

MBTA South Coast Rail Right-of-Way Encroachment Frequently Asked Questions

What is a right-of-way encroachment?

Encroachment occurs when property owners locate fences, buildings, dumpsters, driveways, sheds and more on the MBTA's right-of-way, which is state property. Many of the encroachments must be removed for construction and safe operation of South Coast Rail. If you are uncertain about your property limit, it is advisable to check your deed or plot plan.

Why is the MBTA cutting down trees?

The right-of-way must be cleared to maintain safety for the future commuter rail trains and for contractor access. Tree limbs falling onto tracks pose a danger to equipment and people. In the autumn, fall leaves create a slippery track condition that causes locomotive traction issues. Trees and heavy brush obstructing the ROW will not be replaced on the MBTA's property.

Why now?

Construction on South Coast Rail Phase I is underway now. Commuter rail trains have not been using the tracks in this region since 1959. Over the 60+ years since that time, the vegetation has grown up to and into the right-of-way. The major contractors and contractor equipment will need safe access to the right-of-way to conduct the construction work that will allow commuter trains to safely travel between Southeastern Massachusetts and Boston.

How do you know where the MBTA right-of-way property line is situated?

South Coast Rail conducted an extensive survey using professional land surveyors a few years ago. In 2019, the project conducted a survey retracement to determine the MBTA's property boundaries. The contractor has placed stakes along the border, denoting how far the tree clearing will proceed on both sides of the track.

If I disagree with South Coast Rail on the property boundaries, what can I do?

While we are very confident that our survey is accurate, anyone disputing our findings can retain an independent surveyor. We will provide our survey information, if that could be helpful.

The Assessor's Office shows different property lines. Why?

Assessor maps are often inaccurate and/or dated. That is why the South Coast Rail project embarked on an extensive survey process instead of relying on town/city information. Surveys conducted by professional land surveyors are usually extremely accurate.

If I have personal items that are in the right-of-way, what do I have to do?

Personal property located on state-owned right-of-way must be removed so the contractor can proceed with the clearing. We will make every effort to work with people adjacent to the right-of-way who need assistance with removal.

Why did I just learn that I have to move my personal belongings?

While most "encroachments" on the right-of-way were identified in the surveys, and the owners notified months ago, some items may have been missed, most likely because they were placed there more recently (post-survey) and were only uncovered by crews in the field. We apologize for the short notice and will do whatever we can to assist homeowners.

Will the MBTA construct fencing behind my property?

The project will be installing fencing in certain areas across the rail corridor right-of-way to ensure safety. Fencing is generally placed in developed areas of the railroad right-of-way to minimize trespassing on the right-of-way and to enhance safety. In wooded areas where there is no development, fences are typically not installed. This allows for wildlife passage. All right-of-way fencing is evaluated in coordination with the MBTA Safety Department.