emergency workers arrived at the scene. She could not be identified there because of the bleeding and swelling from her head injuries.

THURSDAY, JUNE 2, 1994

SOMERVILLE JOURNAL

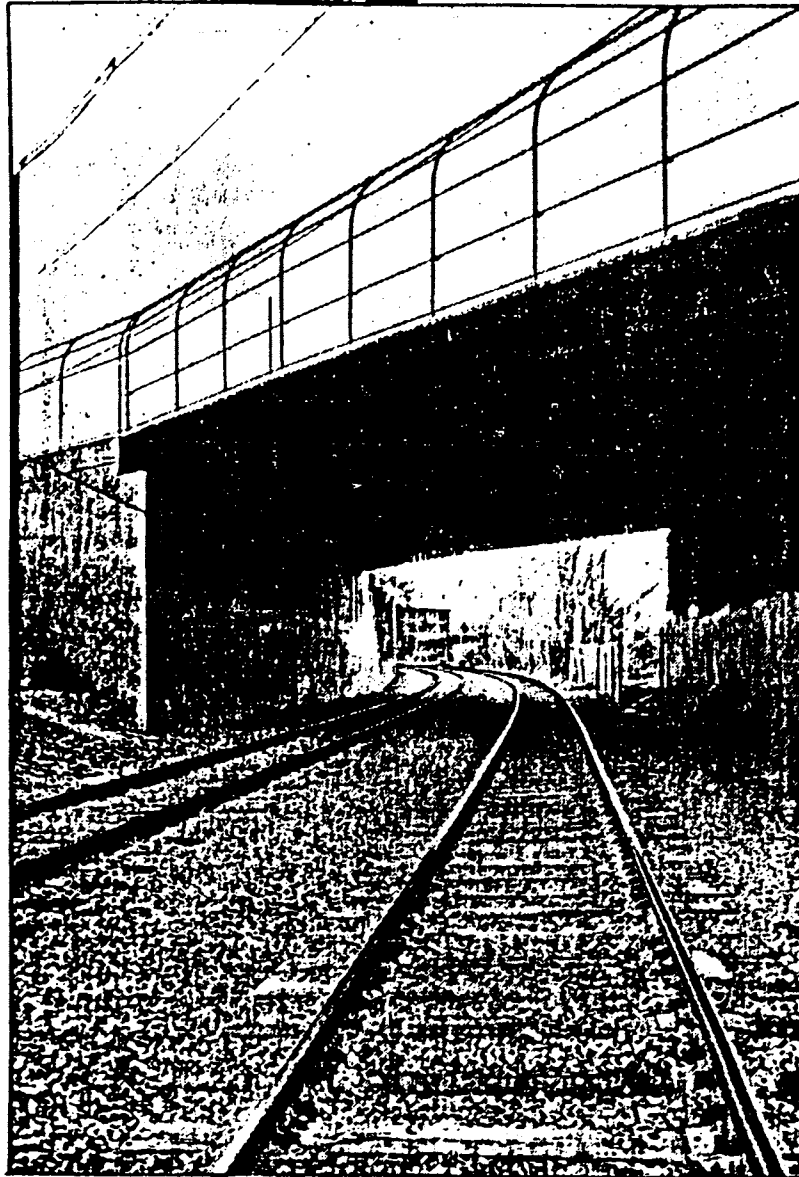


PHOTO BY JANE TYSKA

Fences haven't prevented children from getting on the MBTA tracks where a Lincoln Park Community School student was killed last week.

## Fund set up for mother of girl hit by train

A fund has been set up for the mother of the girl who was hit by a train near the Lincoln Park Community School last week.

Meanwhile, officials are redoubling educational efforts to keep students away from the railroad tracks, as they try to comprehend the tragic death of their 11-year-old classmate, Natasha Shillingford.

"She was a very popular kid, and a happy youngster," Lincoln Principal Robert Sorabella said this week. "I can't remember her without a smile on her face."

Shillingford died from injuries she received after being struck by an MBTA commuter train behind the school, where she and several other students had walked after getting past the fencing meant to keep them out.

The tracks have served as the scene for several accidents in recent years. The fencing is continually cut by teenagers partying there or

passersby using it as a shortcut.

James McNally, the area's community police officer, is continuing his talks in Lincoln Park classrooms, educating students about personal safety and warning them to stay away from the tracks, according to Sorabella.

Next fall, the MBTA is scheduled to run a program that also deals with those matters.

"We're trying to stop this from happening again," Police Capt. James Tatosky said last week.

Last week, the school set up an area where students could pay their respects to Shillingford, and also set aside an area where kids can express their grief, Sorabella said.

Since the accident, the girl's mother is struggling to make ends meet and some of her friends have set up a fund to help her get through the tragedy, said friend Michelle Merta.

Anyone wishing to help can make donations to the Natasha Shillingford Fund, Somerset Savings Bank, 212 Elm Street, Somerville, MA, 02144.

—Gregory Liakos

Hit west  
of Alewife Pkwy?  
Brother of  
Attorney James  
Rafferty, the  
former Camb.  
school comm. member

FORM R-303


To be filed for burial permit  
with Board of Health  
or its Agent.

NOTE: CHAPTER 137, ACTS OF 1954, REQUIRES PHYSICIANS TO PRINT  
OR TYPE THE CAUSE OR CAUSES OF DEATH ON DEATH CERTIFICATES.

N. B.—WRITE PLAINLY, WITH UNFADING BLACK INK—THIS IS A PERMANENT RECORD. Every item of  
information should be carefully supplied. MEDICAL EXAMINERS should state CAUSE AND MANNER OF  
DEATH in plain terms, so that it may be properly classified under the International Classification of Causes  
of Death. See reverse side for additional information. See also Chap. 34, §§ 6, 28; Chap. 46, §§ 9, 10; Chap. 114,  
§ 44-4.

If deceased was a U. S. War Veteran, G.L. Chap. 46, Section 10, requires physicians to insert a recital to that effect.

5031-9-70-047760

1	PLACE OF DEATH	Middlesex (County)		The Commonwealth of Massachusetts JOHN F. X. DAVOREN SECRETARY OF THE COMMONWEALTH DIVISION OF VITAL STATISTICS		(City or Town making this return)
		Cambridge (City or Town)		MEDICAL EXAMINER'S CERTIFICATE OF DEATH		Registered No. 854
No.		En route to Mt. Auburn Hospital		St.		(If death occurred in a hospital or institution, give its NAME instead of street and number)
2 FULL NAME		Michael Francis Rafferty		(First Name) (Middle Name) (Last Name)		PHYSICIAN — IMPORTANT (Was deceased a U. S. War Veteran, if so specify WAR) no
(a) Permanent Residence		No. 74 Griswold		St. Cambridge		(City or town and State)
MEDICAL CERTIFICATE OF DEATH						
3 DATE OF DEATH		July 5, 1973 (Month) (Day) (Year)				
4 I HEREBY CERTIFY that I have investigated the death of the person above-named and that the CAUSE AND MANNER thereof are as follows: (If an injury was involved, state fully.) Compound frac. of skull with multiple injuries Injury rec. when struck by rail road passenger train. Accident.						
5 Accident, suicide, or homicide (specify) Accident Date and hour of injury July 5, 1973 at 8:10 P.M. IF ACCIDENTAL, was injury causally related to the death? yes Where did injury occur? Cambridge, Mass. (City or town and State) Did injury occur in or about home, on farm, in industrial place, or in public place? on Rail Road tracks no (How did injury occur?) Manner of injury Compound fracture of skull (Specify type of place) Nature of injury Was autopsy performed? no Was disease or injury in any way related to occupation of deceased? no If so, specify (Signed) David C. Dow M. D. (Address) Cambridge, Mass. Date 7/6/73						
6 Mt. Pleasant, Arlington Place of Burial or Cremation (City or Town) DATE July 9, 1973						
7 NAME OF FUNERAL DIRECTOR William T. Hickey ADDRESS Cambridge						
8 Informant James V. Rafferty Cambridge						
PERSONAL AND STATISTICAL PARTICULARS						
9 SEX		10 COLOR		11 SINGLE (write the word) MARRIED WIDOWED DIVORCED UNKNOWN Single		
Male		White		12 If married, widowed, or divorced HUSBAND of (Give maiden name of wife in full) (or) WIFE of (Husband's name in full)		
13 AGE		11 YEARS 3 MONTHS 14 Days		If under 24 hours Hours Minutes		
14 Usual Occupation		student (Kind of work done during most of working life)				
15 Industry or Business		Grammar School				
16 Social Security No.		none				
17 BIRTHPLACE (City)		Boston, Mass. (State or country)				
18 NAME OF FATHER		James V. Rafferty				
19 BIRTHPLACE OF FATHER (City)		Boston, Mass. (State or country)				
20 MAIDEN NAME OF MOTHER		Ellen Clarke				
21 BIRTHPLACE OF MOTHER (City)		Ireland (State or country)				
PARENTS						
I HEREBY CERTIFY that a satisfactory standard certificate of death was filed with me BEFORE the burial or transit permit was issued: Lillian Fahey Adm. Off. July 7, 1973 (Official Designation) (Date of Issue of Permit)						
Received and filed July 9, 1973 Paul E. Hickey CITY CLERK (Registrar)						

FORM R-303


To be filed for burial permit  
with Board of Health  
or its Agent.

NOTE: CHAPTER 137, ACTS OF 1954, REQUIRES PHYSICIANS TO PRINT  
OR TYPE THE CAUSE OR CAUSES OF DEATH ON DEATH CERTIFICATES.

N. B.—WRITE PLAINLY, WITH UNFADING BLACK INK—THIS IS A PERMANENT RECORD. Every item of  
information should be carefully supplied. MEDICAL EXAMINERS should state CAUSE AND MANNER OF  
DEATH in plain terms, so that it may be properly classified under the International Classification of Causes  
of Death. See reverse side for additional information. See also Chap. 32, §§ 6, 20; Chap. 46, §§ 9, 10; Chap. 114,  
§§ 44-46.

If deceased was a U. S. War Veteran, G.L. Chap. 46, Section 10, requires physicians to insert a recital to that effect.

501-9-70-047760

PLACE OF DEATH		The Commonwealth of Massachusetts JOHN F. X. DAVOREN SECRETARY OF THE COMMONWEALTH DIVISION OF VITAL STATISTICS		Cambridge (City or Town making this return)	
Middlesex (County)				Cambridge	
Cambridge (City or Town)				Cambridge	
MEDICAL EXAMINER'S CERTIFICATE OF DEATH				Registered No. 569	
No. Enroute to Mt. Auburn Hospital				(If death occurred in a hospital or institution, give its NAME instead of street and number)	
2 FULL NAME Michael Eric Doiron (First Name) (Middle Name) (Last Name) (If deceased is a married, widowed or divorced woman, give also maiden name.)				PHYSICIAN — IMPORTANT (Was deceased a U. S. War Veteran, if so specify WAR) no	
(a) Permanent Residence. No. 27 Jefferson Park				St. Cambridge (City or town and State)	
MEDICAL CERTIFICATE OF DEATH					
3 DATE OF DEATH May 8, 1973 (Month) (Day) (Year)		PERSONAL AND STATISTICAL PARTICULARS			
4 I HEREBY CERTIFY that I have investigated the death of the person above-named and that the CAUSE AND MANNER thereof are as follows: (If an injury was involved, state fully.) Crushed chest & abdomen with multiple injuries. Injury received when struck by railroad passenger train at grade crossing protected by gates while crossing tracks on foot. Accident.		9 SEX M 10 COLOR Wh. 11 SINGLE (write the word) MARRIED WIDOWED DIVORCED UNKNOWN S			
5 Accident, suicide, or homicide (specify) Accident Date and hour of injury May 8 1973 at 5:00 PM IF ACCIDENTAL, was injury causally related to the death? YES Where did Injury occur? Cambridge, Mass. (City or town and State) Did injury occur in or about home, on farm, in industrial place, or in public place? railroad crossing no Manner of Injury accidentally struck by R.R. passenger while crossing tracks on foot Nature of Injury Crushed chest and abdomen		12 If married, widowed, or divorced HUSBAND of (Give maiden name of wife in full) (or) WIFE of (Husband's name in full)			
Was autopsy performed? no		13 AGE 13 YEARS 1 MONTHS 21 Days If under 24 hours Hours Minutes			
Was disease or injury in any way related to occupation of deceased? no If so, specify		14 Usual Occupation Student (M.E. Fitzgerald School) (Kind of work done during most of working life)			
(Signed) David C. Dow (Address) Cambridge Date 5/8/73		15 Industry or Business M. E. Fitzgerald School			
6 Cambridge Cemetery Cambridge Place of Burial or Cremation May 12, 1973 DATE		16 Social Security No. —			
7 NAME OF FUNERAL DIRECTOR William T. Hickey ADDRESS 175 Huron Ave., Cambridge Phillip Doiron		17 BIRTHPLACE (City) (State or country) Cambridge, Mass.			
8 Informant 27 Jefferson Park, Cambridge		18 NAME OF FATHER Phillip Doiron			
		19 BIRTHPLACE OF FATHER (City) (State or country) Medford, Mass.			
		20 MAIDEN NAME OF MOTHER Erioka Hummel			
		21 BIRTHPLACE OF MOTHER (City) (State or country) — Germany			
		I HEREBY CERTIFY that a satisfactory standard certificate of death was filed with me BEFORE the burial or transit permit was issued:			
		Marna Terry (Signature of Agent Board of Health or other) Adm. Off. 5/11/73 (Official Designation) (Date of Issue of Permit)			
		Received and filed 5/14/73 Paul E. Hickey (Registrar)			
A TRUE COPY ATTEST					

## FORM R-303

To be filed for burial permit  
with Board of Health  
or its Agent.

NOTE: AFTER 137, ACTS OF 1954, REQUIRES PHYSICIANS TO P.  
OR TYPE THE CAUSE OR CAUSES OF DEATH ON DEATH CERTIFICATES.

N. B.—WRITE PLAINLY, WITH UNFADING BLACK INK—THIS IS A PERMANENT RECORD. Every item of information should be carefully supplied. MEDICAL EXAMINERS should state CAUSE AND MANNER OF DEATH in plain terms, so that it may be properly classified under the International Classification of Causes of Death. See reverse side for additional information. See also Chap. 34, §§ 6, 26; Chap. 46, §§ 9, 10; Chap. 114, §§ 44-48.

If deceased was a U. S. War Veteran, G.L. Chap. 46, Section 10, requires physicians to insert a recital to that effect.

75M-6-74-092109

PLACE OF DEATH

Middlesex  
(County)

Cambridge  
(City or Town)



JOHN F. X. DAVOREN  
SECRETARY OF THE COMMONWEALTH  
DIVISION OF VITAL STATISTICS

MEDICAL EXAMINER'S  
CERTIFICATE OF DEATH

Cambridge  
(City or Town making this return)

Registered No. 778

No. En route to Mount Auburn Hospital St. (If death occurred in a hospital or institution, give its NAME instead of street and number)

2 FULL NAME Marylynn Ryley  
(If deceased is a married, widowed or divorced woman, give also maiden name.)

PHYSICIAN — IMPORTANT  
(Was deceased a  
U. S. War Veteran,  
if so specify WAR) No

(a) Permanent Residence. No. 402 Rindge Avenue #15A St. Cambridge, MA  
(City or town and State)

## MEDICAL CERTIFICATE OF DEATH

3 DATE OF DEATH June 24, 1977  
(Month) (Day) (Year)

4 I HEREBY CERTIFY that I have investigated the death of the person above-named and that the CAUSE AND MANNER thereof are as follows: (If an injury was involved, state fully.)

Compound fracture of skull. Injury received when struck by railroad passenger train while crossing tracks on foot. Accident

5 Accident, suicide, or homicide (specify) Accident  
Date and hour of injury June 24, 1977 @ 8:02 A.M.

IF ACCIDENTAL, was injury causally related to the death? Yes  
Where did injury occur? Cambridge, MA  
(City or town and State)

Did injury occur in or about home, on farm, in industrial place, or in public place? in private place While at work? no

Manner of injury Accident struck by RR Train  
(Specify type of place)

Nature of injury Compound fracture of skull  
(How did injury occur?)

Was autopsy performed? No

Was disease or injury in any way related to occupation of deceased? no

If so, specify

(Signed) David C. Dow, M.D.

(Address) Cambridge, MA Date June 24, 1977

6 Sacred Heart Cemetery Andover, MA  
Place of Burial or Cremation (City or Town)

DATE June 27, 1977

7 NAME OF FUNERAL DIRECTOR Alan R. McLennan

ADDRESS Lawrence, MA

8 Informant James Ryley

(Address) 22 Hamilton St., Framingham, MA

## PERSONAL AND STATISTICAL PARTICULARS

9 SEX Female 10 COLOR White 11 SINGLE (write the word)  
MARRIED  
WIDOWED  
DIVORCED  
UNKNOWN Single

12 If married, widowed, or divorced  
HUSBAND of (Give maiden name of wife in full)

(or) WIFE of (Husband's name in full)

13 AGE 35 Years 0 Months 0 Days If under 24 hours  
Hours Minutes

14 Usual Occupation: Waitress  
(Kind of work done during most of working life)

15 Industry or Business: Restaurants

16 Social Security No. 033-30-7916

17 BIRTHPLACE (City) Lawrence, MA  
(State or country)

18 NAME OF FATHER James Ryley

19 BIRTHPLACE OF FATHER (City) Lawrence, MA  
(State or country)

20 MAIDEN NAME OF MOTHER Marcel Bonsaint

21 BIRTHPLACE OF MOTHER (City) Lawrence, MA  
(State or country)

22 I HEREBY CERTIFY that a satisfactory standard certificate of death, was filed with me BEFORE the burial or transit permit was issued:

Helen T. O'Sullivan (EW)

(Signature of Agent Board of Health or other)

Secy. June 24, 1977  
(Official Designation) (Date of Issue of Permit)

23 Received and filed June 28, 1977

A TRUE COPY ATTEST:

(Registrar)

[INSTRUCTIONS ON REVERSE SIDE]  
FOR USE BY  
PHYSICIANS AND  
MEDICAL EXAMINERS

The Commonwealth of Massachusetts

STANDARD CERTIFICATE OF DEATH  
REGISTRY OF VITAL RECORDS AND STATISTICS

REGISTERED NUMBER

STATE USE ONLY

STATE USE  
ONLY  
1.

72 74

75 HOSPITAL 78

2.

9 RACE

19 NATIVITY 20

32 RESIDENCE 34

OUT OF  
35 STATE 37

38 CENSUS 41

42 AUTOPSY

43 MED. EXAM.

DECEDENT

INFORMANT

DISPOSITION

CAUSE OF  
DEATH

CERTIFIER

DECEDENT - NAME FIRST MIDDLE LAST		SEX	DATE OF DEATH (Mo. Day, Yr.)
David M Burrell		Male	May 1, 1984
PLACE OF DEATH (CITY OR TOWN)	COUNTY OF DEATH	HOSPITAL OR OTHER INSTITUTION - Name (If not in either give street and number)	
Cambridge	Middlesex	Mt Auburn Hospital	
RACE (If not White, Black, American Indian, etc. Specify)	AGE - Last Birthday	UNDER 1 YEAR	DATE OF BIRTH (Mo. Day, Yr.)
White	27	MOS DAYS	May 13, 1956
MARRIED NEVER MARRIED		USUAL OCCUPATION	STATE OF BIRTH (If not in U.S.A. name country)
never married		Shipping Clerk	Massachusetts
SPOUSE (If wife give maiden name)		KIND OF BUSINESS OR INDUSTRY	
NONE		Maat Co.	
SOCIAL SECURITY NUMBER	IF U.S. WAR VETERAN	RESIDENCE - STREET AND NUMBER CITY OR TOWN, COUNTY STATE ZIP CODE	
021-48-8333	NO	24 Gedick Rd., Burlington, Middlesex, MA. 01803	
FATHER - FULL NAME		STATE OF BIRTH (If not in U.S.A. name country)	MOTHER NAME (GIVEN) MAIDEN
Bruce W. Burrell		Mass	Corrine B. Rahaim
INFORMANT - NAME AND ADDRESS		STATE OF BIRTH (If not in U.S.A. name country)	
Bruce W. Burrell 24 Gedick Rd., Burlington, Mass. 01803		Mass	
TYPE OF DISPOSITION		DATE OF DISPOSITION	PLACE OF DISPOSITION AND LOCATION CITY OR TOWN STATE
Burial		May 4, 1984	Chestnut Hill Cemetery, Burlington, Mass.
FUNERAL SERVICE LICENSEE		NAME OF FACILITY	ADDRESS OF FACILITY
Leonard F. Doyle		Doyle Funeral Home	173 Bedford St Burlington, Mass. 01803
IMMEDIATE CAUSE (ENTER ONE CAUSE PER LINE FOR (a), (b), AND (c)) (PRINT OR TYPE LEGIBLY)			
(a) Fractured skull with hemorrhage			
(b) in brain, multiple rib fracture			
(c) with tear and hemorrhage in lungs			
OTHER SIGNIFICANT CONDITIONS (Conditions contributing to death but not related in cause given in Part I)			
AUTOPSY (Y or N)			
YES			
ACC SUICIDE HOW UNDER OR PENDING INVEST (Specify)		DATE OF INJURY (Mo. Day, Yr.)	HOUR OF INJURY
No		May 1, 1984	5p
INJURY AT WORK (Specify Yes or No)		PLACE OF INJURY - As home, farm, street, factory, office, pending etc (Specify)	DESCRIBE HOW INJURY OCCURRED
No		Highway track	hit by train
25a To the best of my knowledge death occurred at the time, date and place and due to the causes stated		25b On the basis of examination and/or investigation in my opinion death occurred at the time, date and place and due to the causes stated	
Signature and Title		Signature and Title	
DATE SIGNED (Mo. Day, Yr.)		DATE SIGNED (Mo. Day, Yr.)	
HOUR OF DEATH		HOUR OF DEATH	
NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)	
C. G. HORI, M.D.		C. G. HORI, M.D.	
26 BURIAL PERMIT ISSUED ON		27 RECEIVED IN THE CITY OR TOWN OF	
May 2, 1984		Cambridge	

BLACK INK ONLY

2763

28 MAY 8 1984

(INSTRUCTIONS ON REVERSE SIDE)  
FOR USE BY  
PHYSICIANS AND  
MEDICAL EXAMINERS

The Commonwealth of Massachusetts

STANDARD CERTIFICATE OF DEATH  
REGISTRY OF VITAL RECORDS AND STATISTICS

REGISTERED NUMBER

1395

STATE USE ONLY

STATE USE  
ONLY

1.

PLACE 74

HOSPITAL 78

2.

RACE

ATIVITY 20

RESIDENCE 34

OUT OF  
STATE 37

CENSUS 41

AUTOPSY

RED. EXAM.

BLACK INK ONLY

DECEDENT

INFORMANT

DISPOSITION

CAUSE OF  
DEATH

CERTIFIER

DECEDENT - NAME		FIRST		MIDDLE		LAST		SEX	DATE OF DEATH (Mo., Day, Yr.)		
Charles		M.		Zabitis		Male		November 19, 1987			
PLACE OF DEATH (CITY OR TOWN)		COUNTY OF DEATH		HOSPITAL OR OTHER INSTITUTION - Name (If not in other, give street and number)				IF IN HOSPITAL O.O.A. (Yes or No)			
Cambridge		Middlesex		Santa Maria Hospital				Yes			
RACE 10 a. White, Black, American Indian, etc. - Specify		AGE - Last Birthday (Yr.)		UNDER 1 YEAR MOS. DAYS		UNDER 1 DAY HOURS MINS		DATE OF BIRTH (Mo. Day, Yr.)		STATE OF BIRTH (If not in U.S.A. name country)	
White		67		80		60		Nov. 12, 1920		Massachusetts	
MARRIED, NEVER MARRIED, WIDOWED OR DIVORCED		SPOUSE (If a/o, give maiden name)		USUAL OCCUPATION (If retired)		KIND OF BUSINESS OR INDUSTRY					
Widowed		Pauline Unknown		Shipping & Receiving		Importing					
SOCIAL SECURITY NUMBER		IF U.S. WAR VETERAN SPECIFY WAR		RESIDENCE - STREET AND NUMBER CITY OR TOWN, COUNTY, STATE, ZIP CODE							
018-14-8435		WW II		362 Rindge Avenue, Cambridge, Middlesex, Mass. 02140							
FATHER - FULL NAME		STATE OF BIRTH (If not in U.S.A. name country)		MOTHER - NAME (GIVEN) MAIDEN				STATE OF BIRTH (If not in U.S.A. name country)			
Charles Zabitis		Lithuania		Barbara Gadeliewicz				Lithuania			
INFORMANT - NAME AND ADDRESS								RELATIONSHIP			
Mr. David Kadlec, 44 Columbia Street, Cambridge, Mass. 02139								Nephew			
TYPE OF DISPOSITION		DATE OF DISPOSITION		PLACE OF DISPOSITION AND LOCATION		CITY OR TOWN		STATE			
Cremation		Nov. 25, 1987		Mt. Auburn Crematory, Cambridge, Mass.							
FUNERAL SERVICE LICENSEE		NAME OF FACILITY		ADDRESS OF FACILITY							
Manuel Rogers, Jr.		Rogers Funeral Home		380 Cambridge St. Cambridge, Mass. 02141							
IMMEDIATE CAUSE		ENTER ONE CAUSE PER LINE FOR (a), (b), AND (c) (PRINT OR TYPE LEGIBLY)									
PART I		(a) Multiple injuries to body									
(b) DUE TO OR AS A CONSEQUENCE OF											
(c) DUE TO OR AS A CONSEQUENCE OF											
PART II		OTHER SIGNIFICANT CONDITIONS Conditions contributing to death but not related to cause given in Part I									
ACC. SUICIDE, HOMICIDE, UNLAWFUL OR PENDING INVEST. (Specify)		DATE OF INJURY (Mo. Day, Yr.)		HOUR OF INJURY		DESCRIBE HOW INJURY OCCURRED		AUTOPSY (Yes or No)		WAS CASE REFERRED TO MED. EXAM. (Yes or No)	
Accid.		Nov. 19, 1987		1:25 PM		Run over by train on train track		Yes		YES	
INJURY AT WORK (Specify Yes or No)		PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (Specify)		LOCATION		STREET CITY OR TOWN STATE					
No		1201 Way		Opposite 362 Rindge Ave, Cambridge							
To be Completed by CERTIFYING PHYSICIAN Only		23a To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated		23b DATE SIGNED (Mo. Day, Yr.)		HOUR OF DEATH		23c NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		23d NAME AND ADDRESS OF CERTIFYING PHYSICIAN OR MEDICAL EXAMINER (Type or Print)	
(Signature and Title)											
Nov. 20, 1987											
To be Completed by MEDICAL EXAMINER Only		24a (In the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) stated)		24b SIGNATURE AND TITLE		24c DATE SIGNED (Mo. Day, Yr.)		HOUR OF DEATH		24d PRONOUNCED DEAD (Mo. Day, Yr.)	
				C. G. Hori, M.D.		Nov. 20, 1987		1:25 PM		Nov. 19, 1987	
										A1 1:45 PM	

28 BURIAL PERMIT ISSUED ON

Nov 24 1987

1. REFERRED TO THE

CAMBRIDGE





## APPENDIX D

# ⇒297(7) RAILROADS

19 Mass D 2d—716

For later cases see same Topic and Key Number in Pocket Part

or hearing train, held for jury. M.G.L.A. c. 160 § 232.

Lane v. Boston & M.R.R., 192 N.E. 597, 288 Mass. 277.

Whether motorman of trolley car, struck by train at grade crossing, observed regulation of department of public utilities by stopping car within required distance from crossing and again at point clear of railroad track before crossing, held for jury in his action for injuries.

Lane v. Boston & M.R.R., 192 N.E. 597, 288 Mass. 277.

⇒297(8)-297(9). *For other cases see earlier editions of this digest, the Decennial Digests, and WESTLAW.*

## (F) ACCIDENTS AT CROSSINGS.

### Research Notes

Railroads, see West's Federal Forms.

⇒298-299. *For other cases see earlier editions of this digest, the Decennial Digests, and WESTLAW.*

### Library references

C.J.S. Railroads.

⇒298. Public or private character of crossings.

### Library references

C.J.S. Railroads § 710 et seq.

⇒300. — Crossings by license or custom.

Mass. 1961. Although street as public way ended at railroad right of way, the fact that traveled way continued across the tracks and railroad had maintained planking and blacktopped surfacing for period of years amounted to an inducement by railroad to highway users to use the crossing.

Nickerson v. Boston & M. R. R., 173 N.E.2d 248, 342 Mass. 306.

Presence of "railroad crossing" signs and maintenance by railroad of planking and black-top at crossing did not establish prescriptive right of way across tracks at which street ended, although traveled way continued across tracks. M.G.L.A. c. 160 § 114.

Nickerson v. Boston & M. R. R., 173 N.E.2d 248, 342 Mass. 306.

Mass. 1959. Existence of well-worn path crossing railroad tracks was not sufficient to establish an invitation to public to use such a path to cross railroad tracks, and passive acquiescence on part of railroads or their employees and failure to prevent such use could not be construed as an invitation or inducement, express or implied.

Sawler v. Boston & A.R. Co., 157 N.E.2d 516, 339 Mass. 34.

Mass. 1958. Where proposed evidence of administrator went no further than to show passive acquiescence by railroad in use of crossing by interstate and other pedestrians, who lived in neighborhood of rear of railroad station, rights of interstate rose no higher than those of a licensee, and administrator could not recover from railroad for death of interstate who was struck by train while he was crossing tracks, without proof of willful, wanton or reckless conduct on part of railroad.

Canty v. New York, N.H. & H.R. Co., 147 N.E.2d 801, 337 Mass. 38.

Mass. 1952. Mere passive acquiescence by railroad in use made of private crossing by public was not equivalent to implied invitation for motorist, killed by train in crossing accident, to use such crossing.

Pooles v. Boston & Maine R.R., 102 N.E.2d 433, 328 Mass. 165.

Where there was no evidence that railroad extended express invitation or any inducement to motorist to use private crossing, motorist who used such crossing for personal benefit was mere licensee and administratrix, in order to recover from railroad for motorist's death in crossing accident, was required to prove that railroad was guilty of willful, wanton or reckless conduct.

Pooles v. Boston & Maine R.R., 102 N.E.2d 433, 328 Mass. 165.

Mass. 1951. In action by truck driver's administrator to recover for death and conscious suffering of plaintiff's interstate as result of crossing collision on private way, plaintiff could not avail himself of any implied invitation given by superintendent of farm upon which crossing was located, for decedent to use crossing, since owner of private way crossing track is not authorized to extend right to others.

Neofotistos v. Trustees of N.Y., N.H. & H.R. Co., 96 N.E.2d 167, 326 Mass. 647.

Mass. 1946. Where there was no evidence that an express invitation was extended to automobile occupants to use a crossing, plaintiffs in order to recover for their deaths against railroad in a crossing accident were required to show that interstates were impliedly invited to use the crossing by some inducement held out by railroad, and mere passive acquiescence by railroad in use made of crossing by the public was not equivalent to an invitation nor inducement, nor could failure to take active measures to prevent such use of the crossing be construed as an invitation.

McCarthy v. Boston & M.R.R., 66 N.E.2d 561, 319 Mass. 470, 167 A.L.R. 1250.

Mass. 1942. A truck driver, colliding with railroad train at grade crossing of narrow private dirt road, connecting highway with

For legislative history of cited statutes

# RECENT MASSACHUSETTS CASES

19 Mass D 2d—86

## 300 RAILROADS

### (F) ACCIDENTS AT CROSSINGS.

#### Research Notes

Railroads, see West's Federal Forms.

#### Library references

C.J.S. Railroads § 710 et seq.

300. — Crossings by license or custom. Mass. 1939. In action for death of truck driver and for damages to truck resulting from train collision at private crossing, plaintiffs were required to establish that railroad owed them the duty of due care, which depended upon whether truck driver was using private crossing as an invitee or as a bare licensee or trespasser.—Cooley v. Boston & M.R.R., 21 N.E.2d 953, 303 Mass. 371, 122 A.L.R. 1166.

### (G) INJURIES TO PERSONS ON OR NEAR TRACKS.

#### Library references

C.J.S. Railroads § 897 et seq.

359(2). Children. Railroad was not liable for death of youths standing on railroad track when they were struck by train under theory of ordinary negligence pursuant to railroad exception of the Wrongful Death Act; standing on railroad track was violation of statute, and thus, was activity "contrary to law" which triggered exception. M.G.L.A. c. 160, § 218.—Gage v. City of Westfield, 532 N.E.2d 62, 26 Mass.App.Ct. 681, review denied 536 N.E.2d 1093, 404 Mass. 1103.

Mass.App.Ct. 1988. By enacting child trespasser statute, legislature did not impliedly repeal portion of statute exempting railroad operator from liability for negligence in regard to persons on tracks contrary to law, and thus, wrongful death action could not be maintained against railroad on behalf of teenager who was killed while walking on railroad tracks. M.G.L.A. c. 229, § 2; c. 231, § 85Q.—Jad v. Boston & Maine Corp., 530 N.E.2d 197, 26 Mass.App.Ct. 564, review denied 536 N.E.2d 612, 404 Mass. 1102.

Even if child trespasser statute and railroad liability exemption statute were inconsistent, child trespasser statute would not necessarily supersede railroad operator's exemption from liability for negligence; exemption for railroad operator provided limitation upon liability only in narrow and specific circumstances, whereas child trespasser statute applied to any artificial harm. M.G.L.A. c. 229, § 2; c. 231, § 85Q.—Id.

401(8). Contributory negligence. Mass. 1987. Child who was 16 when he was struck by train while trespassing on railroad track was not entitled to instruction that railroad employees could not rely on children to remove themselves from peril of oncoming trains. M.G.L.A. c. 231, § 85Q.—McDonald v. Consolidated Rail Corp., 502 N.E.2d 521, 399 Mass. 25.

### (H) INJURIES TO ANIMALS ON OR NEAR TRACKS.

436. — Time to sue and limitations. See also LIMITATION OF ACTIONS.

### (I) FIRES.

475. — Time to sue and limitations. See also LIMITATION OF ACTIONS.

## RAPE

The headings and/or sub-headings of this topic have been changed to read as follows:

- I. OFFENSES AND THEREFOR, 1-19.
- II. PROSECUTION, 20-62.
- (A) INDICTMENT AND INFORMATION, 20-35.
- (B) EVIDENCE, 36-54.
- (C) TRIAL AND REVIEW, 55-62.
- III. SENTENCE AND PUNISHMENT, 63-64.
- IV. CIVIL LIABILITY, 65-67.
- I. OFFENSES AND RESPONSIBILITY THEREFOR.

#### Research Notes

Mass.Prac.Series, Criminal Law.

#### Library references

C.J.S. Rape § 1 et seq.

1. Nature and elements in general. Mass. 1992. Statutory rape is a strict liability crime. M.G.L.A. c. 265, § 23.—Com. v. Knap, 592 N.E.2d 747, 412 Mass. 712.

Mass. 1989. Rape required penetration of victim's vagina by sexual intercourse or by some object, accomplished by force or threat of force by defendant; specific intent was not required. U.S.C.A. Const.Amend. 14.—Com. v. Troy, 540 N.E.2d 162, 405 Mass. 253.

Mass.App.Ct. 1991. Crime of kidnapping may provide essential predicate for aggravated aspect of rape only if evidence demonstrates that rape took place during commission or attempted commission of kidnapping. M.G.L.A. c. 265, § 22(a).—Com. v. Kickery, 583 N.E.2d 869, 31 Mass.App.Ct. 720.

Restraint imposed on victim by defendant prior to and during rape did not constitute crime of kidnapping, which thus could not form predicate for aggravated aspect of rape; victim willingly accompanied defendant to where rape eventually occurred and any confinement of victim during rape itself did not exceed restraint which was incident to rape and thus did not constitute separate crime of kidnapping. M.G.L.A. c. 265, § 22(a).—Id.

Although defendant's conduct in tying victim to tree and leaving her that way constituted kidnapping, such kidnapping took place after rape and thus rape was not aggravated by that crime. M.G.L.A. c. 265, § 22(a).—Id.

Mass.App.Ct. 1991. Rape is "aggravated" if it is committed through joint venture.—Com. v. Fosse, 568 N.E.2d 1167, 30 Mass.App.Ct. 384, review denied 573 N.E.2d 984, 410 Mass. 1101.

Mass.App.Ct. 1987. Act of forcing female victim to penetrate vaginas of two other females, who consented, with her tongue constituted rape; forced unnatural sexual intercourse is punishable as rape, and there is no requirement that the unnatural sexual intercourse be performed or committed "on" or "upon" person named as victim in indictment. M.G.L.A. c. 265, § 22(a).—Com. v. Guy, 513 N.E.2d 701, 24 Mass.App.Ct. 783.

Mass.App.Ct. 1986. Assault and battery by means of dangerous weapon provided essential predicate for aggravated aspect of conviction of aggravated rape. M.G.L.A. c. 265, § 15A, 22.—Com. v. Hastings, 493 N.E.2d 508, 22 Mass.App.Ct. 930, review denied 497 N.E.2d 1096, 398 Mass. 1102.

Mass.App.Ct. 1983. Com. v. Atkinson, 443 N.E.2d 1371, 15 Mass.App. 200, review denied 448 N.E.2d 766, 388 Mass. 1104.

5. Intent. Mass. 1989. T. monwealth is not showing that defendant did not believe reasonable belief. Ascolillo, 541 N.

6. Force. Mass. 1991. fear in which circumstances and defendant's tion of whether and against vic to use of physic —Com. v. Car 648.

Fact that de not mean that would arrest intercourse w did not show take defendar face value an were sufficient rape statute.

Force need on circumsta physical force although if force it must against will.

Strict rea Commonwe injury to p that Commu al intercou against his M.G.L.A. c

7. Carr Mass.Ap is not rec penetration M.G.L.A. N.E.2d 4. N.E.2d 1.

9. — Mass.A nal purp administr unlawful could er seasickn 272, § Mass.Ap

13. — Mass to be sexual intercourse § 22A. App.Ct Mass.

16( Mas sault victim assau N.E.2 506 1

17 M: of th Rape N.E. App. Pu defe 265



## APPENDIX E

Ron Goble, Assistant Director of Safety  
Conrail (Consolidated Rail Corp, based in Philadelphia)  
Philadelphia, PA  
215/209-5533  
12/13/93

- *Called to ask them what they have done to address pedestrian safety*

(He said that he'd try to answer questions - if they weren't within his operational jurisdiction he'd refer me to another office.

He said that they have over 14,000 miles of track. They have similar problems. With this much track, it's almost impossible to keep people off.

The following are methods they use to deal with pedestrian safety:

- He said that pedestrians mostly cross at streets. They have pedestrian crossing gates over the sidewalk at some grade crossings, but this is not very common.
- They put up "no trespassing" signs.
- He said that some municipalities have built overpasses and underpasses. The railroad does not get involved with building these. He said that they have had problems with people throwing things at trains from overpasses. In some cases, they've put fencing around the overpass to block people from throwing things.
- Sometimes the Conrail Police Department make presentations to school children.
- He said that when a new line from Philadelphia to Atlantic City opened, the State of New Jersey became concerned about safety of children/pedestrians because the track goes through suburban neighborhoods. As a result, they passed legislation requiring fencing of all tracks. However, he said that it has not done a whole lot of good. Almost immediately after fences went up, there were holes in them.

He said that pedestrian safety is an almost impossible problem. It is very difficult to keep people away.

Richard Fisher, Director of Rules and Regulations  
Providence and Worcester Railroad  
Worcester, MA  
508/755-4000  
12/10/93

- *Called to ask them what they have done to address pedestrian safety*

When first asked about how they deal with pedestrian safety he commented that it's "a difficult issue."

When asked what they do to deal with "unofficial" grade crossings by pedestrians, he said that there is little they can do:

- They have a police force that escorts people off the tracks.
- They put up no trespassing signs and fencing.
- The engineer blows the horn to warn people off tracks.

They also have Operation Life Saver (OLS), which he says has had a positive impact. He mentioned that Sergeant Bill Hallene of their railroad is the Massachusetts Coordinator of OLS. They send people out into the school system to make presentations. The program has been in place for four years.

They are a freight railroad. They do have some gates for pedestrians but they don't have much else.

They have not built under or overpasses. He said that overpasses open up liability for them because children use them to throw objects at the trains.

When I asked about approximate accident rates, he said he wasn't sure - he'd have to look in his files. He said that they do not have a serious number of accidents. However, someone committed suicide recently. He believes that most of the people who die on the tracks mean to die - they lie down on the tracks. He said that people are not hit just crossing the tracks.

I asked him about stopping time. He said that a train carrying 25 cars, going 25 miles an hour takes 1/2 mile to stop. They really slide, he said. The locomotive itself weighs 2500 tons, each car weighs 35 tons and is allowed to carry up to 100 tons. The metal wheels against the metal track and the weight cause it to slide easily.

He suggested calling Conrail (Consolidated Rail Corp, based in Philadelphia) for more information.

Allen C. Fisher, Director of Safety  
215/209-5533

Jim Griffin  
Metro-North Commuter Railroad Company  
New York, NY  
212/340-3000  
12/13/93

- *Called to ask them what they have done to address pedestrian safety*

When I asked about areas of particular concern to Metro-North, Jim said that the municipal areas are the most problematic.

He said they have a fairly comprehensive fencing program, which includes installation of new fencing and maintenance of existing fencing.

They just finished a \$1 million fencing program in the Bronx. It involved 12 foot chain link fence, which has been very effective.

They have also had problems with people dumping garbage and other debris on tracks and on passing trains. The 12 foot fence is especially effective in dealing with this.

There are overpasses in many locations. This applies to suburban and rural locations due to the fact that there are no grade crossings in New York City (trains are underground). (He said that Long Island Railroad has done a lot with overpasses.)

Most grade crossings are in suburban counties: Westchester, Putnam, Dutchess. Most of these crossings have full protection: gates, lights, bells. In the last four years he said that there has been a lot of upgrading to these systems.

They also use cross-box signs - at some crossings these are the only warnings.

He also said that at most locations, they have single track which is better for safety.

They have used Operation Life Saver a couple of times. In 1987, they gave OLS a locomotive and they went through and stopped at all towns along track. They spent a weekend doing this. Talked to people. People would meet them at the stations and board the train.

Also, once a year they have open houses in the largest "shop locations." Jim Griffin sets up a safety booth, including an Operation Life Saver video on safety - to familiarize the public with grade crossings.

Seth Colwin is the OLS Coordinator. He sends staff into schools.



They have their own program called Metro Man - he's a robot. Remotely-controlled, with voice. They send two people into schools, one to moderate, one to operate Metro Man. He talks to the kids and tells them not to trespass, not to ride their bikes on the tracks, etc.

They visit about 12 schools a month, from Danbury to the Bronx and Westchester. They even go into places that they don't service. The program has been well-received. Most schools have asked them back. They modify the program for different age groups. The program is run by the Public Relations office and safety officers.

To sum up, he said their most successful safety efforts have been a program of fencing, Operation Life Saver, and School programs.

Ed Doggett, Division Superintendent  
Burlington Northern Railroad  
Chicago, IL  
708/780-5300  
12/27/93

*• Called to ask about project updating seven pedestrian crossings on their Aurora-Chicago commuter rail line (article in Railway Track & Structures citing these as "crossing warning projects.")*

He said that this was a joint project with the Illinois Department of Transportation and ?. However, he doesn't know the date of these projects and is not aware of any new signal circuitry, just updating to new ADA guidelines. He said that to get all the information I need, I'd have to ask a few different people. He said to send a letter asking the information I need, and he'll pass the questions on to the appropriate people.

Address letter to:

Ed Doggett, Division Superintendent  
Burlington Northern Railroad  
5601 West 26th Street  
Cicero, IL 60650

## PEDESTRIAN SAFETY MEASURES USED BY OTHER RAILROADS

Commuter Rail Board (Metra)  
Chicago, IL  
Don Ward, Manager of Safety  
312/322-6900

• *Called to ask them what they have done to address pedestrian safety and whether they have installed grade-crossings for pedestrians, overpasses, underpasses, etc.*

Metra owns and runs four rapid transit lines: Rock Island, Milwaukee, Southwest, Metro Electric

They lease out two: Burlington Northern, Chicago Northwestern

Some areas of track have fencing, others don't  
Have started community outreach program: "Operation Life Saver" - to educate community on railroad safety. He says it has been very successful. Says that fatality rate has dropped. Last year 4, this year 2.

They make some arrests of pedestrians crossing tracks.

They have some at-grade crossing, mostly at stations.

On the Burlington Northern, have pedestrians crossing at grade at road crossings - with standard crossing gate.

Recently there has been a rash of incidents with 2 deaths a week apart at the same crossing gate.

There is only one underpass that he knows of - on the Chicago Northwestern near a military base.

Engineers blow whistles when they see a pedestrian on the tracks. However, many towns have no whistle laws. Engineers regularly blow horns at official road crossings.

## OPERATION LIFE SAVER

Don Ward  
Commuter Rail Board (METRA)  
Chicago, IL  
312/322-6900

### BACKGROUND:

- Operation Life Saver (OLS) is a nation-wide, non-profit program based in Richmond, VA. Each state has its own committee and works with interested railroads. The Federal Railroad Administration supports Operation Life Saver.
- The program has been in existence in Illinois since 1988 but METRA did not fully endorse it until last year.

### FORUMS:

- OLS trains people to give presentations. METRA has a number of employees trained - a conductor, an engineer, safety officer, and others.
- METRA gives presentations to schools, business groups, trucking companies, bus companies. They also go to malls and share a booth with the freight railroad and Amtrak at the State Fair.
- METRA visits c. 500-700 schools each year. Don Ward says that 25,000 students have gone through OLS presentations.

### EDUCATIONAL TOOLS:

- Educational Tools: Coloring books for young children, crayons engineer's hats, gliders, pens, pencils - all with the phrase "Look, Listen, Live." There are handouts for adults. Some bilingual materials - Spanish coloring book. They also have numerous videos - 30 videos they created on their own with funding from OLS. They also use the Federal Railroad Administration's videos (there is an office in Chicago).
- Advertising: METRA places posters on trains & with state funding, has used billboards.

### COST:

- Each of the railroads in the 6-county area pay \$1-\$2 per grade crossing to the program. In 1992, METRA paid \$1,000 (approx. 500 grade crossings) to the State fund.

## **EFFECTIVENESS / RESPONSE:**

- Don Ward believes that the public has been responsive and that it has improved safety. Schools send letters thanking, students send letters. As a result, a policeman has become trained.
- He said that METRA's grade-crossing ratio (I think he meant rate) has been decreasing over the last ten years or so.
- Since the program was established, Illinois has dropped dramatically from being ranked #3 in accidents (with 190 accidents per year). (They ranked right behind Texas which had 290 accidents).
- In 1992, the number of accidents was 40.

## **FATALITIES:**

(His numbers were incorrect last time. This time he checked his files.)

- So far in 1993 = 8 fatalities. 1992 = 16 killed. 1991 = 22 killed.
- No children killed this year. An old lady, about 55-60 years old died. He said that the engineer blew the horn but she walked out on the tracks anyway.
- Many people believe that trains can just "stop on a dime." He said that a fully-loaded passenger train (c. 8,000 commuters) takes approx. 1/4 - 1/2 mile to stop. Trains travel up to 79 m.p.h.

## **ACCIDENT RECORDS:**

- METRA keeps detailed accident records and must submit them to the State every year. When I told him that I had a hard time getting detailed accident records from both the MBTA and Amtrak, he said that all railroads must keep detailed accident records.

Conn DOT, Rail Operations  
Hartford, CT  
David Chase, Rail Operations  
203/566-7044

- *Called to ask them what they have done to address pedestrian safety and whether they have installed grade-crossings for pedestrians, overpasses, underpasses, etc.*

Says that Conn DOT has at-grade crossings only in conjunction with highway crossings. Don't have a fenced right-of-way. Don't have an active pedestrian safety program/system in place.

(Had a fatality recently.)

Engineers blow horn for grade crossings or if pedestrian on the tracks (although residents complain about noise).

Conn DOT will not build any new public crossings. They are trying to eliminate crossings - in fact, state statute prohibits building new crossings on tracks.

Greater Cleveland Regional Transit Authority  
Tom Rabe, Safety Department  
216/566-5100

- *Called to ask them what they have done to address pedestrian safety and whether they have installed grade-crossings for pedestrians, overpasses, underpasses, etc.*

Have rapid transit trains running through residential areas. Dedicated right-of-way. Some at-grade crossings - where roads cross.

Some areas of track are fenced in, some areas are not.

Some areas have plantings to discourage pedestrian use (prickly, thick underbrush)

No underpasses for pedestrians.

Use signage to keep warn pedestrians not to trespass.

Signage is only sporadic.

Don't have special signals, except for gates at crossings.

Engineers will blow horns if see pedestrians on tracks.

Engineers call in to radio control supervisor and report where pedestrians are on tracks, how many etc., so that radio control can warn other trains coming into the area.

Sometimes they send transit police to remove pedestrians.



## APPENDIX F

## WHAT IS OPERATION LIFESAVER?

Operation Lifesaver is an active, continuing public education program designed to reduce the number of collisions, deaths and injuries at highway-railroad intersections. It is sponsored cooperatively by federal, state and local government agencies, civic organizations and the nation's railroads and other organizations interested in highway safety.

To meet its lifesaving goals, Operation Lifesaver is designed to increase public awareness of potential highway-railroad grade crossings hazards and improve driver and pedestrian behavior at these intersections. In conjunction with its education phases, Operation Lifesaver will emphasize engineering improvements, including the installation and upgrading of grade crossing warning signals and signs and the enforcement of existing traffic laws.

### *PROGRAM PARAMETERS*

The four areas of concentration are:

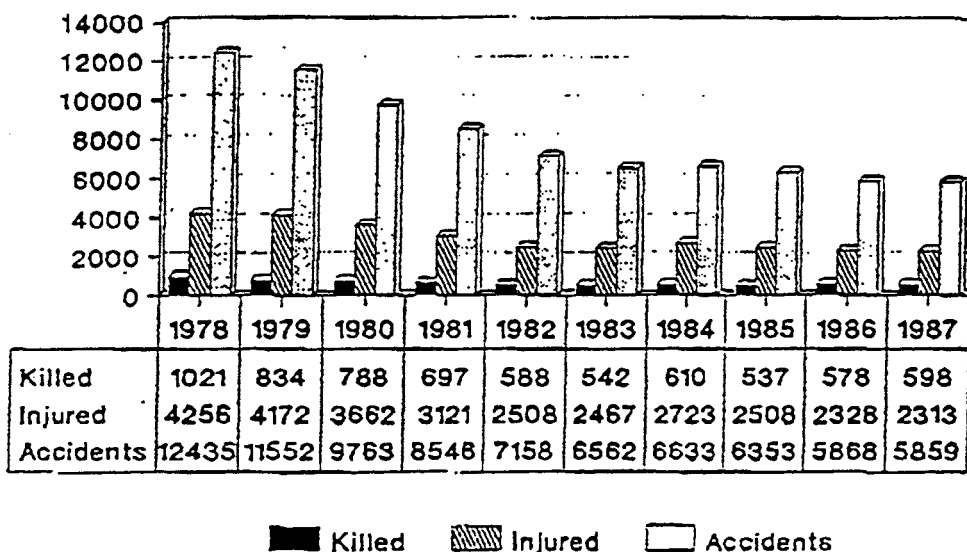
1. **EDUCATION** – Operation Lifesaver's success lies in educating people of all ages as to just how potentially hazardous grade crossings can be. Methods used to reach the public include civic presentations, early elementary and driver education curriculum activities, school bus driver programs, industrial safety, law enforcement programs, and media coverage.
2. **ENFORCEMENT** – If existing laws governing motorist and pedestrian rights and responsibilities at grade crossings are not enforced, they will be ignored and broken. State and local law enforcement agencies should be urged to "crack down" on motorists and pedestrians who disregard these laws and jeopardize their lives as well as the lives of others.
3. **ENGINEERING** – To ensure its continued effectiveness, the administration process of improving grade crossings should be reviewed and needed changes should be made. The public should be made aware of federal, state and railroad programs that plan, install and maintain grade crossings.
4. **EVALUATION** – To make sure the quality of Operation Lifesaver is maintained, its efforts should be measured against its stated goals. Such evaluations should be performed at the state level by the program coordinator to evaluate the program in their state and at the national level by Operation Lifesaver, Inc., to evaluate the impact of the program nationwide.



## WHY OPERATION LIFESAVER?

Railroads have long been concerned about the injuries and needless loss of life caused by these collisions. To reduce these collisions the railroads joined with the communities they served to up grade crossings and install additional active warning devices. It was believed that this action has significantly reduced the number of grade crossing collisions. However, despite these stepped up efforts, the number of people killed and injured did not decrease as much as expected. Too often motorists drove around the lowered crossing gates and past the flashing lights. (See appendix FRA Stats)

### Rail-Highway Crossing Accidents Involving Motor Vehicles at Public Crossings, 1978-1987



Source: Federal Railroad Administration

Collisions at highway-railroad grade crossings continue to occur. These collisions occur at all hours of the day and night, in rural and urban locations and at grade crossings with and without active warning devices, resulting in hundreds of fatalities and thousands of injuries each year.

## HISTORY OF OPERATION LIFESAVER

### EARLY EFFORTS

In 1972, the Union Pacific Railroad, working with the support of many Idaho communities, helped institute an Operation Lifesaver program in that state. During the first year, fatalities dropped 39 percent. Encouraged by these results, the Union Pacific helped Nebraska start a statewide program. Again, significant results. Fatalities went down 46 percent!

### FURTHER RESULTS

These two programs were the catalysts for other railroad-state Operation Lifesaver programs. Each railroad, each state and each community approached the program differently. Some implemented the program by establishing an extensive committee structure. Others managed to do it all with a small centralized group. However, the key to success was a "grass roots" approach with each Operation Lifesaver program enlisting volunteer help from state, county and local levels of government, industry, the railroads and the general public.

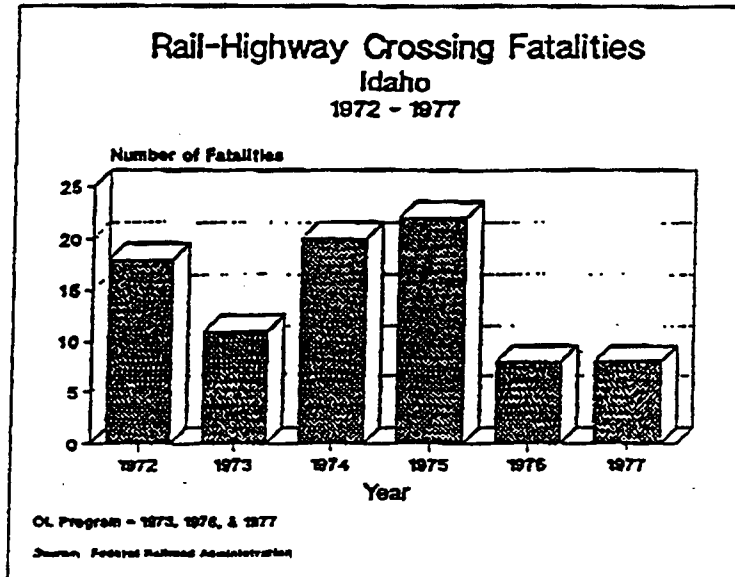
In other states at the end of the first year of Operation Lifesaver fatality reductions ranged from 28 percent to 64 percent.

Alabama	28%	Missouri	40%
Georgia	64%	Utah	59%
Kansas	47%	Virginia	50%

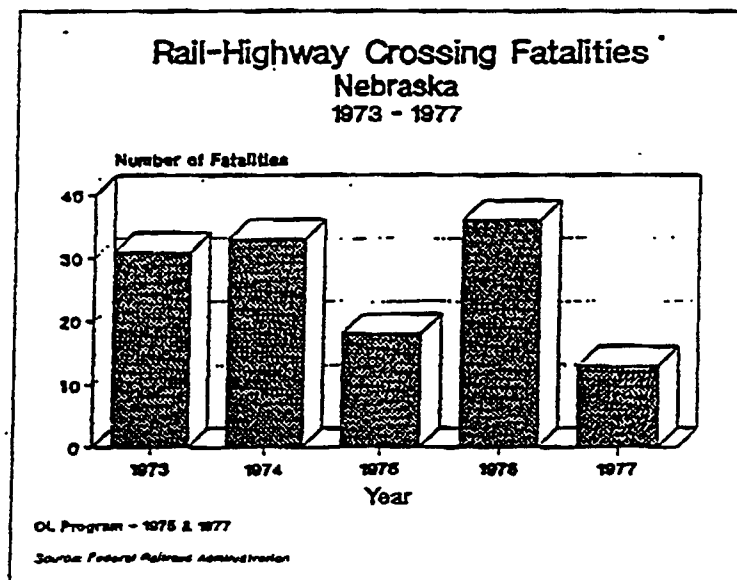
### POST CAMPAIGN RESULTS

A key point of the Operation Lifesaver program is that it cannot succeed if it is a "one shot" effort. Unless Operation Lifesaver is ongoing, fatalities will rise to their previous levels. The following graphs illustrate this point.

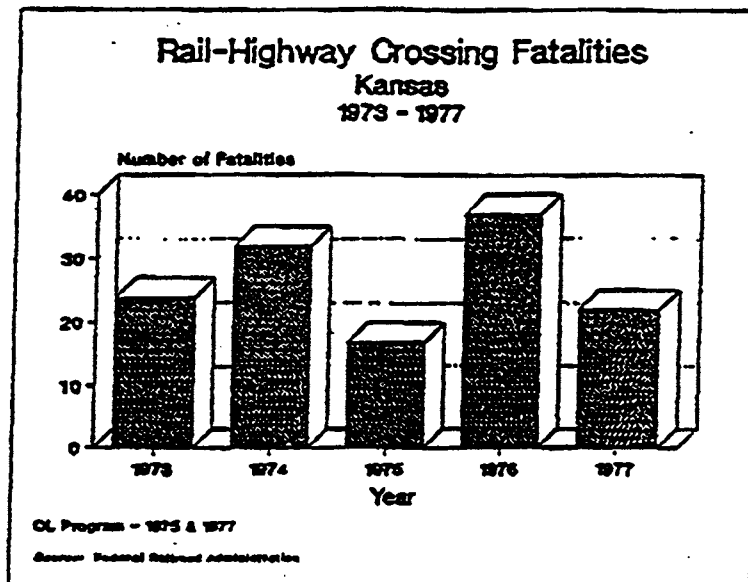
Number of rail/highway grade crossing fatalities in Idaho per year from 1972-1977. Operation Lifesaver existed in Idaho during the years 1973, 1976, and 1977.



Number of rail/highway grade crossing fatalities in Nebraska per year from 1973-1977. Operation Lifesaver existed in Nebraska in 1975 and 1977.

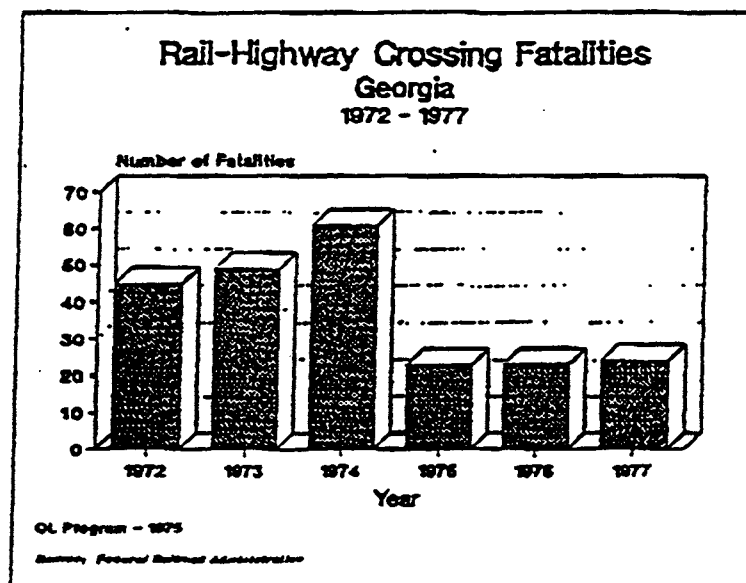


Number of rail/highway grade crossing fatalities in Kansas from 1973-1977.  
Operation Lifesaver existed in Kansas in 1975 and 1977.



In Georgia, a Continuous Operation Lifesaver program has resulted in a reduction of fatalities.

Number of rail/highway grade crossing fatalities in Georgia from 1972-1977.  
Operation Lifesaver has been in effect in Georgia since 1975.



## NATIONAL PROGRAM

Although the very strength of Operation Lifesaver lay in its railroad community cooperative effort, the lack of a national focal point precluded an effective exchange of information. Often films developed for one program went unused by another and one successful state organization was unknown to another. In other words, the best and worst of all efforts went unrecorded. It became increasingly evident that there was a need for a national "umbrella organization" to collect information on all program efforts and to assist all states in preventing grade crossing accidents.

The National Transportation Safety Board participated by having their field personnel, whenever possible, act as catalysts to bring Operation Lifesaver into those states within their individual regions of responsibility. NTSB further believed that the program's strongest characteristic—a railroad industry, government, community, grassroots involvement—should be carefully maintained. Federal agencies were, of course, interested in the program, but NTSB thought it best to preserve the unique attributes of a "do-it-yourself" individualized state program.

Thus, on November 3, 1977, NTSB recommended that the National Safety Council (NSC), a private, nonprofit, nongovernmental organization, serve as an Operation Lifesaver catalyst. This recommendation stated:

*"...that the National Safety Council: Serve as a national focal point and coordinator for total development, implementation, and evaluation of a nationwide Operation Lifesaver railroad highway grade crossing safety program. This program should be undertaken with the full support and cooperation of all interested groups and agencies, especially the Association of American Railroads, the International Association of Chiefs of Police, the National Highway Traffic Safety Administration, the Federal Highway Administration, the Federal Railroad Administration, and the States. (Class II, Priority Action) (H-77-25)."*

The National Safety Council administered Operation Lifesaver from January 1978 to July 1986.

During late 1986, Operation Lifesaver, Inc., was formed as a non-profit organization, established by the Association of American Railroads (AAR), National Railroad Passenger Corporation (AMTRAK) and the Railway Progress Institute (RPI), to serve as the national umbrella organization for Operation Lifesaver.

**OPERATION LIFESAVER - PRESENTER'S TRAINING**  
**TABLE OF CONTENTS** ~~MANUAL~~ **MANUAL**

<b>SECTION I</b>	<b>Kindergarten through 3rd Grade Presentation</b>
<b>SECTION II</b>	<b>4th through 7th Grade Presentation</b>
<b>SECTION III</b>	<b>Teenager Presentation</b>
<b>SECTION IV</b>	<b>Teenage or Adult Alternate Presentation</b>
<b>SECTION V</b>	<b>Adult Presentation</b>
<b>SECTION VI</b>	<b>Professional Drivers Presentation</b>
<b>SECTION VII</b>	<b>School Bus Driver Presentation</b>
<b>SECTION VIII</b>	<b>Police and Government Agencies Presentation</b>
<b>SECTION IX</b>	<b>News Media Interviews</b>
<b>SECTION X</b>	<b>Operation Lifesavers National and State Statistics</b>
<b>SECTION XI</b>	<b>State and Local Statutes</b>
<b>SECTION XII</b>	<b>Crossing Warning Information</b>
<b>SECTION XIII</b>	<b>Most Common Questions Asked During a Presentation</b>

## EDUCATION

Informing the public about potential grade crossing hazards and how to avoid a collision at these intersections, is the most important task facing the Coordinating Committee. This differs from media campaigns that simply make the public aware of the grade crossing situation.

One effective way to reach the public is on a personal level such as through classroom instruction, speaker's presentations and handout materials. The purpose of this section is to discuss the types of audiences and the best way to present the Operation Lifesaver message to them. (Information pertinent to the Operation Lifesaver organizations and grade crossing safety, including common collision causes and correct driver actions, can be found in the Speaker's Bureau section).

The first educational responsibility of the Coordinating Committee is to plan and implement educational activities that can reach the entire population. Then, based on the results of tasks outlined in the Programming section, additional educational activities can be directed towards particular target groups and areas. The degree of concentration should be based on the extent of the problem and the available financial and worker resources.

The success of Operation Lifesaver educational activities will be greatly enhanced if the Coordinating Committee has the support and close cooperation of the states Department of Education. By involving this department, established channels of communication to school administrators and teachers will be available.

Also, by working with the appropriate state agencies, it is possible to implement education activities that will continue automatically on a regular basis. One goal would be having grade crossing safety made a part of the high school driver education curriculum. This is one method of ensuring that Operation Lifesaver will be a continuing program.

To date, successful Operation Lifesaver educational activities have been geared toward three age groups:

1. Pre-school and early elementary students
2. High school students
3. Adults

Although many Operation Lifesaver materials are designed for use by one age group, a number of the materials are interchangeable.

## ENFORCEMENT

If all motorists obeyed existing laws governing driver action at grade crossings, there would be few, if any, grade crossing collisions. Unfortunately, too many motorists do not exercise good judgment and ignore warning signs and signals. And, as long as these drivers believe they will not be stopped and/or ticketed by law enforcement officials when they break these laws, many will continue to take dangerous risks at grade crossings. Teaching drivers about the potential hazards of grade crossings is one way to encourage them to obey these laws.

Because of motorist disregard of grade crossing laws, representatives from the Coordinating Committee should meet with the State Association of Police, state police, local police chiefs and railroad police to discuss Operation Lifesaver and secure their participation in the program. Close contact with local law enforcement agencies should be maintained in order to keep interest in the program at a high level.

State and local enforcement officers can publicize their concern for grade crossing safety within their communities during talks to school groups and civic organizations. Also these officials should be encouraged to issue warning citations or tickets to motorists who violate grade crossing laws. Where implemented, the issuance of warning citations has been an effective way of improving driver action at grade crossings.

The court system can also take an active role in Operation Lifesaver. For example, Coordinating Committee representatives should urge the courts to set higher priorities for grade crossing violations and to incorporate crossing laws into the traffic school curriculum.

Another enforcement related activity is to ask city and county officials to identify the most hazardous grade crossings within their jurisdiction. If advance warning signs are not located at these crossings endeavor to have them erected. Motorists should be advised of new installations through the media and enforcement officials should be urged to give more attention to driver actions at these crossings.



## ENGINEERING

Hand in hand with the need to inform people of all ages about potential grade crossing hazards is the need to make grade crossings as operationally safe as possible within the financial constraints of improving all crossings. A study will be needed to determine the current status of your state's grade crossing environment, recommended improvements and how to make these improvements.

Much of the information you will want is probably readily available from either government agencies or the railroads. The results from this study will provide important back-up information that will be beneficial in all Operation Lifesaver phases.

Some topics a study should cover are:

1. The locations and meanings of signs and signals used at grade crossings.
2. The funding of improvement programs and the parties responsible for such improvements.
3. The administrative and engineering procedures required to improve grade crossings.
4. The role and use of the state's or the Federal Railroad Administration's grade crossing inventory.
5. The "systems approach" to grade crossing improvements, especially at the local level.
6. The identification of problem areas through the use of accident reports.
7. The procedures for improving railroad or highway operations at grade crossings.
8. The procedures for removing brush and other sight obstructions in the grade crossing area.
9. The identification of abandoned or unused grade crossings and the procedures for having them removed.

As part of Operation Lifesaver, appropriate state and railroad officials should meet to discuss their state's grade crossing improvement program and to work to resolve related problems. How Operation Lifesaver can enhance existing programs should also be on the agenda. For example, the public should be informed about available grade crossing improvement programs and how they can be started in the community.

Representatives from the Coordinating Committee should meet with local traffic engineers, and school and trucking industry officials to establish the safest routes across railroad tracks for school buses and hazardous materials carriers. If possible, such vehicles should be routed so they do not have to use at-grade crossings. If this is not possible, choose crossing with active warning devices.

## EVALUATION

Each state should evaluate their own program efforts. This evaluation should be shared with Operation Lifesaver, Inc., for evaluation of the combined national effort.

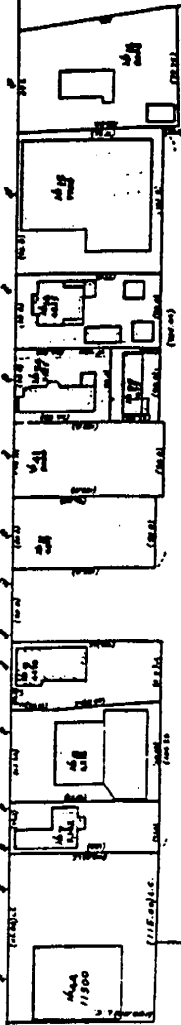


## APPENDIX K

269

RINDGE

AVE.



4.27

MDC

268  
C



Rindge Apartments



4.43

268  
A

265  
CE

BIM RR Flushing Dr.

268B

DRAIN EASEMENT

CITY of CAMBRIDGE  
Scale: 40  
PREPARED FROM PLANS, LAND SURVEY OF  
CAMBRIDGE, MASS. AND ADJACENT TOWNS  
TITLED FROM LAND COURT AND RECORDS  
ALL RIGHTS RESERVED AND PROTECTED  
- PRINTED BY R. L. LADD, 1979 -

268 A

264

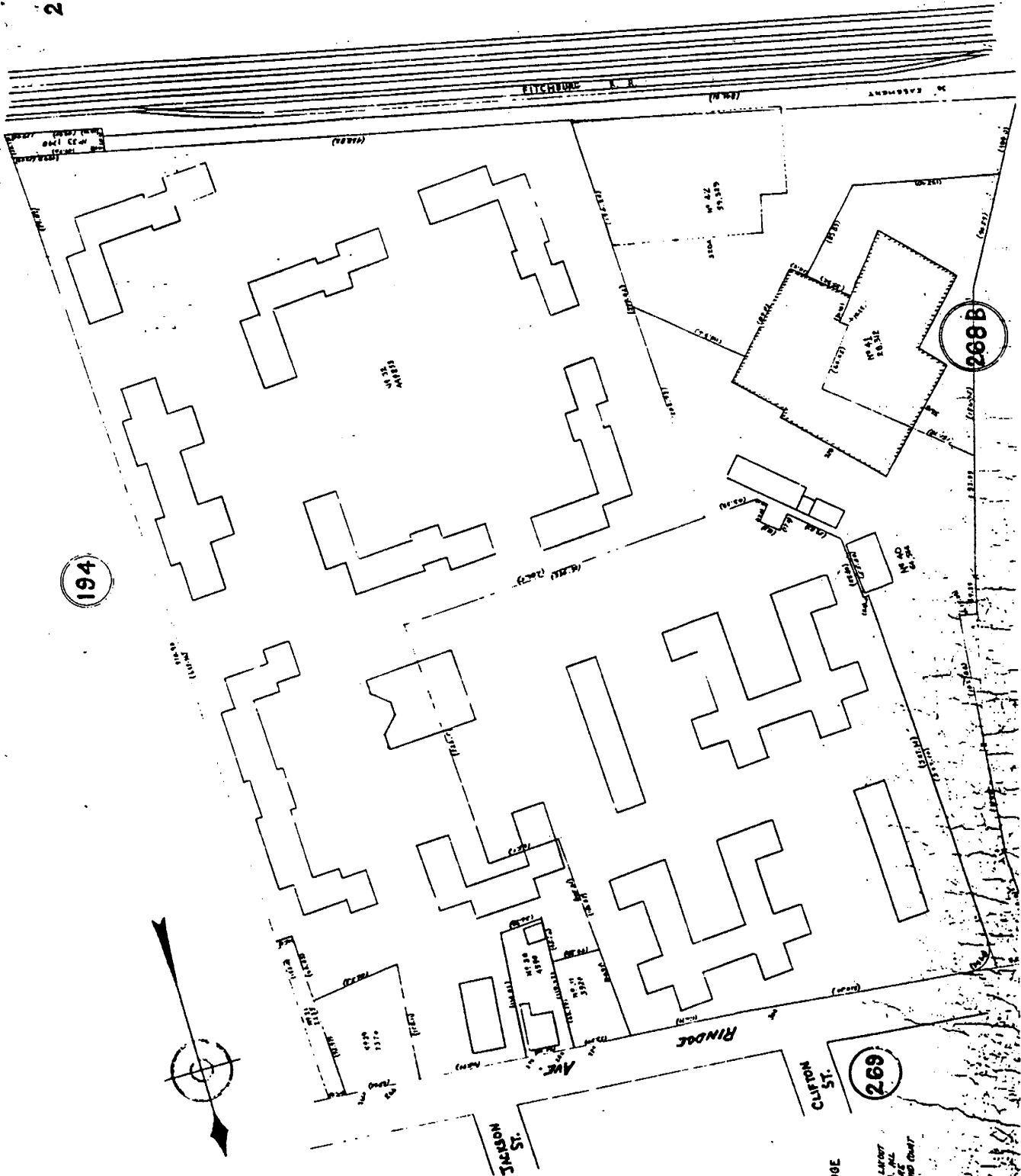
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193

268 B

269

268 A



CITY OF CAMBRIDGE

SCALE 1"=40'

JULY 1911

SHOWING FROM NEW OR LATER  
PLANS ARE IN BRACKETS - ALL  
OTHER DIMENSIONS SHOWN ARE  
FROM THE 1888 & 1896 MAPS  
AND FIGURED 1/2"

194

193

AVE.

RINDGE

CITY OF CAMBRIDGE  
SCALE: 1" = 50' SEPTEMBER, 1978  
DOWNSHORE FROM DEED LAND COURT  
ON LAYOUT PLANS ARE IN BRACKETED  
AND SHOWN IN SMALL TYPE.  
DRAWN BY: A. THOMPSON

80

268

CATHOLIC CEMETERY  
W. 1/2  
100' x 100'

ST.

ST.

195

SARGENT

SHERMAN

PEMBERTON ST.



271

203

194



271

272

CITY OF CAMBRIDGE  
SCALE: 1" = 40' JULY-1979  
DIMENSIONS FROM DEED, LAND COURT  
OR LAYOUT PLANS ARE IN BRACKETED  
LAND COURT MARK I.E. ALL OTHER  
DIMENSIONS ARE MEASURED  
DRAWN BY: AL THOMPSON

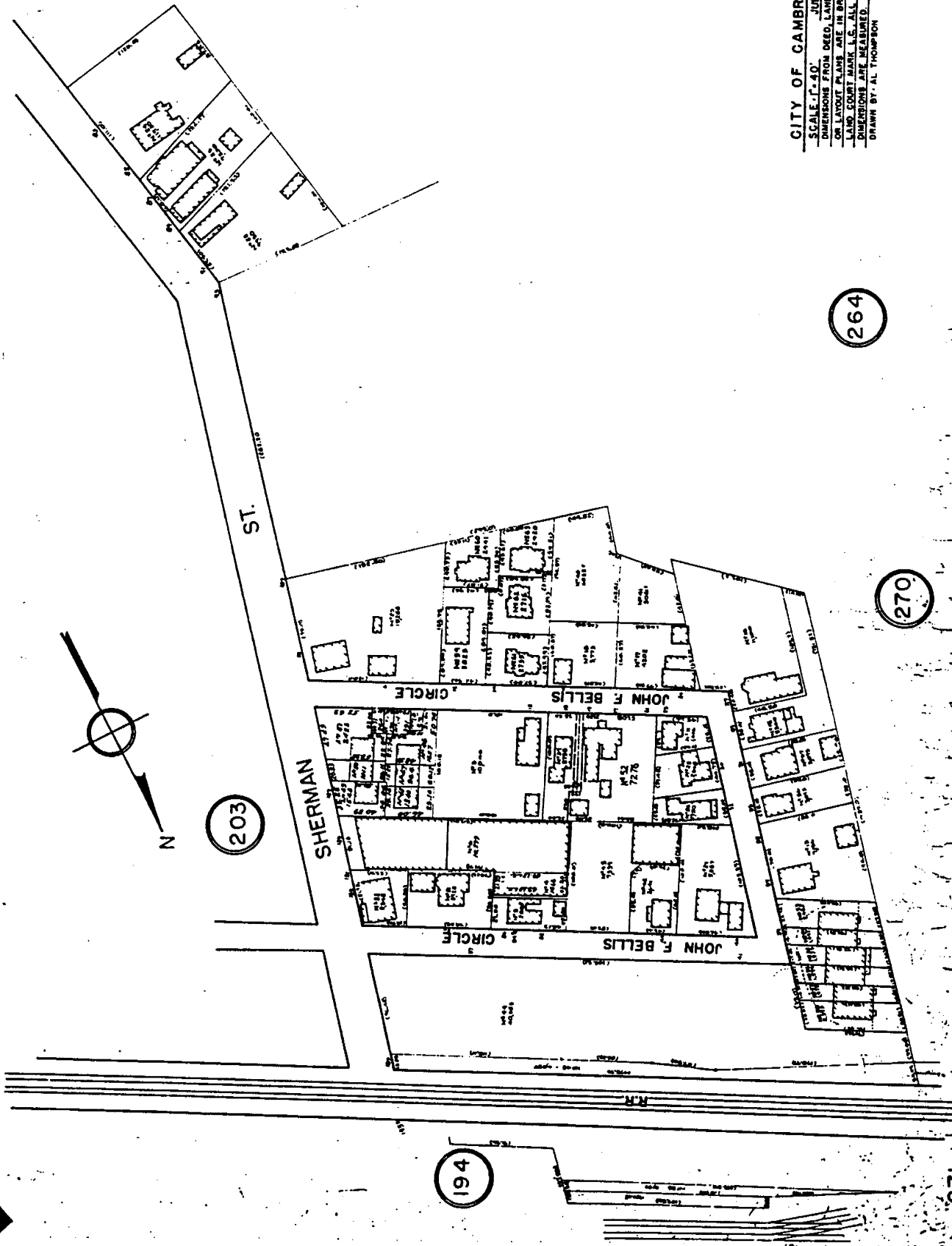
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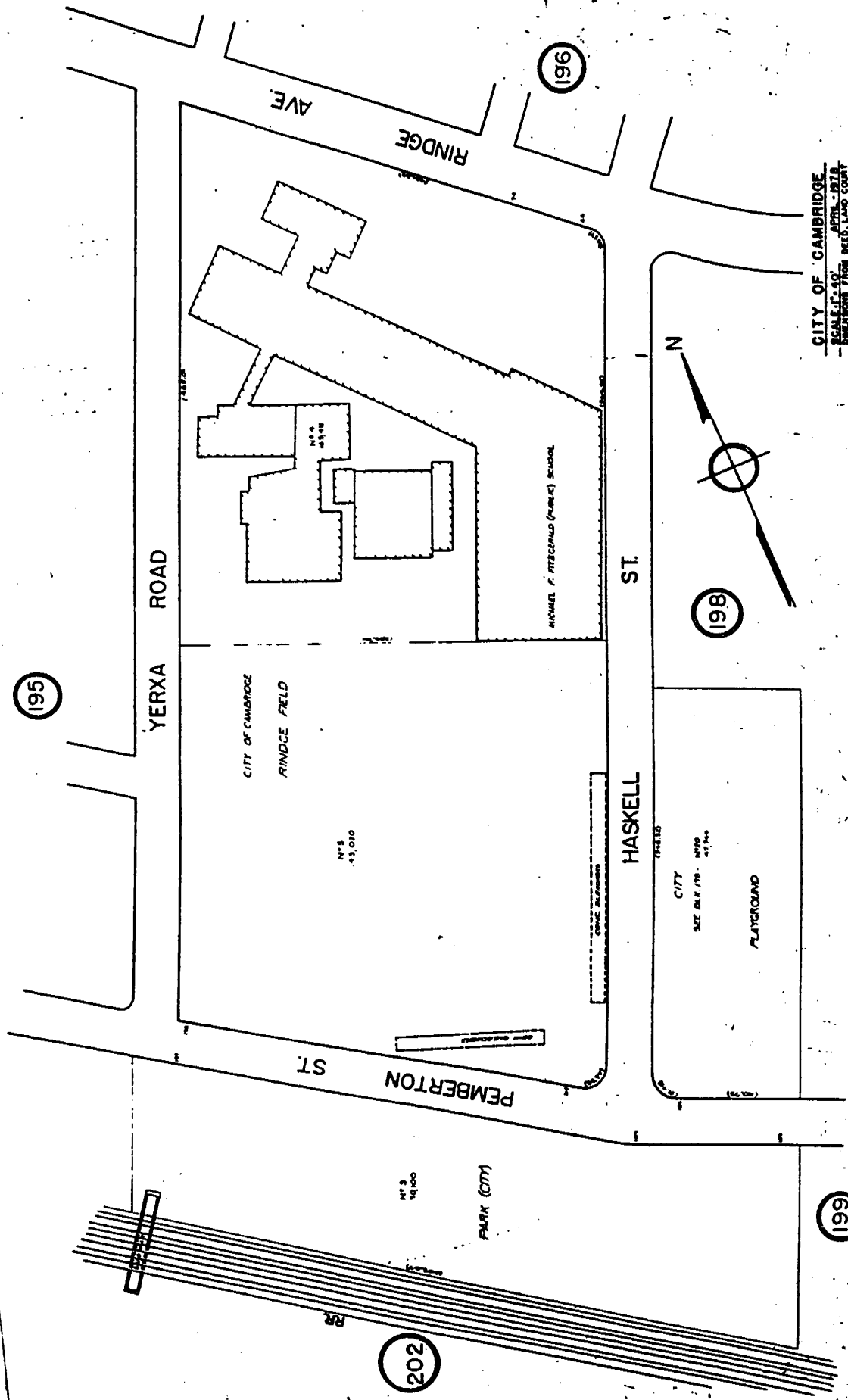
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CITY OF CAMBRIDGE  
SCALE: 1" = 40' APRIL - 1978  
DIMENSIONS FROM DEED, LAND COURT  
OR LAYOUT PLANS ARE IN BRACKETS ( )  
LAND COURT NUMBER L.C. ALL OTHER  
DIMENSIONS ARE MEASURED  
DRAWN BY: M. THOMPSON

20,335

**SHERMAN**

WALDEN SQ. RD.

12

5

BLAIR

**BOLTON**

R. R.

**FITCHBURG**

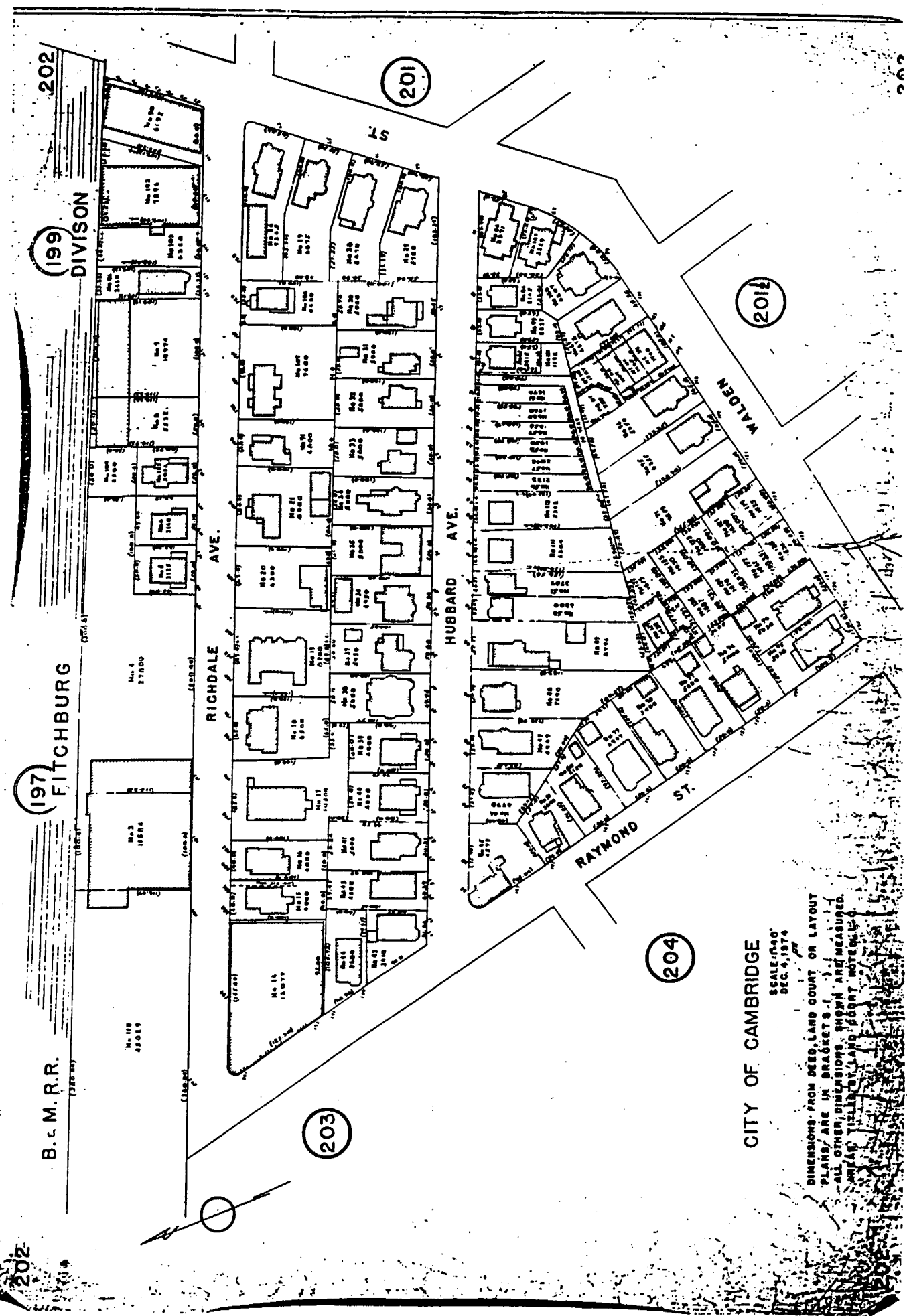
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203

565

**CITY OF CAMBRIDGE**  
SCALE 1" = 40'  
SEPTEMBER 1975  
DIMENSIONS FROM DEED, LAND COURT  
OR LAYOUT PLANS ARE NOT SHOWN  
IN BRACKETS, ALL OTHERS ARE MEASURED.  
AREAS TITLED BY LAND COURT  
ARE MARKED L.C. H.C. JR.

203 A



B. & M. R.R.

(197) FITCHBURG

(199) DIVISON

202

RICHDALE AVE.

HUBBARD AVE.

RAYMOND ST.

WALDEN ST.

201

201

204

203

CITY OF CAMBRIDGE

SCALE: 1"=40'  
DEC. 4, 1974

DIMENSIONS FROM DEED, LAND COURT OR LAYOUT  
PLANS ARE IN BRACKETS.  
ALL OTHER DIMENSIONS SHOWN ARE MEASURED  
ON THE GROUND.

**NORTH CAMBRIDGE RAILROAD SAFETY STUDY  
APPENDIX L**

**June 1994**

**NORTH CAMBRIDGE STABILIZATION COMMITTEE  
CITY OF CAMBRIDGE, MBTA CORRESPONDENCE**

# North Cambridge Stabilization Committee

15 Brookford  
Cambridge, MA 02140  
April 23, 1993

Mr. Edward Handy, Assistant Director for Intergovernmental Affairs  
Community Development Department/City Hall Annex  
59 Inman Street  
Cambridge, MA 02139

RE: *Year #19 (FY '93-'94) CDBG Program*

Dear Mr. Handy:

The North Cambridge Stabilization Committee proposes a significant revision in the recently published Community Development Block Grant plan for the upcoming fiscal year ("Projected Use of Funds for CDBG Program Year #19").

In accordance with federal guidelines and the City's stated CDBG policies and objectives, we ask that funds be allocated to address and resolve a long-standing yet extremely urgent City need—indeed, a matter of life and death for hundreds of Cambridge citizens: the grave safety hazard and major public inconvenience caused by the absence of safe railroad crossings connecting the Jefferson Park area with Danehy Park, and the Fresh Pond Apartments (Rindge Towers) with Fresh Pond Shopping Center.

As you know, this problem has been the subject of public discussion and concern for two decades. According to newspaper accounts over the years, five persons—maybe more—have been struck by trains and killed while crossing the series of railroad tracks adjacent to the heavily populated housing complexes situated along Rindge Avenue. Other pedestrians have been maimed by speeding locomotives, and reports of near-misses abound. Despite the recent death of Elizabeth Ricker, a Fresh Pond Apartment resident who was struck by an MBTA commuter train and killed at this location on March 11, people of all ages continue to stream over the railroad tracks.

Finding and implementing a solution will not be easy. The answer may involve short-term measures (such as fence repairs and security patrols), as well as a comprehensive planning component; the securing of easements; land takings; the design and construction of a ramped overpass; the provision of additional access to the new truss bridge at Alewife Brook Parkway; the creation of an easily negotiated at-grade crossing equipped with warning devices; a more durable fence or barrier system; the

Mr. Edward Handy  
April 23, 1993  
Page 2

building of embankments; or other expensive physical improvements. The process will no doubt require a significant commitment of the City's resources. But in view of the gravity of the problem, the City's protracted failure to remedy it, and the consequent potential for lawsuits—not to mention the fact that human lives are risk—we believe extraordinary expenditures and a rethinking of block grant priorities are justified.

The matter of the dangerous crossings has come before the City Council on several occasions, and the councilors repeatedly have called upon the City Manager to work with the MBTA and other agencies to secure funding for a pedestrian overpass. In 1987, you will remember, after an initial study was undertaken by the Community Development Department, the City Manager declared that "the City and its consultant recognize the importance of public safety and the need to provide safe and convenient ways to cross the railroad" (letter of Robert W. Healy to City Council, 3 Aug. 1987).

In 1988, the City-sponsored North Cambridge Neighborhood Study noted that "the lack of a safe pedestrian crossing at the B&M railroad tracks is extremely dangerous" and warned "that this situation, having already caused a number of fatalities, should be attended to immediately" (p. 13). The CDD joined the neighborhood in formally recommending that the City "improve pedestrian access from the Fresh Pond Apartments/Jefferson Park area to the Fresh Pond Shopping Center and Thomas Danehy Park" (p. 63).

In 1991, as part of the citywide CDBG process, the Stabilization Committee requested the allocation of funds toward "creation of a safe pedestrian walkway and bridge over the railroad tracks," stressing "that now that the Mayor Danehy Park is open and clearly being used heavily by Jefferson Park and Rindge Tower residents, the pedestrian link across the railroad tracks has become an urgent need." Your department denied our request at that time but pledged that the proposal would be considered "as new funding opportunities emerge" (letter of Michael H. Rosenberg to George F. McCray, May 24, 1991).

While we support the many worthy CDBG uses proposed in the City's projected budget—housing rehabilitation and development, historic restoration, open space rehabilitation, to name a few—we believe our proposal addresses a need that is even more urgent, and one that more precisely meets the primary CDBG objectives set forth in the City's March 15 memorandum. (As one city councilor noted during a 1985 Council discussion of the proposed pedestrian overpass, "This bridge is more important than all the parking garages and street and sidewalk improvements in the whole city.") Moreover, since a safe railroad crossing will directly benefit the large concentrations of low- and moderate-income persons who live in Jefferson Park and the Fresh Pond



Mr. Edward Handy  
April 23, 1993  
Page 3

Apartments, we believe our proposed use of funds better satisfies federal guidelines, which strongly encourage CDBG spending that serves these income groups.

In urging the expenditure of CDBG funds on a safe railroad crossing, we note that official estimates of the cost of building a pedestrian overpass have steeply escalated over the years, from \$250,000 in 1976, to \$1 million in 1985, to \$1.5 million in 1987. Clearly, the City's decision to delay action has not reduced the potential financial costs—and, as the mounting death toll demonstrates, its ostrich-like attitude may have increased the human costs.

We recognize that solving this complicated problem will require the participation of a range of public agencies and private parties, but we believe that the time is long overdue for the City to assume its responsibility and to take the lead in achieving a resolution. An MBTA employee recently observed that it was the City's decision to put a large residential complex on one side of the tracks and a large shopping center on the other, thus assuring the mutual attraction that exists. He also has indicated that the MBTA would be glad to participate in the solution to this problem.

For our part, we will be happy to meet with you and other city officials to discuss this proposal and begin work toward creating the necessary pedestrian crossings. The Stabilization Committee will actively support City efforts to find additional state and federal funding for this project. And we will soon consider earmarking a portion of our annual Stabilization funds to help pay for the needed improvements.

We hope that you, Mr. Rosenberg, and Mr. Healy agree that the City's obligation to protect the public from life-threatening situations demands an immediate reordering of its CDBG priorities. Twenty years of foot-dragging, buck-passing, and excuse-making is enough: the City of Cambridge must eliminate the hazardous railroad crossings in North Cambridge and create reasonable alternatives. We urge you to set aside a major portion of this year's block grant revenues for this terribly important purpose.

Sincerely yours,

Richard D. Clarey, Chair

Peter Cignetti

Michael Brandon, Vice Chair

George F. McCray

# NORTH CAMBRIDGE NEIGHBORHOOD STUDY (CCD)

A-1 (Linear Park), and the Business C-1 (Trolley Square) districts would result in substantial over-development of the neighborhood.

(2) The lack of a safe pedestrian crossing at the B&M railroad tracks is extremely dangerous. The Committee feels strongly that this situation, having already caused a number of fatalities, should be attended to immediately. Many residents, including young children and elderly people, cross the tracks to reach the Fresh Pond Shopping Center. Many more children will use this as a shortcut when the Thomas Danehy Park is completed.

(3) The Committee raised many concerns regarding the land use decision making process in Cambridge. They are confused about the different roles, responsibilities, powers and limitations of the various city boards and the departments that staff them.

(4) One of the strongest and most persistent concerns of the Study Committee centered around the zoning in Trolley Square. Members feel that the entire Business C-1 zoning district is inappropriate.

(5) In particular, Committee members question whether the special permit criteria in Trolley Square are consistent with the objectives of neighborhood residents. In most cases, members believe that the public amenities achieved through the special permit process are not worth the increased density allowed by the permit.

(6) The Committee would like to see regulations adopted along Massachusetts Avenue which would require a more stringent design review process.

(7) The interface between commercial and residential uses is a problem for many residents in certain areas on and surrounding Massachusetts Avenue. Trucks serving businesses use residential streets throughout the day and night. In addition to the noise, other activities, such as early morning trash pickup, also create considerable problems for residents living close to these businesses.

(8) The vision for Alewife as described in the 1979 Alewife Revitalization Plan has not material-

ized. On the contrary, the Committee is concerned with the way in which development has been occurring in this area. Alewife has been compared to a suburban shopping center with too much asphalt, concrete and buildings which do not relate well to each other. Rather than being an environment which is friendly and inviting to people, the area has remained stark, mundane and isolated from the surrounding neighborhoods.

(9) The existing zoning in the Alewife area allows approximately thirteen million additional square feet of development. The Committee believes that if built, this amount of development would have a devastating impact on the area's natural resources. The wetlands serve an important ecological, as well as aesthetic, function and must be protected. Because the entire area is situated in a flood plain, the amount of development and the location and form of the buildings are of particular importance.

(10) The amount of traffic in North Cambridge has increased steadily over the past few years. Increased traffic congestion has resulted in more accidents, greater amounts of noise, trip delays and an overall deterioration in the quality of life. The Committee is concerned that new development will further exacerbate this situation.

(11) The Committee is adamantly opposed to the Massachusetts Department of Public Works proposed Route 2 roadway improvements as presented in the Fall 1988 for the following reasons:

- The proposed roadway will not solve the traffic problem in the Alewife area, but rather, will merely push the traffic further into Cambridge;
- It will exacerbate traffic congestion at the Fresh Pond Reservation rotary, endangering the water supply;
- It is not worth \$40 million of public funds;
- It breaks with a long-standing public policy that through traffic into Boston should not be encouraged;

(13) Improve pedestrian access from the Fresh Pond Apartments/Jefferson Park area to the Fresh Pond Shopping Center and Thomas Danehy Park. This should be done by adding a stairway to the Alewife Brook Parkway bridge to be constructed

by the State Department of Public Works. Once the Thomas Danehy Park is completed and is being used, the feasibility of a pedestrian overpass will be reconsidered.

North Cambridge Stabilization Committee  
c/o 27 Seven Pines Avenue  
Cambridge, MA 02140

April 19, 1991

II

Mr. Edward Handy,  
Assistant Director for Intergovernmental Affairs  
Cambridge Community Development Department  
City Hall Annex  
Cambridge, MA

Dear Ned:

Thank you for extending the time for specific public comment on the City Manager's first-draft recommendations for use of the Year 17 Cambridge CDBG grant. On behalf of the North Cambridge Stabilization Committee, we propose that the following budget categories be adjusted to provide increased funding for urgently needed projects as indicated in Neighborhood 11:

1. Housing Development: \$25,000 to address the problem of large "expiring-use" public housing projects in North Cambridge and to initiate the process of creating tenant ownership opportunities in these buildings.
3. Open Space Rehab: \$47,300 for rehabilitation of Clarendon Ave. Park and \$40,000 to complete renovations of Sleeper Park.
4. Streets/Sidewalks/Trees: \$50,000 for creation of a safe pedestrian walkway and bridge over the railroad tracks that separate Rindge Towers/Jefferson Park from Danahy Park/Fresh Pond Shopping Center.
5. Neighborhood Facilities: \$50,000 toward creation of an Alewife T security substation including improved lighting, closed-circuit TV, and communication hardware to allow improved coordination between various agencies.
7. Special Neighborhood Stabilization Fund: \$75,000 to offset the suggested reduction in total NCSC budget allocation necessitated by inclusion of Neighborhood 12 in the City-funded stabilization program for the Alewife area.
8. Neighborhood Business Rehab & Development: \$50,000 to fund Mass. Ave. storefront and streetscape improvements, reduce vacancies in North Cambridge, and promote ownership and development among minorities, women, and recent immigrants.
10. Comprehensive Planning: \$30,000 for initial studies of Sheridan Square and Trolley Square, including feasibility of mixed-use development of the trolley yard site (as affordable housing, nursing home, public meeting space, NCSC office, day care center, etc.
11. Program Management/Project Execution: \$50,000 toward startup and initial staffing needs of a nonprofit North Cambridge Community Development Corporation.

We look forward to meeting with you and other appropriate staff to provide further details and explain why these programs are crucially important.

Sincerely,

George McCray, Chair

Michael Brandon



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CITY OF CAMBRIDGE  
COMMUNITY DEVELOPMENT DEPARTMENT

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MICHAEL ROSENBERG,  
*Assistant City Manager for  
Community Development*

MARY FLYNN,  
*Deputy Director for  
Community Development*

April 27, 1993

Mr. Richard D. Clarey  
Chairperson  
North Cambridge Stabilization Committee  
15 Brookford Street  
Cambridge, MA 02140

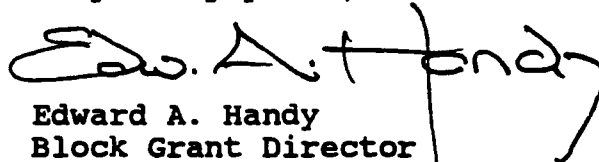
Dear Mr. Clarey:

This will acknowledge receipt of your letter of April 23, 1993 requesting a change in the proposed F.Y.'94 CDBG budget as presented to the public for review in the Cambridge TAB and Chronicle.

Copies of the letter have been circulated to Michael Rosenberg, Eileen Woodford, Stuart Dash and Janet Cudmore-Reale, and we have met together for an initial but in-depth discussion of the proposal.

During next week, Stuart Dash will contact you to arrange a meeting between the North Cambridge Stabilization Committee and our staff. We look forward to further discussion of your proposal at that time.

Very truly yours,

  
Edward A. Handy  
Block Grant Director

cc: Michael Brandon  
Peter Cignetti  
George F. McCray

# NORTH CAMBRIDGE STABILIZATION COMMITTEE

Copy to each  
CC + Mayor  
5/19/93  
SC

May 14, 1993

City Council  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

RECEIVED BY  
OFFICE OF CITY CLERK  
1993 MAY 20 PM 1:43  
CAMBRIDGE MA.

RE: North Cambridge Railroad Crossings

Dear Councillors:

I write to report that the Community Development Department has taken the initiative to gather together the different parties who are interested in the solution to the safety problem. The members of our Subcommittee met with staff members of the Community Development Department and Assistant City Manager Rosenberg on May 6, 1993. At that time, a task force was organized and given various assignments, including communicating with the MBTA, MDC, Conrail and whatever other transportation agencies are involved, commercial interests and nearby residents, with a goal toward bringing them all together and finding interim and then long-term solutions. Our next meeting will be on May 20. We hope to reach a consensus on how best to address this problem, and when we do, we will ask for the Council's support.

Sincerely yours,

*Richard D. Clarey*

Richard D. Clarey

RDC:emc

5255S



**CITY OF CAMBRIDGE**  
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300  
FAX 349-4307

**EXECUTIVE DEPARTMENT**  
**ROBERT W. HEALY**  
City Manager

**RICHARD C. ROSSI**  
Deputy City Manager

October 1, 1993

**Mr. John J. Haley, Jr., General Manager**  
**Massachusetts Bay Transportation Authority**  
**State Transportation Building**  
**10 Park Plaza**  
**Boston, Massachusetts 02116**

Dear Mr. Haley:

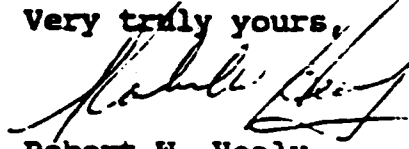
Last May, the City of Cambridge established a task force to look at the pedestrian safety problem along the Fitchberg Division Commuter Line in North Cambridge. This has become a serious problem considering that several fatalities and numerous near misses have occurred in this corridor over the last two decades. I would like to thank you for the cooperation that the MBTA has given to the City in this effort, with special recognition to Patrick Jordan who has been particularly helpful.

We have recently selected the firm of Wallace, Floyd, Associates Inc. in association with Gordon, Bua & Read, Inc. to undertake a Feasibility Analysis Study of Alternatives for Improved Pedestrian Safety in this corridor. We would welcome the full involvement of the MBTA in this effort which will take four to six months to complete. At that time and after reviewing the recommendations, I hope we can all agree on a suitable course of action and begin implementation as quickly as possible.

However, given the severity of the problem, I am requesting that the MBTA undertake some immediate short term actions that will improve safety. Ideally, the best action would be to formalize one or more at grade crossing, such as has been done along the Grand Junction Line in the eastern part of the city. If this proves infeasible at this time, we would at least like the MBTA to install warning/safety signs along the ROW, not just "no trespassing" signs. In addition, we would request that all trains sound their whistles and/or their bells as they pass through the area and most important, slow down. A 50 to 55 mile per hour speed is much too high for such a dense urban area especially one with such a history of pedestrian safety problems.

Thank you in advance for your prompt attention to this request. If you have any questions or require additional information, please contact Mr. Richard A. Easler at the Cambridge Community Development, 57 Inman Street, Cambridge MA 02139 (349-4600).

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", written over a horizontal line.

Robert W. Healy  
City Manager

CC: Patrick Jordan, MBTA Commuter Rail  
George Laite, Sen. Havern's Office  
Lance Campbell, Sp. Flaherty's Office  
Rukiah Abdul-Malik, Sen. Barrett's Office





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**CITY OF CAMBRIDGE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

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**MICHAEL ROSENBERG,**  
*Assistant City Manager for  
Community Development*

**MARY FLYNN,**  
*Deputy Director for  
Community Development*

**October 4, 1993**

**Senator Robert Havern**  
**Attn: George Laite**  
**Statehouse - Rm. 513**  
**Boston, MA 02133**

**Dear Senator Havern:**

Last spring another pedestrian fatality took place in North Cambridge involving a commuter rail train traveling along the Fitchburg Division Line. This has become an all too frequent occurrence over the last two decades especially when the number of non-fatal accidents and near misses are considered. As a result, the City of Cambridge established a task force composed of City officials, community residents, area business representatives, and relevant State agencies, to investigate the problem and make recommendations as to how safe pedestrian movements can be made across this dangerous barrier.

To help the task force in this effort, the City has engaged the firm of Wallace, Floyd, Associates Inc. to undertake a Feasibility Analysis Study of Alternatives for Improved Pedestrian Safety in this corridor. Several of the possible improvements such as overpasses or grade changes could be quite expensive. Therefore, on behalf of the City of Cambridge, I am requesting that you help us by placing a line item in the new Transportation Bond Bill that would provide monies to implement the recommendation of the study and the task force. I am suggesting an amount of at least \$1,000,000 for this project.

One other possible source of help would be the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) Sec.1104 - Congestion Relief Projects. Under subsection (b) of this section, \$1,200,000 in Federal matching money is earmarked "to plan and construct a bicycle and pedestrian path connecting Arlington, Cambridge and Boston, Massachusetts". Implementing this connection from the Minuteman Bikeway to the Charles River bikeway could very logically provide one of the safe crossings needed along the railroad corridor in North Cambridge.

Thank you for your continued cooperation and support in helping to find and implement a solution to this important problem. If you have any questions or require additional information, please let me know as soon as possible.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Richard A. Easler". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Richard A. Easler  
Transportation Coordinator

# NORTH CAMBRIDGE STABILIZATION COMMITTEE

October 12, 1993

John J. Haley, Jr.  
General Manager  
MBTA  
Ten Park Plaza  
Boston, MA 02116

RE: Railroad Accidents Involving Trespassers in North Cambridge

Dear Mr. Haley:

On March 13, 1993, an MBTA Commuter Rail train ran down and killed a North Cambridge woman who was crossing the tracks from her home on the north side to Fresh Pond Shopping Mall on the south side. This was the latest in a long series of deaths that we are aware of. We suspect there are other accidents which we do not know about, both fatal and non-fatal.

Following the March 13 fatality, our Committee and other groups in the City, including the City's Community Development Department, formed a group to work on a solution to this problem. Our group includes representatives of the MBTA.

We were hoping to work on both short-term and long-term solutions. We urged several short-term solutions while we attempted to hire an expert to help us with the long-term solutions, such as bridges or tunnels.

One of those short-term suggestions was to slow the train as it goes through North Cambridge. Your representative said that the commuters from the towns west of Cambridge would object. We suggested the sounding of a bell, but we were told that neighbors would object to being disturbed by the noise. We suggested the flashing of lights along the track from Alewife Bridge to Porter Square, and that was rejected without explanation. I imagine the reason is that the flashing of a light constitutes an admission that you know persons could be on the tracks.

Since you have rejected all of our short-term solutions, I ask that you make some suggestions.

It seems to me that a pleasant sounding bell such as the one sounded when your train enters Porter Square Station, if rung

along the track from Alewife Bridge to Porter Square, would be a very easy remedy which would have no cost. Flashing lights seem cheap and easy also.

It is certain that sooner or later another trespasser will be killed because, as you know, there are large numbers of people who live on one side of the tracks crossing every day to get to stores, playgrounds and schools on the other side.

The MBTA ought to be in a position of having at least attempted to prevent the next tragedy.

Sincerely yours,

*Richard D. Clarey*  
Richard D. Clarey

RDC:emc

cc: Stuart Dash,  
Cambridge Community Development Department

Joseph Joseph,  
North Cambridge Stabilization Committee

ncsc-mbt.ltr

# ***NORTH CAMBRIDGE STABILIZATION COMMITTEE***

October 20, 1993

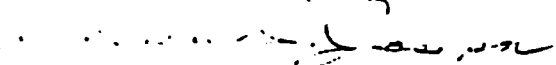
John J. Haley, Jr.  
General Manager  
MBTA  
10 Park Plaza  
Boston, MA 02116

RE: Railroad Safety in North Cambridge

Dear Mr. Haley:

At its meeting of October 13, 1993, our Committee voted unanimously to request that when you or your representative appear at the meeting on November 9, 1993 of the North Cambridge Railroad Safety Committee at the Fitzgerald School, you come forward with short-term suggestions for alleviating the danger that exists as a result of your high speed commuter trains through North Cambridge. In addition to the suggestions mentioned by our former Chairman, Richard Clarey, in his letter of October 12, 1993, we ask you to consider, among others, signage warning of frequent high speed trains.

Sincerely yours,

  
Joseph J. Joseph

cc: Robert Healy, City Manager

# **NORTH CAMBRIDGE STABILIZATION COMMITTEE**

October 20, 1993

Robert Healy  
Cambridge City Manager  
City Hall  
Cambridge, MA 02139

RE: North Cambridge Railroad Safety

Dear Mr. Healy:

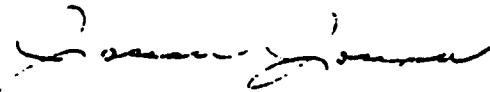
At a meeting of our Committee on October 13, 1993, it was voted unanimously that the Committee urge you personally to intervene to demand short-term solutions to the problem caused by high speed commuter trains travelling through North Cambridge.

The North Cambridge Railroad Safety Committee, which has been working over the months with Mike Rosenberg, Stuart Dash and Dick Easler, has been working hard on the global issues of a long-term solution; but we have been less successful in getting the MBTA to respond to our suggestions that, until the matter can be studied in depth, they devise some interim way to keep the tracks safe. We have suggested slowing the trains, sounding melodious bells, flashing lights and signage.

The MBTA has not responded positively to any of our suggestions. We have asked them to make suggestions when they come to a community meeting on November 9.

In addition, we ask that you consider interim solutions that the City can impose, such as signage and notices to nearby residents.

Sincerely yours,



Joseph J. Joseph

cc: Stuart Dash

ncsc-hea.ltr



# M.E. FITZGERALD SCHOOL



70 RINDGE AVENUE  
CAMBRIDGE, MASSACHUSETTS 02140  
349-6530

---

November 1, 1993

Attached please find a very important notice regarding a meeting on Railroad Safety sponsore by the North Cambridge Stabilization Committee and the Community Development Department. Th meeting will be held on Tuesday, November 9, 1993 at 7:30 p.m. in our school auditorium.

I urge you to attend this meeting. As you know, there are major safety issues for the children and adults living in the North Cambridge area regarding railroad safety. There is also a Survey Form which you may bring to the meeting or have your child return it to his/her teacher before November 9th.

Safety is an issue which effects everyone! Please come to the meeting on November 9th.  
I hope to see you there!

Sincerely,

Robert D. Ferrari

Principal



**MASSACHUSETTS  
BAY  
TRANSPORTATION  
AUTHORITY**

John J. Haley, Jr.  
General Manager  
Transportation Building  
Ten Park Place  
Boston, Massachusetts 02118

November 2, 1993

Mr. Robert Healy, City Manager  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

Dear Mr. Healy:

I support the efforts of the City of Cambridge with regard to pedestrian safety near the commuter rail line which runs through North Cambridge. Your selection of a consultant to study the situation is a step in the right direction. We will continue to support your efforts and remain involved by assigning Pat Jordan to assist you.

With regard to your request for additional grade crossings, we are under a directive by the Federal Railroad Administration (FRA) to reduce grade crossings by 25%. Grade crossings generally do not improve safety. They provide access for pedestrians to cross in areas where trains travel at high speeds, thus increasing the possibility of an accident.

We acknowledge the importance of a comprehensive Safety/Signage program, and are presently assessing the needs throughout the system. We expect new signage to be in place early in 1994.

Decreasing the speed of this train as you requested would have an adverse impact on present and future ridership on this line. A slowdown, therefore, is not possible.

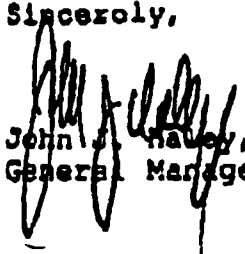
We would be happy to initiate whistle blowing at Rindge Avenue. Please keep in mind, however, that historically when whistle blowing takes place, the City, as well as the MBTA, is often inundated with complaints about noise. You might want to consider this proposal further and inform us of your decision.



As I am sure you are aware, we have invited the members of the North Cambridge Railroad Committee for a trip on the commuter rail line on November 5. Staff members from Safety, Commuter Rail Transportation and Mechanical will be on hand to answer questions.

I look forward to a positive resolution of this matter. Should you have any questions, please feel free to contact me.

Sincerely,



John J. Hawley, Jr.  
General Manager

WBV:kad



# Massachusetts Bay Transportation Authority

William F. Weld  
Governor

Argeo Paul Cellucci  
Lieutenant Governor

James J. Kerasiotes  
Secretary and MBTA Chairman

John J. Haley, Jr.  
General Manager

April 28, 1994

Mr. Robert W. Healy  
City Manager  
Cambridge City Hall  
795 Massachusetts Avenue  
Cambridge, MA 02139

RE: North Cambridge Railroad Safety Study

Dear Mr. Healy:

Thank you for your communication requesting assistance in improving pedestrian safety in the area adjacent to and along the commuter rail right-of-way in North Cambridge. As you know, Pat Jordan, Marketing and Ridership Officer at the MBTA, has been participating in the City of Cambridge's Railroad Safety Task Force's activities and incorporating the information generated through that effort into the MBTA's analysis of the North Cambridge facilities. In support of these efforts, the MBTA has been reviewing operations and facilities in this area in order to identify means of improving pedestrian safety.

After completing our analysis of the area and reviewing the work of the Task Force, the MBTA has identified certain near term and long term actions that we would propose to undertake to discourage pedestrian crossings of the tracks while improving mobility between major destinations in the area. We are proposing two actions to be implemented in the near term: 1). installation of additional fencing to reduce pedestrian crossings; and 2). initiating paratransit shuttle service between major destinations on either side of the tracks between which these pedestrian trips are currently occurring.

To discourage pedestrian crossings along the MBTA right-of-way, we will install intertrack fencing from the new MDC truss bridge to the Sherman Street crossing. This type of fencing significantly reduced pedestrian crossings where it has been utilized elsewhere along MBTA rights-of-way. We are proposing to install this fencing to a height of four feet along this length of track. As the fencing may easily be observed by MBTA train operators, breaches in the fencing are quickly identified, reported

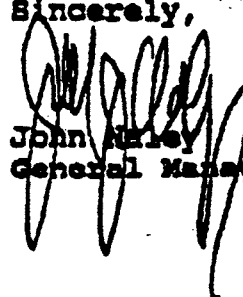
Mr. Robert W. Healy  
Page 2

and repaired. We are also proposing to work in cooperation with the City in developing and implementing new paratransit service in the North Cambridge area to provide a safe and efficient means of transportation between the major residential, recreational and retail concentrations located adjacent to the MBTA right-of way. We would like to begin developing an initial service program with City of Cambridge staff as soon as possible. We anticipate that installation of the fence and the availability of paratransit service may be accomplished within six months.

For the long term, we are willing to participate with the City and the Task Force to locate design and construct a pedestrian bridge at the appropriate location between the MDC truss bridge and Sherman Street. We are prepared to commence this effort when the Task Force has completed its work.

We look forward to discussing these proposals with you, city staff and the Task Force and welcome comments and recommendations.

Sincerely,



John Healy  
General Manager



## **CITY OF CAMBRIDGE**

**CAMBRIDGE, MASSACHUSETTS 02139**

**TEL. 349-4300**

**FAX. 349-4307**

**EXECUTIVE DEPARTMENT**

**ROBERT W. HEALY**

**City Manager**

**RICHARD C. ROSSI**

**Deputy City Manager**

**May 26, 1994**

**John Haley  
General Manager  
Massachusetts Bay Transportation Authority  
Ten Park Plaza  
Boston, MA 02116-3974**

**Re: North Cambridge Railroad Safety Study  
Paratransit shuttle service**

**Dear Mr. Haley:**

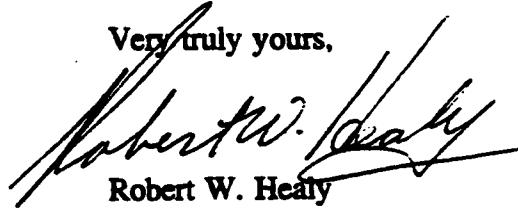
Thank you for your letter of April 28, 1994 regarding proposed actions by the MBTA to both discourage pedestrian crossing of the railroad tracks in North Cambridge and enhance mobility in the area. We are very pleased that the MBTA is interested in working in cooperation with the City of Cambridge in developing and implementing paratransit service in the North Cambridge Railroad Corridor area to enhance mobility and safety in the area.

Over the last few weeks, City staff have compiled additional information needed to assist in the establishment of this service. We have identified on the enclosed map the important locations to be served by the shuttle. We suggest that daily service be provided at twenty minute intervals.

We are also in the process of compiling a list of appropriate business owners in the area with whom to discuss this planned service. We would like to meet with your staff first to discuss routing, vehicle type, schedule and projected costs of this service. Also, we would like to work closely with the MBTA as you discuss this shuttle service with area businesses, the North Cambridge Railroad Safety Task Force and the North Cambridge community. Please contact Stuart Dash at 349-4600 to discuss next steps.

We also look forward to working with the MBTA in implementing the other recommendations of the North Cambridge Railroad Safety study. Thank you for your continued cooperation and assistance on these issues.

Very truly yours,

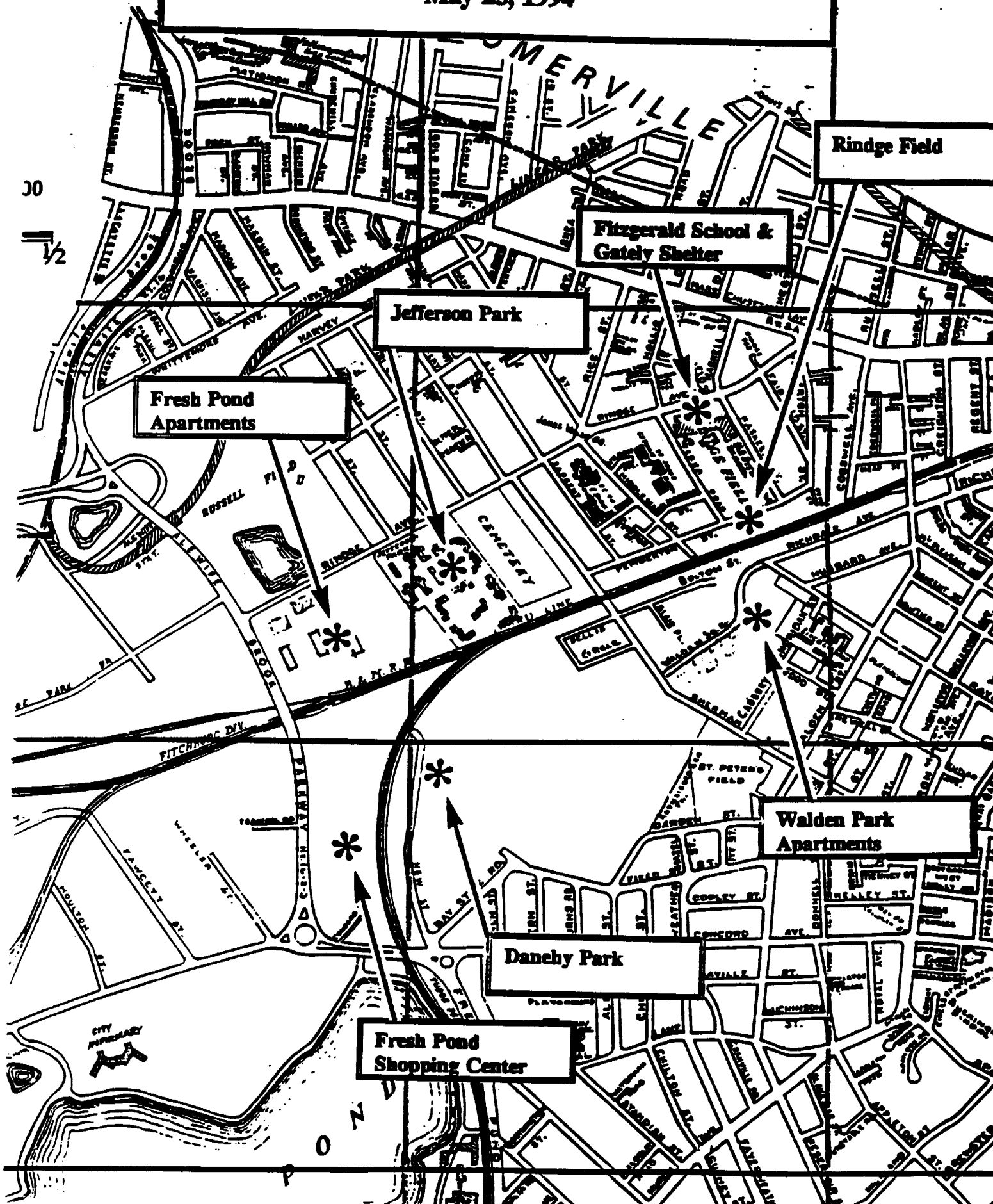
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Robert W. Healy

enclosures

cc: Pat Jordan  
Sharna Small

**NORTH CAMBRIDGE RAILROAD SAFETY -  
PROPOSED SHUTTLE DESTINATIONS  
May 23, 1994**



**CAMBRIDGE CITY COUNCIL ORDERS  
AND CITY MANAGER'S RESPONSE**



# City of Cambridge

AMENDED ORDER

5.  
IN CITY COUNCIL  
January 19, 1976

Councillor Danehy

ORDERED:

That the City Manager be and hereby is requested to arrange a meeting with the appropriate officials of this City and of the Boston & Maine Railroad and of the State Department of Transportation in order to correct the hazardous and worsening conditions at the Sherman Street railroad crossing, and be it further

ORDERED:

That the appropriate officials of the City of Somerville, State Department of Public Works and the Boston & Maine Railroad be requested to enforce the weight limits for heavy truck traffic on the Prospect Street overpass at the Somerville / Cambridge line.

In City Council January 19, 1976  
Adopted as amended by the affirmative vote of 9 me  
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:





# City of Cambridge

1.  
IN CITY COUNCIL  
March 8, 1976

Councillor Danehy

ORDERED:

That the City Manager be and hereby is requested to contact the appropriate officials of the Boston and Maine Railroad to request that a survey be conducted at the Sherman Street crossing to establish a procedure other than what is currently in effect, to ensure the safety of the pedestrian traffic at this location, and be it further

ORDERED:

That this survey include a proposal as well as a date for implementation for these safety standards for pedestrians and also for appropriate cleaning up and general landscaping of the Sherman Street crossing as well as the crossing located at Massachusetts Avenue and Cedar Street.

City Council

March 8, 1976

Adopted by the affirmative vote

of 9 members

Paul E. Leahy City Clerk



# CITY OF CAMBRIDGE

57 INMAN STREET, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

DEPARTMENT OF  
TRAFFIC & PARKING

May 17, 1976

George Teso  
Director

Mr. James L. Sullivan  
City Manager  
City Hall  
Cambridge, Massachusetts

Dear Mr. Sullivan:

I have been working with the Boston Maine Railroad concerning the condition of the crossing at Massachusetts Avenue and Cameron Avenue, and the Railroad crossing at Sherman Street with a view towards upgrading and reconstructing them to make it safer for pedestrians and motor vehicles to cross these tracks.

I am enclosing a copy of a press release stating the dates that the Massachusetts Avenue crossing will be done and in the meantime I will continue to push for the upgrading of the Sherman Street railroad crossing.

Very truly yours,

  
George Teso  
Traffic Director

Enc.

GT:rd



# City of Cambridge

IN CITY COUNCIL<sup>25.</sup>  
September 27, 1976

Councillor Graham

ORDERED:

That the City Manager be and hereby is requested to appear at the next meeting of the City Council to report on the status of the proposed pedestrian bridge at Jefferson Park.



## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

Tel. 876-8800

EXECUTIVE DEPARTMENT

JAMES L. SULLIVAN

City Manager

October 4, 1976

To the Honorable, the City Council:

In response to Council Order No. 2 of September 13th relative to resurfacing railroad crossings, please be advised that the resurfacing of railroad bridges and crossings in the Commonwealth of Massachusetts now rests with the State Highway Department. Mr. Conrad C. Fagone, Commissioner of Public Works, has met with them on numerous occasions to develop some long-range plans for this work, and reports that they have completed the following:

1. Temporary repairs to Walden Street and Huron Avenue bridge decking. (Permanent repairs will be made at a later date undetermined at this time.)
2. Replacement of paving material with rubber decking on Massachusetts Avenue railroad crossing.

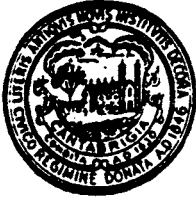
In addition, the Sherman Street crossing has been approved and scheduled for work possibly this Fall. The State is presently negotiating with the Penn Central Railroad for the crossing on Main Street, Massachusetts Avenue, Broadway, and Cambridge Street. No decisions have been reached on these yet.

Very truly yours,

A handwritten signature in dark ink, appearing to read "James L. Sullivan".

James L. Sullivan  
City Manager

JLS/mbf



**CITY OF CAMBRIDGE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

RECEIVED BY  
OFFICE OF CITY CLERK  
City Hall, Room 601, 220 Broadway

EXTENSION 344

OCT 12 8 59 AM '76

CAMBRIDGE, MASS.

To Paul E. Healy, City Clerk

From David R. Vickery, Acting Administrator

Date October 8, 1976

Subject City Council Order Re Pedestrian Bridge at Alewife Brook

We have received a City Council order directing Ned Handy to report on the status of the proposed pedestrian bridge across the Boston and Maine right-of-way east of Alewife Brook Parkway.

This will advise you that I have assigned this responsibility to Richard Easler, our Chief Transportation Planner. He and I will be prepared to report to the City Council upon being advised of the date and time.

cc: James L. Sullivan, City Manager



# City of Cambridge

Councillor Graham

IN CITY<sup>17</sup> COUNCIL  
October 18, 1976

**ORDERED:**

That the City Manager be and hereby is requested to include in the budget for FY 77-78 a sum sufficient for the construction of a pedestrian foot bridge from the Jefferson Park Housing Development to the land owned by the Metropolitan District Commission by the Fresh Pond Shopping Center, and be it further

**ORDERED:**

That the City Manager be and hereby is requested to confer with the Commissioner of the Metropolitan District Commission as soon as possible in order to arrange for this construction at the earliest possible date.

In City Council October 18, 1976  
Adopted by the affirmative vote of 9 members.  
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

A handwritten signature in cursive script, reading "Paul E. Healy", is written over the printed name of the City Clerk.



# City of Cambridge

Councillor Russell

IN CITY<sup>3</sup> COUNCIL  
December 6, 1976

WHEREAS:

This City Council has adopted many orders as introduced by various members regarding the extremely hazardous condition which exists at the Sherman Street railroad crossing, and

WHEREAS:

The Boston and Maine Railroad has, over the past year, resurfaced other railroad crossings in our city and it is now time to repair the most dangerous crossing in our entire city, now therefore be it

RESOLVED:

That the City Manager be and hereby is requested to report to this City Council within two weeks the current status of this problem as well as proposing some alternative method of resurfacing this section of track if the Boston and Maine Railroad refuse to correct the long-standing problem.

In City Council December 6, 1976

Adopted by the affirmative vote of 9 members

Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:

A handwritten signature in cursive script, reading "Paul E. Healy".



# City of Cambridge

4.

COUNCILLOR D. SULLIVAN  
COUNCILLOR DANEHY

IN CITY COUNCIL  
April 1, 1985

WHEREAS:

A grave safety hazard is created by attempts to cross the busy MBTA/Boston and Maine (Fitchburg Division) railroad tracks between the Fresh Pond Shopping Center and the Fresh Pond Apartments (Rindge Towers) and Jefferson Park housing developments; and

WHEREAS:

Many citizens of Cambridge and shopping center merchants have been striving for several years to obtain a pedestrian overpass across these tracks, most recently at a March 21 meeting; and

WHEREAS:

Although the Community Development Department has previously included such an overpass in its capital budget recommendations to the City Manager, funding has never been proposed to the City Council; therefore, be it

ORDERED:

That the City Council schedule a public hearing for its meeting of Monday, April 29, to discuss the feasibility of building this pedestrian overpass, and that the City Manager, representatives of the Community Development Department, the Cambridge Housing Authority, and the MBTA, and interested citizens and merchants be invited to attend.

In City Council April 1, 1985.

Adopted by the affirmative vote of 9 members.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature of Paul E. Healy in dark ink, written over a horizontal line.

Paul E. Healy, City Clerk.





# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF  
THE CITY CLERK

April 12, 1985

Mr. Rusen Atiniz  
Trustee of Fresh Pond Shopping Center Realty Trust  
c/o Zayre Corporation  
Property Tax Department  
Route 2  
Framingham, MA 01701

Dear Sir:

Please be advised that the City Council, at its meeting of April 1, 1985 adopted an order (a copy of which is enclosed), scheduling a public hearing to discuss the feasibility of building a pedestrian overpass over the MBTA/Boston and Maine (Fitchburg Division) railroad tracks between the Fresh Pond Shopping Center and the Fresh Pond Apartments (Rindge Towers) and the Jefferson Park housing development.

Said hearing has been scheduled for Monday, April 29, 1985 at 6:00 p.m. in the City Council Chamber. Through you, we wish to notify the merchants at the Fresh Pond Shopping Center of this hearing and cordially invite you to attend at this time.

Very truly yours,

A handwritten signature in cursive script, reading "Paul E. Healy", is written over a horizontal line.

Paul E. Healy, City Clerk.

PEH/mh

Enclosure: City Council Order #4 of 4/1/85



# City of Cambridge

20.

IN CITY COUNCIL

May 6, 1985

COUNCILLOR DUEHAY

ORDERED: That in relation to the City Manager's communication dated May 6, 1985 regarding potential revenue sources for the pedestrian overpass between Fresh Pond Shopping Center this City, should those funding sources become unavailable, the City Manager be and hereby is requested to search for alternate sources; and be it further

ORDERED: That the City Manager be and hereby is requested to report to the City Council within one month relative to the progress made in obtaining funding from the sources mentioned in his communication to the Council for the construction of the pedestrian overpass.

In City Council May 6, 1985.

Adopted by the affirmative vote of 8 members.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

*Paul E. Healy*  
Paul E. Healy, City Clerk.



## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

May 6, 1985

To the Honorable, the City Council:

At the Public Hearing on April 30, 1985, the City Council requested the City Manager to provide additional information on potential funding sources for a pedestrian bridge over the railroad tracks from Jefferson Park to the Fresh Pond Shopping Center.

Preliminary cost estimates range from \$750,000 to \$900,000. The major reason for such high estimates is the necessity to have this structure in compliance with handicapped accessibility.

Potential funding sources include:

Cambridge Housing Authority	\$150,000*
C.R.A. Biotechnica Land Sale	100,000
UDAG Loan Repayment (Biotech)	350,000 (\$70K for 5 years)
Chapter 90 Highway Money?	<u>150,000</u>
Total	\$750,000

The assumptions in this funding scheme require the one point of origin be located in Jefferson Park in order to be eligible for the CHA monies, and HUD funding of the Biotechnica UDAG, which will not be announced until after May 31.

Additionally, inquiries are being made with the Commonwealth of Massachusetts and the MBTA as to their possibilities of participating in the funding of this project.

The asterisk after the CHA funding indicates additional State funds would have to be applied for to get the dollar figure to \$150,000. The question after the Chapter 90 roadway funds indicates that the project eligibility for Chapter 90 funds still needs to be determined.

Obviously, more information needs to be gathered, but, inasmuch as the UDAG piece will not be known for some time, the other pieces can be researched.

Very truly yours,

Robert W. Healy  
City Manager

RWH/b



# City of Cambridge

6.

COUNCILLOR WOLF

IN CITY COUNCIL  
May 13, 1985

WHEREAS:

The City Council, on an Order by Councillors Danehy and David Sullivan, has voted to ask the City Manager to pursue a walkway over the railroad tracks at Fresh Pond Shopping Center, therefore, it is

ORDERED:

That the City Manager confer with the MBTA and State D.P.W. to determine whether plans to build such a walkway near the Route 2 bridge can be combined with the City's project.

In City Council May 13, 1985.

Adopted by the affirmative vote of 9 members.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature of Paul E. Healy in cursive script, written over a horizontal line.

Paul E. Healy, City Clerk.



# City of Cambridge

7.

COUNCILLOR WOLF

IN CITY COUNCIL

JUNE 29, 1987

ORDERED:

That the City Manager present a progress report on the deliberations about the footbridge over the railroad tracks at the Council's August meeting; and be it further

ORDERED:

That he put some cautionary signs in the vicinity of Jefferson Park and Rindge Towers to alert pedestrians to the dangers of walking at and across the tracks.

In City Council June 29, 1987.

Adopted by the affirmative vote of 9 members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

*Joseph E. Connarton*

Joseph E. Connarton, City Clerk.



# City of Cambridge

30.

IN CITY COUNCIL

August 3, 1987

COUNCILLOR GRAHAM

ORDERED:

That the City Manager be and hereby is requested to instruct the Assistant City Manager for Community Development to develop a program by which the City could seek State assistance for the construction of a pedestrian footbridge at Rindge Avenue and Jefferson Park.

In City Council August 3, 1987.

Adopted by the affirmative vote of 9 members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy

ATTEST:-

A handwritten signature in cursive script, reading "Joseph E. Connarton".

Joseph E. Connarton, City Clerk.



## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

August 3, 1987

To the Honorable, the City Council:

In response to Awaiting Reports No. 9 and 18 the following information is provided relative to the construction of a pedestrian crossing over the railroad tracks in the area of the proposed New Street Park.

The City and its consultant recognize the importance of public safety and the need to provide safe and convenient ways to cross the railroad. Presently, residents from Rindge Towers and Jefferson Park must cross the railroad tracks utilizing the Route 2 - railroad overpass, at-grade utilizing Sherman Street or illegally through holes in the fence along the railroad right-of-way. Even prior to the final Master Planning for New Street Park, resident groups from Rindge Towers and Jefferson Park requested a pedestrian overpass for access to Fresh Pond Mall. The park site when fully developed will create significant recreational opportunities for the adjacent neighborhood and the City as a whole. Adequate parking will be provided for those who drive to the park. In addition, several pedestrian access locations have been identified. However, the railroad tracks along the northern border of the site create a barrier between the housing areas and the park.

The construction of a pedestrian overpass will require a significant expenditure of funds by the City and will not be a simple task. The overpass over the tracks will require an easement be obtained from the MBTA and possibly from the B&M Railroad, depending on the location. In addition, the design will need to be reviewed by several local boards and state agencies in addition to the MBTA, B&M, and Amtrak who presently control the railroad right-of-way. Based on discussions with the State Architectural Barriers Board, the overpass will need to be designed to be accessible to the handicapped which adds significant length to the crossing as well as costs to construction.

As part of the Master Plan development, the consultant team was asked to evaluate opportunities and limitations associated with providing pedestrian access across the railroad tracks. Based on field observations and discussions with various potential users, it is very clear that a single pedestrian overpass cannot be located to serve all desired uses. This finding is based on the fact that Rindge Towers and Jefferson Park (the two primary potential users) are not connected and an industrial area separates the two sites along the tracks. In addition, some residents are seeking access to the Fresh Pond Mall while others will seek entry to the park which are separated by a track.

The Metropolitan District Commission (MDC) is presently developing plans for a new vehicle bridge over the tracks as part of the scheduled Route 2 improvements. The new bridge will include sidewalks for pedestrians and will replace the old bridge structure. As an interim measure, the MDC plans to construct a temporary pedestrian overpass adjacent to the existing bridge. In discussions with MDC, alternatives to a temporary pedestrian bridge were explored including the construction of a permanent bridge to the east of the Route 2 overpass adjacent to Rindge Towers. MDC indicated that this was not possible for several reasons. An easement would need to be obtained from the MBTA and B&M which could delay the roadway project. The cost of a permanent structure which must be handicapped accessible, would be significantly more than the proposed temporary structure. The project is well into design already and changes could cause the project to be delayed. Based on MDC comments, an alternative approach was recommended. To reduce the distance people would walk from Rindge Towers to utilize the new Route 2 bridge, it has been suggested that a stairway be built from the new bridge to the southwest corner of the Rindge Towers parking lot. The new overpass sidewalks will provide for the handicapped access. In discussions with the MDC, it does not appear that the stairway will be installed by the MDC. This would be a much more cost-effective crossing for the City to install than a full pedestrian bridge which would require an easement from the MBTA. The City will need to discuss this option further with the MDC and coordinate design and construction activities for this potential pedestrian connection. This solution would serve Rindge Towers, but not Jefferson Park.

The consultant team also reviewed the potential for use of an existing haul tunnel under the railroad tracks for a pedestrian crossing. The existing tunnel is presently buried and filled with refuse. The tunnel location does not provide access to either Rindge Towers or Jefferson Park since its outlet is in the industrial area. The high groundwater in this area would require continuous pumping to keep the the tunnel open and public safety in an 80 - 100 foot tunnel, even if lighted, would be questionable.



Page 3  
August 3, 1987

As shown in the Master Plan, a pedestrian overpass has been proposed to connect the proposed park with Jefferson Park. The exact location and design requirements were not addressed as part of the design effort. The proposed overpass must span four sets of railroad tracks and have a clearance over the tracks of approximately 20 feet. This will require significant stairways and over 600 feet of ramps (the length of two football fields) since the access must be provided to accommodate handicapped persons. (See attached concept sketch.) The overpass will also need to be pile supported due to its location. Additional study will be required before an overpass could be designed and constructed in the area.

The park, when initially constructed, cannot be excessively used, since the site has significant environmental constraints for establishing good turf. The vegetation installed on top of the landfill will require special care, maintenance and time to establish. As the site matures and can support increased uses, the need for a pedestrian overpass in this area can be further evaluated. Since it is estimated that the cost of a pedestrian overpass in this area would be approximately \$1.5 million (in 1987 costs), the City must be sure such a cost can be justified. The Phase I Site Improvements are designed to vegetate the site, provide areas for active and passive recreation, and create the potential for future uses. Phase II Site Improvements will address problems encountered in operation and maintenance of the site, develop more intense active and passive recreation facilities and could potentially include a pedestrian overpass if the need is shown. Delaying the construction of the pedestrian overpass will allow the City to seek additional federal and/or state funding for overpass design and construction should it prove feasible and desirable. In the interim, technological advances might also provide alternative means for handicapped access and bridge crossings.

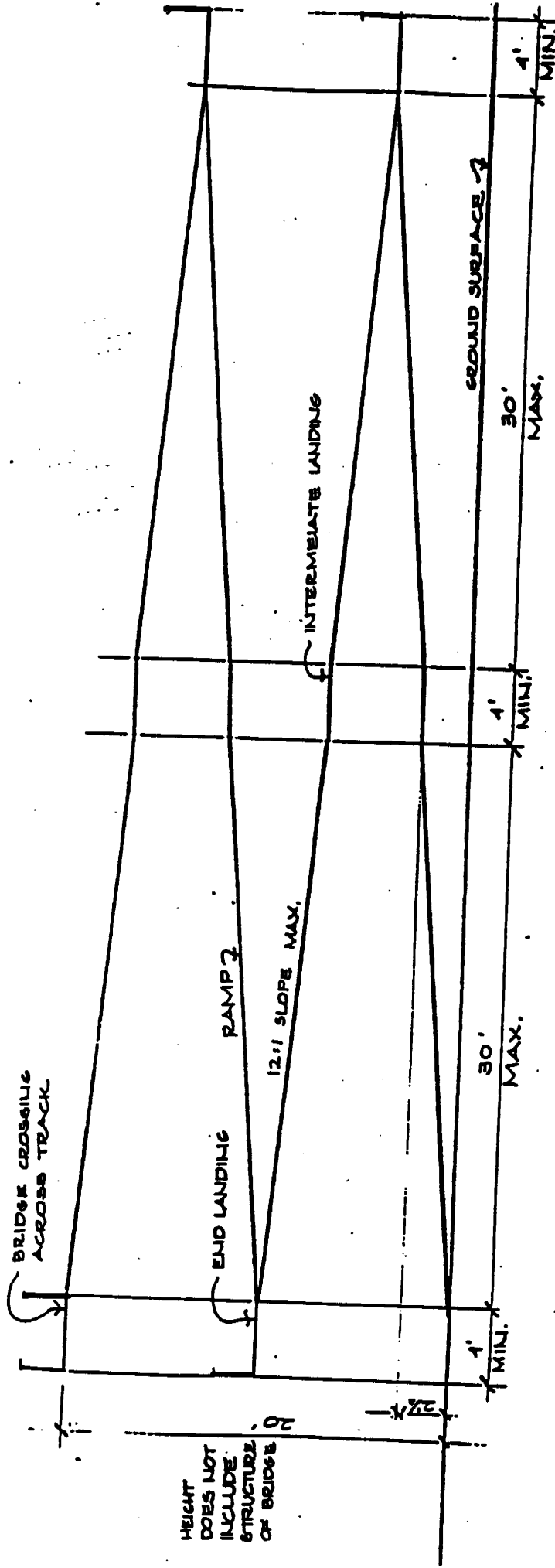
We hope you find this information of assistance.

Very truly yours,

  
Robert W. Healy  
City Manager

RWH:g  
Attachments

(IV-45)



**HANDICAPPED ACCESS:**

RAMP LENGTH (8 RAMP, 30' LONG)	240'
INTERMEDIATE LANDINGS (1 @ 4')	16'
END LANDINGS (1 @ 8')	32'
<b>SUB-TOTAL EACH ACCESS</b>	<b>288'</b>
<b>SUB-TOTAL UP AND DOWN</b>	<b>576'</b>
LENGTH OF CROSSING	80'
<b>TOTAL LENGTH OF OVERPASS</b>	<b>646'</b>

**STAIR ACCESS**

\*STEPS UP: 26"  
 \*STEPS DOWN: 35"  
 LANDINGS @ 4'  
 80' CROSSING

\* (ASSUMES 7" RISERS)

**PEDESTRIAN OVERPASS - CONCEPTUAL ELEVATION**



# City of Cambridge

39.

IN CITY COUNCIL

January 10, 1994

COUNCILLOR TRIANTAFILLOU  
COUNCILLOR BORN  
COUNCILLOR SULLIVAN  
COUNCILLOR TOOMEY  
VICE MAYOR RUSSELL

WHEREAS: The safety of the citizens of Cambridge has been undermined by the existence of MBTA Trains travelling through North Cambridge at a high rate of speed; and

WHEREAS: Several people have died as a result of crossing the tracks to take advantage of the services available at Fresh Pond Shopping Center and the recreational facilities at Danehy Park; and

WHEREAS: The City Council passed an order dated October 18, 1976 requesting the City Manager to include in the fiscal year budget for 1977-1978 a sum sufficient for the construction of a pedestrian foot bridge from Jefferson Park Housing Development to the land owned by the Metropolitan District Commission by the Fresh Pond Shopping Center; and

WHEREAS: The City Manager was requested to confer with the Commission of the Metropolitan District Commission as soon as possible in order to arrange for this construction at the earliest possible date; and

WHEREAS: No pedestrian foot bridge was ever built; and

WHEREAS: The hazardous conditions continue to exist; now therefore be it

ORDERED: That the City Manager be and hereby is requested to contact the MBTA and/or the Govern to request that the trains travelling between Alewife and Porter Square be slowed to a more acceptable and safe speed; and be it further

**ORDERED:** That the City Manager be and hereby is requested to report to the City Council as to the status of the construction of said pedestrian foot bridge.

In City Council January 10, 1994.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*  
D. Margaret Drury  
City Clerk



# City of Cambridge

28.

IN CITY COUNCIL

January 24, 1994

VICE MAYOR RUSSELL  
COUNCILLOR SULLIVAN

WHEREAS: The North Cambridge Stabilization Committee's sub-committee on Rail Road Safety has been meeting on a regular basis to determine what steps can be taken to reduce the probability of accidents along the Rail Road tracks which run through North Cambridge; and

WHEREAS: Gathering data concerning past accidents has been most frustrating for the people working on this committee; and

Whereas: Possible sources for gathering this information are as follows:

State Transportation Board;  
Attorney General's Office;  
Boston Globe Computers;  
MBTA; and

WHEREAS: There seems to be no agency in the city which is responsible for this type statistic; now therefore be it

RESOLVED: That the City Manager be and hereby is requested to designate some department responsible for accumulating this information using data available from the above sources, and any files which may be found in City Departments, and to have a system in place for recording further incidents which may take place in the vicinity of this Right of Way in the future; and be it further

RESOLVED: That the City Manager be requested to report back to the City Council as soon as possible.



# City of Cambridge

29.

IN CITY COUNCIL

January 24, 1994

**VICE MAYOR RUSSELL**

**WHEREAS:** There is an ongoing study regarding rail-road safety in the North Cambridge Area; and

**WHEREAS:** Statistics gathered during the course of this study indicated that an alarming number of people, of all ages, are crossing the tracks at three different places in the North and that the trains are travelling at 55 miles per hour between Porter Square and Alewife; and

**WHEREAS:** Crossing during the winter months is made more dangerous due to the fact that the trains are less audible; now therefore be it

**RESOLVED:** That the City Manager be and hereby is requested to confer with the General Manager of the MBTA with the view in mind of taking immediate steps to lower the speed limit to 25 MPH in this vicinity; and be it further

**RESOLVED:** That the City Manager be requested to report back to the City Council as soon as possible.



# City of Cambridge

30.

IN CITY COUNCIL

January 24, 1994

**VICE MAYOR RUSSELL**

**ORDERED:** That the City Manager be and hereby is requested to direct the Police Commissioner to initiate traffic control measures at Sherman Street in the vicinity of the construction near the Rail Road Crossing due to the fact that automobiles are backing up over the railroad tracks during the rush hour periods, causing a hazardous situation to both motorists and train passengers alike.



**CITY OF CAMBRIDGE**

CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300

FAX 349-4307

**EXECUTIVE DEPARTMENT**

**ROBERT W. HEALY**

City Manager

**RICHARD C. ROSSI**

Deputy City Manager

February 7, 1994

To The Honorable, The City Council:

In response to Awaiting Report Item No. 1, regarding the status of the construction of a pedestrian footbridge over the railroad tracks in North Cambridge; Awaiting Report Item No. 6, regarding reducing the speed limit of trains travelling between Porter Square and Alewife; and Awaiting Report Item No. 8, regarding gathering information for the Railroad Safety Committee, please find attached a report received from Michael Rosenberg, Assistant City Manager for Community Development.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy  
City Manager

RWH/mev  
attachment





**CITY OF CAMBRIDGE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

**MICHAEL ROSENBERG,**  
*Assistant City Manager for  
Community Development*

**MARY FLYNN,**  
*Deputy Director for  
Community Development*

**To: Robert W. Healy, City Manager**

**From: Michael Rosenberg, Assistant City Manager for Community Development**

**Re: Council Order #39, dated 1/10/94 Re: Status of the Construction of a  
Pedestrian footbridge over the railroad  
tracks in North Cambridge as described  
in the Council Order of 10/18/76.**

**Date: January 27, 1994**

Over the past three decades as several relatively dense housing developments have been built along the Fitchberg Division railroad right-of-way in North Cambridge, larger and larger numbers of people have been crossing and walking along the tracks to reach the Fresh Pond Shopping Center and other destinations such as Danehy Park and the Fitzgerald School. This has created a very hazardous situation resulting in several fatalities.

**Status of the 1976 Order for a Pedestrian Footbridge**

The City of Cambridge has examined the possibility of improving this situation over the years. On October 18, 1976, the City Council passed an order (see attached) to have the City Manager budget for the construction of a pedestrian footbridge in this area. The pedestrian bridge over the tracks was not built at that time for a number of reasons, the two most important being that there was no agreement among the interested parties as to how the bridge costs might be shared; and, the railroad was not responsive to the idea of allowing a pedestrian bridge over their right-of-way. It was also clear that such a footbridge would serve just one of the many pathways that are in use in this area. The project was put aside after two years of efforts to resolve these issues.

In 1987, the City again examined this issue, and asked the firm of Camp Dresser & McKee, working on Danehy Park at the time, to give an estimate for the cost and design (see attached concept sketch) of such a footbridge. The cost estimate was \$1.5 million, and the design, conforming to handicapped accessibility requirements, resulted in a ramp system of almost 600' (to clear the necessary 22' above the tracks at the required slope of a maximum 1" of rise for every 12" of run would make a ramp of at least 264' up, across a 60' bridge, and 264' down). These two factors led to the decision to wait until the park was in use, and the new Alewife Bridge was constructed. It was also clear at that time that there were a number of pathways crossing the tracks, and that a single footbridge would not serve all of the desired crossing points.

**The Railroad Safety Task Force**

In response to a request last spring from the North Cambridge Stabilization Committee, the Community Development Department initiated a study that will;

- \* Document all aspects of the problem.
- \* Determine major desire lines for pedestrian movements,
- \* Define the regulatory process controlling activities in and adjacent to the

City Hall Annex  
57 Inman Street  
Cambridge, MA 02139  
617 349-4600  
Fax: 617 349-4669

- railroad corridor,
- \* Investigate possible solutions (both short and long term),
- \* Estimate order of magnitude costs and implementation constraints, and
- \* Recommend the most feasible course of action and suggest possible options for funding.

In order to provide direction for the study, the Community Development Department, with the help of the North Cambridge Stabilization Committee, organized the Railroad Safety Task Force. This project advisory committee includes representatives of both City and State agencies as well as residents of the neighborhood affected. A membership list is attached. The group has met several time to discuss the problem and make suggestions for possible solutions.

### **City Manager Request to the MBTA for Slower Speeds**

Since any solution requiring construction would probably take a long time to implement, the committee requested that some short term solutions such as slowing down the trains, sounding whistles, and providing warning signals for the existing pedestrian crossings be implemented immediately. As a result the City Manager sent a letter to the MBTA General Manager making such a request (see attached letter of October 1, 1993). The response from the MBTA (see attached letter of November 2, 1993) stated that because of train scheduling and liability problems only the whistle blowing option was feasible to implement, and only if the neighbors would not object to the noise.

In the meantime a subcommittee of the Task Force (including three neighborhood representatives) participated in a process that selected the firm of Wallace, Floyd, Associates Inc. to conduct the actual study. With the help of the committee, a questionnaire was prepared and distributed to residents along the corridor. The results are now being analyzed by the consultant. As soon as the study consultant was selected, an evening neighborhood wide meeting was held to obtain concerns and suggestions from nearby residents.

The first phase of the study is to gather data, both about community concerns and use and railroad use. The product of this phase, a technical memorandum summarizing the collected data, has just been reviewed in draft form by the Task Force. The results will be used by the committee to help determine the short and long term strategies to investigate in the next phase. Possible solutions might include: overpasses, underpasses, at-grade crossings, depressing the rail line, alternate or other means of transportation, community education programs, signing, fencing, warning systems, and a reduction in train speed.

The product of this second phase will be a technical memorandum summarizing the analysis, including a matrix and maps necessary to describe the alternatives. This memorandum will be reviewed by the committee and presented to the neighborhood at another evening public meeting.

Based on this input, the consultant will prepare a draft final report recommending a course of action including a funding strategy and mechanism for continued maintenance. After review by the committee, a final report will be produced and presented to the neighborhood at a third evening public meeting. The report will then be forwarded to the City Manager for review.

The entire study should be completed by April 15, 1994.



