



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

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NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 15-88

Petition of Northeastern University for an Exemption from the Vertical Height Clearance Requirements of M.G.L. c. 160, § 98, for Construction of a Pedestrian Walkway Bridge over Massachusetts Bay Transportation Authority Heavy and Commuter Rail Tracks adjacent to Ruggles Station in Boston, MA.

On July 8, 2015, Northeastern University ("Northeastern") filed a petition with the Department of Public Utilities ("Department") requesting written consent for an exemption to the vertical height clearance requirement of M.G.L. c. 160, § 98 ("Section 98"), for construction of a pedestrian walkway bridge over Massachusetts Bay Transportation Authority ("MBTA") heavy and commuter rail tracks adjacent to Ruggles Station in Boston, MA. The MBTA is a corporate and political subdivision of the Commonwealth of Massachusetts existing pursuant to M.G.L. c. 161A. Northeastern is a private university in the Commonwealth of Massachusetts.

Northeastern intends to construct a new building on land owned by Northeastern at 805 Columbus Avenue, Boston, MA. Northeastern's Project ("Project") will include the construction of a building, known as the Interdisciplinary Science and Engineering Complex ("ISEC"), and a pedestrian crossing bridge ("Bridge") that will extend from the ISEC, over rail tracks owned by the MBTA. The Bridge will extend over the MBTA tracks which are used by MBTA Orange Line (inbound/outbound), Keolis Commuter Services operating the MBTA's Commuter Rail trains, and Amtrak (National Railroad Passenger Corporation).

Northeastern seeks permission to construct the Bridge at a vertical clearance height of seventeen feet, six inches (17'6") for Tracks 4 and 5 and nineteen feet six inches (19'6") for tracks 1, 2, and 3. Section 98 requires Department approval of the construction over a railroad of any bridge that is less than twenty-two feet six inches (22'6") in clearance height. Northeastern has indicated that there are several other bridges in close proximity to the Project which are also below the required vertical clearance of twenty-two feet six inches (22'6"). Northeastern has indicated that the Bridge is a critical component of the Project and that to construct it with a vertical clearance of twenty-two feet six inches (22'6") would adversely impact the design of the Project and potentially place the Project in jeopardy. Northeastern believes the Bridge will enhance pedestrian access to the Northeastern Campus and the areas around MBTA's Ruggles Station.

The Department will conduct a public hearing on Northeastern's petition on **Wednesday, October 7, 2015, at 1:00 p.m.** at the Department's offices, **One South Station, 5<sup>th</sup> Floor, Boston, Massachusetts 02110**. Any person who desires to comment may do so at the public hearing. Any person who wishes to submit written comments on Northeastern's petition may do so by filing an original and three (3) copies of such comments with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, no later than close of business (5:00 p.m.) on **Wednesday, September 30, 2015**, and serve one copy on counsel for Northeastern University, Adam Hundley, Esq., Director, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110-3333.

Any person who seeks to participate in this proceeding must file an original and three (3) copies of a written petition for leave to intervene or to participate with: Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, no later than close of business (5:00 p.m.) on **Wednesday, September 30, 2015**. A petition for leave to intervene or participate must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03(1). Receipt by the Department, not mailing, constitutes filing. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 C.M.R. § 1.01(4). To be allowed, a petition under 220 C.M.R. § 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. One copy of all written comments should be sent to Northeastern's counsel at the address above.

In addition to paper filings with the Department, all documents should be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@state.ma.us](mailto:dpu.efiling@state.ma.us) and the hearing officer [[Christopher.Henry@state.ma.us](mailto:Christopher.Henry@state.ma.us)]; or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 15-88); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website: <http://www.mass.gov/dpu>.

A copy of the petition and accompanying exhibits are available for inspection at the Department's offices, One South Station, Boston, Massachusetts, 02110, Monday through Friday, between the hours of 9:00 A.M. and 5:00 P.M. or on the Department's website, <http://www.mass.gov/dpu>. Any person desiring further information regarding Northeastern's filing may contact Adam Hundley, Esq., Director, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110-3333, 617-482-1776. Any person desiring further information regarding this notice may contact Christopher Henry, Hearing Officer, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, 617-305-3500.