

Guidance Document: Applying for Use & Occupancy of MassDOT Rail Property

Introduction

The Massachusetts Department of Transportation (MassDOT) allows private businesses, public utilities, and other entities to apply for the Use & Occupancy of Rail Property. This permit grants permission to use MassDOT-owned rail property for activities like utility installations, construction, environmental assessments, and more. This document provides a comprehensive guide on how to apply, what documents are required, and key considerations for successful application.

What is the Use & Occupancy Permit?

The Use & Occupancy Permit is a legal agreement granting permission to enter and use specific MassDOT rail property for an agreed-upon purpose. This agreement does not grant ownership but provides temporary or long-term access under certain terms and conditions.

Eligibility

You are eligible to apply for a Use & Occupancy Permit if you are:

- A private business (industrial, commercial)
- A public utility
- A contractor working on behalf of MassDOT or another government agency
- Any other entity requiring access to MassDOT rail property for temporary or long-term use

Application Process

Step 1: Complete the Application Form

The Application for Use & Occupancy of MassDOT Rail Property is the primary document you need to complete. Ensure that the following details are filled in:

- **Applicant Information:** Name, contact details, and type of entity (business, public utility, etc.).
- **Property Location:** Specify the city/town, the rail line, milepost(s), valuation stations, and details of the property you wish to use.
- **Proposed Use:** Describe the purpose of the use, such as construction, utility installation, or environmental assessments.
- **Project Duration:** Estimate the length of the project or the duration of occupancy.
- **Company Information:** If applicable, include your legal entity details such as the federal and state tax ID numbers, year of incorporation, and the corporate name.

Make sure that all required sections of the form are fully completed.

Step 2: Attach Supporting Documents

Along with the application form, the following attachments are required:

- **Location Plan/Map:** Provide a detailed map or location plan that highlights the specific MassDOT rail property involved, using mileposts or other benchmarks as references.
- **Project Plans and Specifications:** Include any construction or work plans relevant to the project.
- **Permits:** Submit copies of all required federal, state, and local permits. If some permits are pending, provide an update on the expected timeline for submission.
- **Insurance Certificates:** You must submit a certificate of insurance, including railroad protective liability insurance, before commencing any work on MassDOT property.
- **Environmental Information (if applicable):** If the project involves the use of hazardous materials, fuel storage, or environmental testing, provide a detailed description and any related permits.

Step 3: Submit Your Application

Once the application and supporting documents are complete, submit them via email to:

Chalita Belfield

Director of Railroad Properties

MassDOT Rail & Transit Division

Email: Chalita.Belfield@dot.state.ma.us

Phone: 857-368-8957

Address: 10 Park Plaza, Suite 3720, Boston, MA 02116

Note: Applications will not be reviewed until all required documents and the \$1,000 administrative fee have been received.

Fees and Insurance Requirements

- **Administrative Fee:** A non-refundable \$1,000 administrative fee must be submitted along with the application. This fee covers the initial review and processing. Additional costs for appraisals, engineering reviews, flagging services, and insurance may also apply based on the scope of the project.
- **Insurance Requirements:** You must provide proof of insurance, including:
 1. General liability

2. Workers' compensation

Railroad protective liability insurance

These insurance documents are mandatory before starting any work on MassDOT property.

Step 4: Application Review Process

Once your completed application and fee are submitted, the following review process takes place:

- **Initial Review:** MassDOT will verify property ownership, check for any existing agreements or encumbrances, and ensure the request complies with existing policies.
- **Internal Canvassing:** The application will be circulated among relevant departments and stakeholders, including MassDOT engineering, the operating railroad, and other authorities.
- **Preliminary Approval:** If the application meets all requirements, you will receive preliminary approval pending the completion of legal agreements, insurance submissions, and any other conditions.
- **Final Approval:** Once all conditions are met (including payments and insurance coverage), MassDOT will execute the final agreement, allowing your project to proceed.

Step 5: Post-Approval Responsibilities

After receiving approval, you must:

- **Notify MassDOT and the Operating Railroad:** Provide notice of the start and completion dates for any work conducted on the property.
- **Submit As-Built Plans:** Upon completing any construction or modifications, submit a professionally prepared "as-built" plan to MassDOT.
- **Maintain Compliance:** Ensure that all terms, including insurance and safety requirements, are upheld throughout the duration of the project.

Contact Information

For more information or assistance with your application, please contact:

Chalita Belfield

MassDOT Rail & Transit Division

Email: Chalita.Belfield@dot.state.ma.us

Phone: 857-368-8957

Address: 10 Park Plaza, Suite 3720, Boston, MA 02116

Missing Information to Address

Based on the documents, here are areas that may require clarification or additional information:

1. **Insurance Details:** While the documents mention insurance requirements, specific coverage limits and additional policies may need to be specified for applicants.
2. **Additional Fees for Appraisals and Engineering Reviews:** Further clarification on when these additional fees apply and their amounts should be included for transparency.
3. **Timeline for Application Processing:** An expected timeline for processing applications (e.g., typical review timeframes for approvals and canvassing) would be useful for applicants.
4. **Environmental Review:** More detailed guidelines on when environmental assessments or MEPA reviews are mandatory would provide additional clarity.