THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

CHAPTER 161C §7(b)

RAIL TRANSPORTATION IN THE COMMONWEALTH OF MASSACHUSETTS

SECTION 7(b) RAILROAD RIGHTS-OF-WAY OR RELATED FACILITIES; SALE OR DISPOSITION; COMMONWEALTH'S RIGHT OF FIRST REFUSAL

Note: *The process for Chapter 161C Section 7(b) does not require a public hearing. The 161C §7(b) processes is a right of first refusal on the purchase of railroad property and must be completed within (90) days of receipt of an offer. Both processes require an internal canvas to identified public agencies*.

(a) To the extent not inconsistent with federal law, no railroad company which conducts or has conducted operations within the Commonwealth shall sell, transfer or otherwise dispose of railroad rights-of-way or related facilities without first offering such rights-of-way or facilities for sale, transfer or disposition to either the Massachusetts Department of Transportation (MassDOT), acting on behalf of the Commonwealth, or such other department, authority, agency, or political subdivision of the Commonwealth as may be designated by MassDOT for the purpose of any such sale, transfer or disposition; provided, that such sale, transfer or disposition may be made by the Railroad Company to a party other than MassDOT or its designee, but only if (i) MassDOT or its designee has notified the railroad company in writing of its rejection of such offer; or (ii) ninety calendar days have elapsed from the date on which said offer or a copy of such offer, as provided in the second paragraph, is made to MassDOT.

(b) Said Railroad Company shall make such offer in writing and shall send such offer by certified mail to MassDOT or to its designee. In the event that such offer is made to a designee of MassDOT, a notarized copy of such offer shall be sent by certified mail to MassDOT. Any such offer shall include the price at which said company proposed to offer such rights-of-way or facilities to the Commonwealth, and such other terms or conditions, which said company, proposed to include as part of such sale, transfer or disposition. MassDOT or its designee shall notify in writing and by certified mail said railroad company of its acceptance or rejection of such offer within ninety calendar days of such offer, and in the event that MassDOT's designee sends such notice, said designee shall also send a notarized copy of such notice to MassDOT. MassDOT is hereby authorized to notify any person that the conditions provided in clauses (i) and (ii) of paragraph (a) have been satisfied and that the Commonwealth no longer has the option to acquire the rights-of-way or facilities as provided in said paragraph. Any such notice shall be binding on the Commonwealth.

In no event shall said railroad company offer to sell, transfer, or otherwise dispose of railroad rights-of-way or facilities to any person on terms or conditions more favorable to said person than those offered to the Commonwealth.

Massachusetts Department of Transportation
Massachusetts General Law, Chapter 161C, Section 7(b)

Statement of Procedures

1. The Railroad Company must submit all requests of offered Railroad Property to the Massachusetts Department of Transportation (MassDOT).

2. The information should be addressed to:

   Monica Tibbits-Nutt
   Secretary and Chief Executive Officer
   Massachusetts Department of Transportation
   10 Park Plaza, Suite 4160
   Boston, Massachusetts 02116-3969

3. The following documents should be submitted with a M.G.L. Chapter 161C, Section 7(b) form:

   (a) A letter (on company letterhead) from the railroad company offering the railroad property to Massachusetts Department of Transportation (See sample attached). The letter must sent by certified mail to the Massachusetts Department of Transportation.

   (b) A copy of the purchase and sale agreement.

   (c) A map (locus) of the city, town, or surrounding area highlighting the location of the property in question.

   (d) A copy of the deed from the railroad company.

   (e) A plot plan outlining the proposed property.

4. The offered railroad property information will be reviewed by MassDOT, and is subject to be reviewed by other public agencies.

5. MassDOT will notify the railroad company of its decision in writing.

6. Any questions regarding this matter should be directed to MassDOT – Rail and Transit Division at (857) 368-8964 or 10 Park Plaza, Room 4160, Boston, MA 02116-3969.

Ref.: statproc

SAMPLE

Note: All letters must be on the Railroad Company's Letterhead with the appropriate signature. Please use this template as a guide.

(DATE)

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
(Article No.)

Monica Tibbits-Nutt
Secretary and Chief Executive Officer
Massachusetts Department of Transportation
State Transportation Building
10 Park Plaza, Suite 4160
Boston, Massachusetts 02116-3969

Re: Sale of Railroad Property - (CITY/TOWN), Massachusetts

Dear Secretary:

Pursuant to Massachusetts General Law, Chapter 161C, Section 7(b), we hereby notify you of a proposed sale of (RAILROAD COMPANY) property in the amount of ($). The railroad property is located in (CITY/TOWN), Massachusetts containing an area of (# SQUARE FEET) as shown outlined on the attached plan.

We hereby offer the subject parcel to the Massachusetts Department of Transportation as provided in said section 7(b) as mentioned above.

Sincerely,

(SIGNATURE)
(PRINT NAME, TITLE)

Enclosures:

cc: Carlos A.Velasquez
Assistant Project Coordinator -
Rail Division

Massachusetts Department of Transportation
Rail and Transit Division

OFFER OF RAILROAD PROPERTY
PURSUANT TO M.G.L. 161C sec. 7(b)

Please complete the following questionnaire so that your offer may be processed promptly. If a question does not apply, state 'not applicable'.

1. Offering Railroad: _____

2. City or town where parcel is located: _____

3. Purchase price: _____

4. Is the parcel part of the right-of-way? _____

5. Is the parcel adjacent to the right-of-way? _____

6. Is the right-of-way abandoned? _____ If yes, when? How much of the line is abandoned?: _____

7. Is the track structure in place? _____

8. Is the right-of-way active? _____

9. What is the branch name of the right-of-way? _____

10. What are the beginning and ending towns through which this right-of-way runs in Massachusetts? _____

_____

11. If the right-of-way is a spur, what main line does it connect to and where? _____

_____

_

_____

_

12. Who is the current owner of the right-of-way? _____

_____

_

13. What is the parcel size? _____

14. If the parcel is part of the right-of-way, what is the length to be sold? _____

_____

15. If the parcel is adjacent to the right-of-way, what is the distance from the centerline of track: _____

16. How is the parcel zoned? _____

17. What is the intended use of the parcel? _____

_____

_____

Additional Comments: _____

_____

_____

_____

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