

Station Concourse and Tenant Areas
TENANT DESIGN STANDARDS

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1.0 PROJECT INFORMATION

1.1 INTRODUCTION

MBTA believes that public travel and passenger experiences can be enhanced by offering a variety of well-conceived and thoughtfully-executed retail, food and related offerings. To that end, Master Lessee's, Tenants, Subtenants and Licensees are responsible for ensuring that all concessions and other revenue-generators identified in the Lease or Licensee are completed and operated in a manner that complements and improves station environments, enhances passenger experience, and avoids confusing way finding or impairing any other transit station functional requirements.

MBTA has prepared these tenant design standards ("TDS") to assist those operating under the Lease or License, as well as their respective architects, designers and engineers, in understanding and responding to MBTA's requirements regarding design and construction of various types of retail spaces governed by the Lease or License. The intent of the TDS is to encourage quality design and consistent standards for the retail spaces governed by the Lease or License. All new work completed in connection with the Lease or License shall comply with the TDS as determined by the MBTA acting in its sole and absolute discretion.

Retail concessions and other revenue generating installations, e.g., kiosks, must be integrated into each station in a manner that does not impair way-finding and other station functional requirements. A primary objective of this document is, therefore, to maximize retail opportunities without compromising clarity of circulation or any station environment.

Another key objective of the TDS is to encourage quality design and consistent standards for all tenant improvements including storefronts, floors, walls, ceiling, lighting and signage.

Readers are advised that the renderings and diagrams contained herein are conceptual only and are meant to assist Tenants in understanding TDS requirements. When a discrepancy exists between any diagram(s) in this document and any requirement(s) contained within the Lease or License, the Landlord may require compliance with either requirement acting at its sole and absolute discretion.

Certain situations may warrant relief from these TDS. A written request for relief from TDS requirements shall be submitted to the MBTA, along with reasons explaining the need for such relief. The MBTA will evaluate each individual request and will notify the Lessee or Licensee in writing of its decision. Kiosks are to be designed, fabricated and installed by the Lessee or Licensee at the their expense.

The TDS handbook is organized as follows:

Section I: Project Information

(Key people and organizations)

Section II: Submission Procedures for Owner Approval

(Specific submission requirements)

Section III: Design and Construction Criteria

(Specifications and standards)

*If any questions arise concerning any information within this Handbook, please contact the MBTA's Assistant General Manager for Design and Construction.

1.2 LANDLORD'S AGENT

The Landlord's Agent acts as a liaison between the Landlord and the Master Lessee, Tenant, Subtenant, Licensee, and their respective design consultants and Tenant's contractors.

Any Tenant, contractor, and/or consultant concerns or issues may be submitted to the Owner's Agent as follows.

Massachusetts Realty Group
Attn: Tenant Management
20 Park Plaza, Suite 1120
Boston, MA 02116
(617) 316-1654

1.3 LANDLORD'S FIELD REPRESENTATIVE

The Field Representative acts as liaison between the Tenant (including its consultants and contractors) and the Owner. Prior to construction, the Tenant's contractor must meet with the Field Representative to obtain a list of rules and regulations, coordinate activities such as floor slab pour or installation of wall partitions, and review the MBTA's approved Construction Drawings filed at the site. Landlord's Field Representative is as follows:

Sean Carney, Director of Operations Support
45 High Street
Boston, MA 02116
(617) 222-4752

1.4 BUILDING CODES

The Tenant shall be solely responsible for ensuring that all work is done in compliance with all applicable federal, state and local codes and standards, as amended from time to time. These include, but are not limited to:

- Massachusetts Building Code (Current Edition)
- Massachusetts Architectural Access Board (MAAB) Requirements
- National Fire Protection Agency (NFPA)
- ADA Guidelines/ANSI

1.5 GOVERNING AGENCIES

State and/or City of Boston Building Officials will provide plan check and permit services as well as building inspection. City of Boston Inspectional Services also reviews and inspects all food service establishments located within the Premises.

Governing Entities

The names and addresses of some key local governing agencies are listed below. MBTA's Design and Construction Department should be contacted to coordinate the submission of drawings for advance review and written approval.

MBTA Design and Construction Department

Edmond Hunter, Assistant General Manager for Design and Construction
MBTA Design and Construction Department
10 Park Plaza, 6th Floor
Boston, MA 02116-3974

Fire Department

Boston Fire Department
115 Southamptton Street
Boston, MA 02118-2713

Or local Fire Dept. of host town

Headquarters (617) 343-3550
Fire Prevention (617) 343-3620
C/O Through MBTA Utility Coordinator (617) 222-5253

Health Departments

City of Boston, Division of Health Inspections
1010 Massachusetts Avenue, 4th floor
Boston, MA 02118

Tel: 617 635 5300
Fax: 617 635 5388

Commonwealth of Massachusetts
Department of Public Health
250 Washington Street
Boston, MA 02108-4619
(617) 624-6000 TTY (617) 624-6001

1.6 BUILDING PERMITS

All new construction or alterations to existing facilities require a building permit issued by State and/or City of Boston Inspectional Services Department. Permits are also required for any plumbing, mechanical and electrical construction. Tenants shall be responsible for securing all permits and paying all permit, license and inspection fees required for improvement and construction within the Leased or Licensed area.

2.0 SUBMISSION PROCEDURES

The MBTA has developed a design review process to assist Tenants in complying with these Tenant Design Standards. The design review process is established to facilitate communication between Tenants and the Design Review Staff. Complete stamped and signed architectural, mechanical, plumbing, fire protection, electrical, and structural (as required) construction documents are required and must be approved in advance by MBTA before any work is commenced on MBTA property. All professionals preparing construction documents must be registered in the Commonwealth of Massachusetts.

2.1 SCHEMATIC DESIGN REVIEW

The objective of the Schematic Design review is to ensure that the applicant has developed an appropriate concept in compliance with the TDS and MBTA operational requirements.

The Design Review Staff will consider the major design components for the project and assist the applicant in identifying major design issues and concerns. The following materials are required for the schematic design submittal:

- Floor Plans (4 Copies)
- Elevations of all walls and storefront areas visible to the public (4 Copies)
- Signage types, locations and materials (4 Copies)
- Colored rendering of storefront and merchandise display (1 Copy)
- Materials samples board for project including floor, wall, ceiling, & casework finishes (1 Copy)

MBTA Construction and Design Review staff seek to respond to the applicant within 10 working days and will provide the designer with written notification to proceed with the Design Development or to return with more schematic design information incorporating the design review comments of the Design Review Staff.

2.2 DESIGN DEVELOPMENT REVIEW

The intent of this review is to focus on the detailed design elements of the project for compliance with the TDS. Review of previous comments and how these elements have been incorporated into the project is a significant component of this submittal.

This submittal also presents the MBTA Construction and Design review staff the opportunity to review additional information regarding structural, mechanical and electrical issues pertaining to the project. The Design Development Submittal should include:

- Floor Plans drawn to scale showing existing adjacent conditions.
- Reflected ceiling plan showing the materials to be used, ceiling heights, and the layout of lighting and other features.
- Elevations of all storefront and walls including the identification of materials, signage and equipment.
- Signage elevations and details showing attachment and materials including colors.
- Mechanical Plan showing connections to existing systems for HVAC, new ventilation systems and other related information.
- Plumbing Plan showing the extent and quality of all plumbing fixtures.
- Structural drawings and details if required by the scope of work.
- Electrical and Lighting Plans showing the location and type of all light fixtures and cut sheets for each fixture.
- Updated color and material sample board.
- Project equipment and furnishing layout and cut sheets.
- Updated perspective and renderings incorporating information from previous review meetings
- Additional items as requested in previous design review.

It is the intention of the Design Review Staff to respond in writing within not more than 10 days of the Design Development Review Meeting. This written response will indicate if the applicant is approved to move forward with construction documents or if additional design development information is required. Approval at this step does not constitute permission for construction or imply that a building permit will be issued.

2.3 CONSTRUCTION DOCUMENT REVIEW:

Prior to commencement of any construction, the Tenant must submit, and MBTA must approve, complete working drawings and other construction documents.

The objective of this review is to ensure that these TDS are met and that conditions imposed by the MBTA Design and Construction review staff have been incorporated. The applicant must receive approval from MBTA Design and Construction review staff prior to seeking building permit(s).

The Construction Document submittal should include complete detailed Architectural, Structural (as needed), Mechanical and Electrical drawings and specifications required for permitting and construction. Tenants shall provide six complete sets of documents for MBTA review. Please allow at least thirty (30) days for review.

Architectural Drawings

- Floor plans at a scale of $1/4" = 1'0"$ indicating all partitions, doors, fixtures, equipment, built-in furnishings, and other details with appropriate dimensional criteria.
- Reflected ceiling plans at a scale of $1/4" = 1'0"$ indicating any suspended ceiling, light fixtures, sprinklers, HVAC ducts, and partitions with appropriate dimensional criteria;
- Exterior storefront elevations at a scale of $1/4" = 1'0"$ indicating signage locations, configurations and dimensional criteria;
- Interior finish schedules and appropriate details;
- Material samples of color chips for all proposed interior and exterior improvements and;
- Drawings must indicate weight of heavy equipment, cases, etc.
- All drawings must be sealed by Commonwealth of Massachusetts Registered Architect.

Electrical Drawings

Scale $1/2" = 1'0"$ as follows:

- Complete electrical drawings (sealed by Commonwealth of Massachusetts P.E.), floor plans, and specifications;
- Lighting layout including manufacturer's catalog numbers and catalog cuts of fixture mounting, color and finish, and lamp;
- Drawings must indicate connected electrical loads, and submeter location and equipment specifications.

Plumbing Drawings

Scale $1/2" = 1'0"$ Large, however, Restaurant or Tenants may use $1/4" = 1'0"$ as follows:

- Complete plumbing drawings (sealed by Commonwealth of Massachusetts P.E.) and specifications;
- Connection to water service;
- Complete fixture and device schedules.
- Connection to soil and vent piping.
- Drawings must indicate submeter location and equipment specifications.

HVAC Drawings

Scale $1/2" = 1'0"$ Large, however, Restaurant or Tenants may use $1/4" = 1'0"$ as follows:

- Complete HVAC drawings (sealed by Commonwealth of Massachusetts P.E.) and specifications in compliance with all governing codes;
- Proposed connection to building services.
- Cooling and heating load calculation.
- Complete schedules.

Fire Protection Drawings

Scale $1/2" = 1'0"$ Large, however, Restaurant or Tenants may use $1/4" = 1'0"$ as follows:

- Drawings and specifications must show alarm speakers, pull stations and sprinkler system.
- Owner provides a complete code compliant sprinkler system as part of base building.
- Drawings must be sealed by Commonwealth of Massachusetts P.E.

- Drawings must clearly delineate all changes Tenant wishes to make to locations, extent and number of heads, stations and speakers.

Sign Drawings

- Provide a 1 / 2" = 1' - 0" scale drawing of any signs, storefronts, and/or exterior elevations on which signs appear. Exterior elevations should comprise the entire building from ground level to roof edge.
- The sign should be accurately located and dimensioned, including position. On a separate print, the signs should be rendered using proposed colors as closely as possible.
- Describe sign construction and materials as well as installation techniques with detail drawings (scale: 3" = 1' - 0");
- Samples of paints and materials should be submitted. Paint samples should be submitted on a 12" long proposed height sample of the actual sign material. A letter of the actual size, style, and color must be submitted for review and approval.
- Include the name of sign painter and/or installer in sign submission;
- Full-sized mock-ups should be submitted prior to final approval of all signs. Mock-ups may be of paper including color and finish. The Owner reserves the right to test the sign submission with full-size mock-ups in or on the completed building.

2.4 RECORD DOCUMENTS

Two sets of RECORD DRAWINGS shall be submitted to the MBTA within 30 days of the receipt of the certificate of occupancy. RECORD DRAWINGS shall be submitted on reproducible hardcopy and original format electronic files.

3.0 DESIGN CRITERIA

3.1 INTRODUCTION

The intent of these Tenant Design Standards is to provide a summary of design criteria that will help Tenants create a successful store design and consistent, high quality retail concession environment throughout the subject Southwest corridor stations. Designs must evoke a sense of personality and place along with a positive image that captures a customer's attention. Designs must offer a complementary setting for the merchandise as well as a stimulating but comfortable environment for the customer.

The information contained in the TDS should be utilized by Tenants, their designers and contractors to coordinate the necessary information for the design and construction of their leasehold improvements. The results should be top quality, contemporary designs that benefit all Tenants. It is also important for the designs to complement the architectural qualities of the existing stations and remain compatible with adjacent tenancies.

3.2 PHILOSOPHY

Tenant spaces should strike a thoughtful and appropriate balance between variety and consistency. The TDS should be met by proposing contemporary design solutions that are able to capture the "essence" and feel of the design guidelines, without necessarily being literal interpretations. This can be achieved through proper use of materials, color and design elements that relate to the concepts and requirements of the TDS.

3.3 SUSTAINABLE DESIGN

MBTA encourages the practice of sustainable design in all design decisions regarding the Tenant's build-out. Some examples of desirable sustainable design practices include:

- **Recycled Content:** Increase demand for building products that incorporate recycled content materials, thereby reducing impacts resulting from extraction and processing of virgin materials. Establish project goals for recycled content materials and identify material suppliers. During construction, seek to ensure that recycled content materials are utilized. Consider a range of environmental, economic and performance attributes when selecting products and materials.
- **Low-Emitting Materials/ Adhesives & Sealants:** Reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants. Where possible, specify low-VOC materials in construction documents. Provide VOC limits in adhesive and sealant specifications. Common products to evaluate include general construction adhesives, flooring adhesives, fire-stopping sealants, caulking, duct sealants, plumbing adhesives, and cove base adhesives.
- **Low-Emitting Materials/ Paints & Coatings:** Reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants. Where possible, specify low-VOC paints and coatings in construction documents. Ensure that VOC limits are clearly stated in each section of the specifications where paints and coatings are addressed. Track the VOC content of all interior paints and coatings during construction.
- Where possible, specify products that are either certified under the Green Label Plus program or for which testing has been done by qualified independent laboratories in accordance with the appropriate requirements.
- **Low-Emitting Materials/ Composite Wood & Agrifiber Products:** Reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants. Where possible, specify wood and agrifiber products that contain no added urea-formaldehyde resins. Specify laminating adhesives for field and shop applied assemblies that contain no added urea-formaldehyde resins.
- The TDS encourages a concerted effort on the part of Tenants and their architects to select finish materials which are derived from renewable resources. Materials that are prohibited or possibly harmful to the environment are prohibited.

3.4 KIOSKS

It is MBTA's desire to relocate specialty retailers from currently provided pushcarts to new permanent kiosks. As with pushcarts, Kiosks enable retailers to provide quick service on a few select items to travelers who have little time to browse or shop, however, they have the additional benefits of being more attractive, durable, integrated, and permanent in appearance.

It is important for the Lessee or Licensee to be mindful that all public areas within the stations are constantly subjected to high concentration and movement of people. Therefore, the Lessee or Licensee will be required to submit a passenger traffic study along with any proposed kiosk design and placement

in order to demonstrate that a proposed kiosk will not impede queuing and natural circulation of people. Because of the primary importance of maintaining optimal passenger traffic flow within the transit stations, the MBTA shall have sole and absolute discretion over kiosk design and/or placement approvals.

Kiosk designs and construction shall be first-class, durable and complement each station's built environment as determined by MBTA acting in its sole discretion. (Freestanding kiosks located on the South Station concourse, e.g., Barbara's Books, Au Bon Pain and Martin's Newsstand are offered as examples of kiosks that satisfy the foregoing qualitative requirements.) Kiosks shall incorporate modular casework enabling easy reconfiguration. Kiosks may, where feasible, be equipped with water, power and sewer connections (or portable accommodations complying with health department requirements) to support a variety of food and dry good vendors.

Kiosk tenants primarily involved with retail merchandise should pay special attention to design and placement of merchandise displays. Creative merchandising is encouraged but, generally, products may not be hung directly from any part of a kiosk. MBTA's overall objective is to create a clutter-free appearance. Special attention must be given to the organization and design of each kiosk retail element, including the merchandise, menu boards, equipment, and all related accessories. These elements shall be designed as an integral part of the kiosk. Inventory storage shall not be visible to the public for any extended period of time. Kiosk design and layout shall accommodate sufficient space for delivery and storage of supplies and inventory.

Merchandise displays should be an integral element in the overall design and must be submitted for review and approved as part of the Design Review Process.

As envisioned, kiosks will be located in concourse areas where the MBTA already has provided ceiling and floor finish materials. Any modifications to these materials will be limited to areas within the Kiosk footprint, and will require prior review and written approval by MBTA.

Landlord's Priorities

The Landlord has several kiosk design priorities that must be satisfied from design concept through construction.

- Kiosk designs shall allow access to any existing mechanical/electrical items located within or adjacent to the kiosk lease area.
- Kiosks shall be designed and situated in such a manner that existing vistas to and through interior and exterior windows and openings are preserved to the greatest extent possible.
- Kiosk shall incorporate all required functions and elements for a particular use. For example, "accessory" items such as condiments must be integrated with the overall Kiosk design.
- All elements of the kiosk must be designed to be fully lockable and secured. Kiosk tenants are responsible for the security of their property at all times, whether or not the kiosk is open for operation. This includes the space within kiosks, along with ALL equipment and merchandise.
- Kiosk designs must be visually compatible with station architectural elements and features.

- Tenants shall use reasonable efforts to control, filter or otherwise contain odors and cooking smells associated with the marketing and production of items to the area within the perimeter of the lease space.
- Kiosks must be installed in a manner that does not damage existing finishes or materials, or can be easily repaired upon kiosk removal.
- Electricity and water (if applicable) shall be separately metered (Kiosk operator shall furnish and install sub-metering equipment as required).

Materials

The design and material selection for the kiosk are key elements that make up the Tenant's overall identity and merchandise. It is the intent of these TDS to support that identity. Kiosks can be considered as a piece of furniture, encouraged to be fun, creative and energetic, while remaining visually compatible with adjacent surroundings.

Counters

Counters shall be durable, high quality, and monolithic, with decorative elements added, such as wood or metal. Decorative elements can be utilized in various ways, including a bullnose edge or accent band along the face of the counter top.

Suggested materials for counters include:

- Stone
- Composite-Solid Surfacing
- Metals
- Glass

Unacceptable materials include:

- Plastic Laminates
- Metal Laminates

The Tenant shall provide a highly durable counter base. The counter base should be set back from the counter front to add variety and depth to the overall counter design. The height of the counter shall be 34 inches high, **with display cases not exceeding 54 inches in height**. Display cases may occupy up to 30 percent of the counter area. The counter front shall be durable, high quality materials consistent with the overall RMU design. Careful attention should be paid to the detailing of materials and how they join and connect.

Suggested materials for counter fronts include:

- Stone
- Natural Woods

- Metals
- Back Painted Glass
- Airport Approved Wallcoverings

Unacceptable materials include:

- Plastic Laminates
- Metal Laminates

Counter Accessories

Sneeze guards, when used, are to be custom designed as an integral part of the overall kiosk design. They shall be flush with the front face of the counter line and shall be no higher than 4 feet 6 inches above the surface of the floor. All horizontal joints are to be butt glazed to provide maximum visibility. Cup and napkin dispensers, along with condiment containers, shall be recessed into counter surfaces as an integral part of the kiosk design.

Equipment

All required equipment shall be provided by the Tenant at its own expense. Equipment placement is a key component to the overall design of the kiosk. Therefore careful attention is to be given to each piece of equipment and how it is viewed by the public. Product names, logos, or advertisements shall be screened from public view. Wood grain or other simulated material finishes are not permitted on equipment; natural metal, glass or porcelain finishes are acceptable.

Signage

Signage shall be carefully integrated into kiosk canopies, and comply with other signage requirements provided elsewhere in this manual.

Menu Boards

Menu boards are a critical element for kiosk food concessions and shall be carefully designed and coordinated with kiosk architectural character, signage and other graphics. Menu boards must be professionally designed and prepared; hand lettered signs are prohibited. Non-glare material(s) must be used. Internally illuminated menu boards are not permitted.

Lighting

Ambient lighting exists in all areas of the stations where kiosks will be located. Kiosks shall incorporate lighting as necessary to highlight displays and properly light task and preparation areas. Lighting may be integrated into display system(s), casework, or into overhead portions of the kiosk. High quality display lighting systems are recommended, with fixtures and lamps designed to be integral with the overall design concept of the unit. Light fixture mountings, conduits, transformers, wires, etc. shall be concealed.

3.5 STORE DESIGN CRITERIA

It is critical for the Tenant's architect to develop a design that generates impact, image and personality, while encouraging interaction and providing convenience and comfort. The essence of successful retail design involves vision to provide an enticing, attractive retail space. The main objective is to lure the customer's focus to the merchandise or service.

All storefronts must be located within the Tenant's lease line. Projections beyond this space will not be permitted, unless specifically address below. Signage (excluding the sign blade) may project no more than 8 inches from the face of the storefront.

Doors entering the Lease Space may not swing beyond the lease line unless specifically approved by the MBTA.

Utilities, e.g., electricity and water (as applicable), shall be separately metered. Shop operator shall furnish and install sub-metering equipment. Design consultant or Contractor, as applicable, shall contact MBTA Operation Support Department for water and electric meter requirements.

3.6 SIGNAGE AND GRAPHICS

All signage must comply with the Americans with Disabilities Act requirements for equal access including, without limitation, requirements for size, type, contrast, legibility, etc.

Blade Signage

Tenants may, at their sole expense, furnish and install blade signage as approved by MBTA and in compliance with local requirements. Tenant portions of any blade signs may not exceed two square feet in area. Blade signage shall be a cast or molded material with three-dimensional relief. The Tenant will be responsible for the information and graphic templates for their individual logo/name on the sign and shall fabricate their name and logo portion. Tenants shall submit sign shop drawings for MBTA review and approval (in MBTA's sole and absolute discretion) prior to fabrication. Tenants shall be responsible for the fabrication of the blade sign, the attachment of the sign, and mounting of the sign. The Tenant shall be responsible for mounting the sign to the wall. Tenants shall provide the light and lamps for all signage.

Dimensional and Location Requirements

Signage at storefronts must be located within designated sign areas as approved by MBTA acting in its sole and absolute discretion. Signage may not obstruct MBTA wayfinding or other signage.

Style and Materials

Signage should reinforce the character and quality of the store design. Size, character, typography, composition, illumination, and height are important factors that make every storefront sign unique. Signage design must be visually distinct from MBTA wayfinding graphics so as to not confuse customers.

Allowable Sign Types

- Surface-applied dimensional metal letters with indirect illumination
- Light conductive, edge-lit glass
- Push-through, illuminated letters
- Reverse channel-lit lettering (pin-mounted and back-illuminated) mounted on a non-reflective background surface.

- Routed metal or stone
- Dimensional letters of metal, stone or wood
- Covered neon
- Imaginative signs are encouraged.
- One sign identifying the trade name of the Tenant as indicated in the Lease is permitted for each Tenant.

Prohibited Sign Types

- Hand Written
- Flashing signs/lights
- Moving or changeable LED signage
- Exposed Neon
- “Open” signs
- Vacuum formed signs
- Extraneous signage such as credit card signs, sale signs, etc.
- Promotional signage must be reviewed and approved
- Freestanding pedestal signs (stand-up) single or double-sided
- Signage will not be permitted to be placed on stanchions
- Internally Illuminated signs

Signage for Hours of Operation

Hours of Operation shall be posted by the Tenant. Signage must be incorporated tastefully into the overall storefront design and be of materials compatible with the overall storefront design. The size of the sign shall not exceed 4 inches by 8 inches, and be located between 24 inches to 48 inches above floor finish.

Acceptable materials for Hours of Operation Sign shall include:

- Etched Stone
- Cast Metal
- Etched Metal

Painted or ink printed Hours of Operation signage is not permitted. Vinyl letters on glazing are also not permitted. Signage indicating temporary closure are not permitted unless they are of the same material as the Hours of Operation signage.

3.7 STOREFRONTS

The role the storefront plays to successful merchandising is probably the most important element of a store's design. The average exposure time of your merchandise/ service to a passing "traveler/shopper" is four to six seconds. Therefore, the storefront must be able to attract the "traveler/shopper" and encourage them to enter and explore the space. This can be achieved when a creative and cohesive store design establishes a complimentary identity for the merchandise presentation, which is then carried throughout the sales area. Imaginative use of materials and architectural elements, appropriate signage, along with creative merchandise presentation, are a few of the tools available for the architect.

Finish Treatments

The finish materials identified in the TDS have been developed to provide consistency with the existing Terminal(s) while still offering the Tenant flexibility in design. In determining the finishes to be used in the storefront design, one should consider:

- Quality of the material
- Appropriateness to the character of the store
- Durability and maintenance

The use of innovative materials is highly encouraged. Appropriate materials include:

- Structural metal framing
- Porcelain-painted, aluminum, stainless steel, or enamel steel panels.
- Glass-etched (sealed), sandblasted (sealed), tinted, clear, glass block
- Marble, Granite, Slate, Sandstone, Limestone and other natural stone
- Stained or Natural Finished Woods
- Natural Metals (no plated or coated laminates)
- Solid Surfacing Composite Materials- minimally used
- Painted Drywall

Inappropriate materials would include:

- Artificial versions of stone, marble, tile, wood or other natural material
- Indoor/Outdoor Carpet
- Fluorescent Paint

- Vinyl Tile or Sheet Vinyl
- Wood grained plastic laminates
- Mirrors
- High Gloss Plastic Laminates
- Wall Coverings
- Stucco
- Obscured or translucent glass shall be sand blasted or etched—no films or appliques will be permitted
- Anything considered a non-durable material or lacking in visual quality
- Anything considered a fire and/or safety hazard

Glazing

Glass plays an integral role in the storefront design. Properly treated, it contributes to the design's overall effectiveness, merchandising presentation and helps reduce "threshold resistance." Glass should be treated like any other material and should be used in a way that reinforces the store's complete design, style and character. In contemporary designs for example, full-height, butt glass is preferable to framed windows. Traditional designs could employ articulated moldings, muntins or beveled glass. Leaded or stained glass also may be appropriate but may not be used unless required by local policies. Silicone shall not be used unless required by code or ordinance, should complement the design and not detract from the beauty of a clean and uninterrupted view of the store and merchandise.

Entrances

A key element of storefront design is the determination of the entrance aperture. Equally important for the overall presentation of merchandise is the articulation of the entry with the surrounding storefront architecture. Hinged doors should be lockable in an open position.

3.8 FLOOR PLAN/INTERIORS CRITERIA

The Tenant is responsible for transitions between MBTA materials and Tenant materials. Special attention will be given to transitions during the Design Review Process. All interior finishes are provided by the Tenant at the Tenant's expense.

Floor Treatments

- MBTA provides tile or other hard surface in the public areas of the stations, including the concourse corridors, ticket lobbies, and the like. MBTA provided flooring terminates at different points at the Tenant's lease line. See specific area conditions and descriptions for more detail.
- The Tenant shall provide all flooring within their space, at the Tenant's expense. High quality, non-slip and durable materials such as stone or ceramic tile are required. Imitation wood-

grained ceramic or quarry tiles are not allowed. Vinyl composition tile or sheet vinyl are not permitted in areas viewed by the public.

- In the event that the Tenant's floor material has a pattern, the Tenant shall provide a single color, non-patterned border unless otherwise specified, to separate the MBTA provided flooring from the Tenant's patterned flooring. The border shall be 18 inches wide and shall run the entire length of the Tenant's entry. This threshold shall be provided at the Tenant's expense.
- The Tenant shall be responsible for all transition conditions between floor materials. Any required transition strips shall be metal. The Tenant shall provide a waterproof membrane at all kitchen/food service areas prior to installation of finish floor treatment. Waterproof membrane to extend 16" vertical at all walls.

Base

The Tenant shall provide the wall base throughout their space at the Tenant's expense. The Tenant shall use high quality, durable materials such as stainless steel, ceramic tile, stone, or wood. The use of rubber base is not permitted in areas viewed by the public, unless approved through the Design Review Process.

Wall Finish

- Tenant shall provide all wall treatment within their space at the Tenant's expense. The use of high quality materials will be required.
- Plastic laminate, vinyl wall covering, rough textured wood, or imitation materials may be considered and permitted only for specific applications, as approved through the Design Review Process.
- Tenants must finish walls in a manner as required to provide any required fire ratings. All penetrations must be appropriately sealed.

Security Grille

- Security grilles are to be furnished and installed by the Lessee or Licensee (subject to advance written approval by the MBTA); all security grilles must be concealed when fully opened. Design of each space shall allow convenient access to mechanical and electrical controls for the grille.

Window Coverings

- Exterior Windows. Window coverings on exterior windows shall be provided by the Tenant at the Tenant's expense. Modifications to exterior windows may be allowed, as approved through the Design Review Process (i.e., covering an exterior window with a display wall). The Tenant shall comply with many special requirements concerning modifications to exterior windows.
- Interior Window and Storefront. Window coverings are not permitted on interior window or in storefront windows.

Glass Graphics

Minimal graphics will be permitted on glass storefronts with MBTA approval. Tenant shall submit proposed glass graphics to MBTA for review and approval prior to installation.

Ceiling Treatments

- For all spaces where a finished ceiling does not already exist, the Tenant must provide finished ceiling using such products as 5/8" fire-code gypsum board, non-combustible acoustic tile or porcelain metal or other similar material as approved by the MBTA.
- Ceilings should be installed perpendicular to the front façade of concessions. Ceiling heights and conditions within Tenant spaces vary depending on location and conditions, however, 8' -0" is generally the minimum acceptable ceiling height.
- Gypsum ceilings shall be constructed of fire-rated materials to meet Class 25 non-combustible requirements. Ceiling suspension systems shall be classified a "heavy-duty" type in accordance with ASTM C635-69.
- The Tenant shall provide MBTA and TSA standard white 2x2 ceiling, or others approved through the Design Review Process, throughout their space in all areas viewed by the public. Other high quality materials are allowed in areas concealed from public view. All ceilings in food service areas shall be washable/ cleanable.
- The Tenant shall provide coordination with existing mechanical, plumbing, and sprinkler equipment above the ceiling.
- Access panels shall be provided as required at locations determined by the MBTA, and as required by code. All ceiling access panels, grills, diffusers, light tracks and fixtures shall be recessed into or above the ceiling and shall be finished to match the ceiling. New ceilings, ceiling alterations, and access panels shall be provided at the Tenant's expense.

Doors within Tenant's Premises

- All doors within the Tenant's space shall be provided and installed at the Tenant's expense. These doors shall be designated to be compatible with the overall design of the space.
- High quality doors such as solid core wood or metal shall be used. Kick plates to reduce damage to these doors are required.

Queuing Area/Devices

- To provide the highest level of customer service, queuing devices shall be used to moderate the circulation and flow of customers through Tenant spaces. Queuing devices shall be required as deemed necessary by the MBTA for Food Concessions and Kiosks, to provide direction for and control of customer lines. Tenants shall provide attractive, fixed, high quality stanchions within their space and shall adjust their use of queuing devices according to their peak periods.
- Queuing devices shall be provided by the Tenant to direct and control customer lines within the Tenant's space, as deemed necessary by MBTA. Temporary queuing devices are allowed in MBTA spaces to control crowds in public space during peak periods. All devices shall be compatible with design of the space. Tenants should adjust the use of queuing devices according to their peak business periods.
- Queuing areas/devices may not interfere with passenger circulation through the station.

Sneeze Guards and Tray Slides

- If the Tenant incorporates a sneeze guard and/or tray slide, they must be custom designed as an integral part of the counter and must meet health code requirements. The sneeze guards may be flush with the face of the front counter line and shall be no higher than 4 feet 6 inches above the floor. All joints are to be butt glazed glass to allow for maximum visibility. Transparent sheet plastic (Plexiglas) is not permitted. All glass shall be tempered.
- Tray slides are to extend no more than 6 inches beyond the face of the counter and are to be constructed of materials that are compatible with the counter.

Clutter Free Appearance

All tenant areas visible to the public shall be carefully controlled to avoid a cluttered appearance. Dispensers for dry storage, cups, straws, cup covers, napkins, and condiment containers are to be recessed into the counter as an integral part of the counter design.

Wall Treatments

Wall treatments should reflect the architecture and image established at the storefront. The rear wall should emphasize the visual merchandise and store design. Acceptable wall finishes include:

- Wall fabrics framed by architectural elements
- Wood trim, moldings or panel treatments
- Pre-finished or perforated metal panel
- Back-painted or etched glass
- Textured paint products
- Marble, granite or stone
- Tile
- Drywall

Art and Artifacts

All art and artifacts shall be submitted, reviewed and approved by the MBTA prior to any installation, and shall be consistent with the overall design concept of the space. Minimization of accessories is highly encouraged.

Fixturing

Fixturing should compliment and reflect the store attitude, reinforce the entire store concept, create visual order, and be adaptable to permit changes in merchandise arrangements. It is important to review all future merchandise categories to ensure appropriate display and fixturing capabilities.

Custom-designed floor fixturing reinforces and enhance the merchandise presentation. Integrate custom fixturing with the surroundings so that the merchandise is the focus.

Back Walls

A back wall may be built behind the counter separating the public serving area from a food preparation or other work/storage area. The back wall is at the Tenant's option; however, they are encouraged in order to maintain a clean and clutter free view from public areas. The design of the back wall is to be an integral element of the design of the Tenant's space. Back walls shall be provided at the Tenant's expense.

Walls, Partitions and Separations

- Corridor Demising Wall: Lessee or Licensee shall provide fire-rated wall assemblies constructed using metal studs and fire-rated gypsum board or masonry block. The corridor side of the wall shall be painted. All Tenant finishes and modifications to rated walls shall maintain the integrity of the rated wall and shall be at the Tenant's expense.
- Demising Walls: Demising walls between Tenants shall be fire-rated wall assemblies as required by code using metal studs and fire-rated gypsum board or masonry block. The Lessee or Licensee shall finish walls to a minimum of 6 inches above the finished ceiling. Demising walls shall be constructed at Lessees or Licensees expense.
- Tenant duct work that passes through any fire-rated assembly must be equipped with a fire damper at the point of penetration and shall be provided at the Tenant's expense. If the Tenant plans to use a demising wall for the support of shelf-standards or heavy attachments, then the Tenant must reinforce the wall as needed.
- Walls within Tenant Spaces: Walls within the tenant spaces shall be provided by the Tenant and shall generally consist of twenty 20 gauge metal studs and 5/8 inches gypsum board. Tenants shall finish walls to a minimum of 6" above the finished ceiling. These walls shall be constructed at the Tenant's expense. All materials used for construction shall be new materials. "Used" materials for architectural affect will be scrutinized carefully during the design review, and subject to approval.
- Concession areas in which food and/or beverages are served shall have all wall surfaces finished with a resilient moisture-impervious material such as glazed tile or plastic laminate up to the code-required height about the finished floor. All other walls should have smooth, painted, or sealed surfaces that are easily maintained.
- No combustible products such as plywood paneling, construction lumber or wood by-products are allowed in any wall construction.

Shelving

Wall fixturing should be custom-designed to complement retail good presentation. Laminated and wood shelves should be dimensional or have a vertical edge. Glass shelves should be engineered to support the merchandise displayed, with all edges polished. Other shelving system materials shall be well-suited and imaginative. Standards should be fully recessed into the wall surface.

Cash/Wrap

- Cash and wrap counters should be used as fixtures and should reflect the store architecture as well as other presentation elements. Special attention should be given to concealing all required functions such as equipment, packaging materials, refuse, cash drawers, cash registers, telephones, etc.
- Cash registers, drink dispensers, and other equipment shall be recessed in the front counter top and are to be set back a minimum of 6 inches from the front counter edge. All equipment on the front counter is subject to design review by MBTA, and no piece of equipment may exceed the 4 feet 6 inches height limit above the floor.
- Simulated wood grain finishes are not permitted on any equipment. Natural metal, glass, or porcelain finishes are acceptable.

Self-Service

- Wall units will be considered on a case-by-case basis. Tenants shall submit cut sheets and wall unit specifications to MBTA for review and approval.
- Refrigerated display cases are required to be commercial grade and able to maintain appropriate temperature per Health Department requirements & regulations.

Display Cases

- Display cases may be no more than 50 percent of counter width unless otherwise noted and may be a maximum of 4 feet 6 inches above the finished floor. The base of the display cases shall be set back 4 inches from the case front to accommodate customer toe space and cleaning equipment under the counter. All free standing display cases and coolers shall be reviewed and approved through the Design Review Process.
- All glass areas of the face and sides shall be clear glass. Framing, grilles, and other metal parts exposed to the public view shall be wood or polished metal, such as stainless steel or brass. The back of the case, when viewed from the public space, shall be clear glass or mirror glass. Display cases shall be internally illuminated with concealed lighting. Display cases shall be provided by the Tenant at the Tenant's expense. All display and signage information shall be contained within the Tenant's lease line space.
- Food presentation is an important aspect of the Tenant's counter design. Display cases for food presentation and preparation may be installed within the counter area and must be designed as an integral element of the counter and shall be reviewed and approved through the Design Review Process.
- Display cases shall include no illuminated logos or signage.
- Wood display cases are not allowed except for decorative trim, as approved.

Accessories/Hardware

Accessories and hardware make a store design and merchandising system work properly and make shopping convenient for customers. Brackets should be hidden or color-coordinated unless they are

making a statement that coordinates with the total store design. Dressing rooms require special attention to such details as hooks, shelves, seating, door closures and signage. Entrance doors and fixture hardware should be designed for simple operation (including accessibility requirements) and should complement the image of the store.

Interior Signage and Graphics

Permanent interior signage and graphics should be three dimensional, fabricated in a substantial material, and be submitted for MBTA approval. Promotional and sale signs should be properly designed, framed or suspended. Signs shall be located no closer than 10 feet from the storefront lease line.

Promotional Signage

Promotional signage should be considered at the time the store is designed. Printed, well-designed graphics for promotional signs are permitted. No handwritten, markerstyle sign will be permitted. All promotional signs will require MBTA's written approval prior to any fabrication or installation.

Foliage

Live plants may be appropriate decoration, however, plastic and/or poor quality synthetic foliage plants are not allowed. Foliage should be readily accessible for watering and other care. Baskets, plastic or wooden containers of low quality are inappropriate for commercial use. Proper detailing and specifications of the foliage and planters is paramount to the success and longevity of a foliage installation.

Furniture and Equipment

- All equipment, fixtures, and furnishings shall be provided by the Tenant at the Tenant's expense. The equipment and its placement are important visual elements of the overall design and appearance of the space. Careful consideration is to be given to each piece of equipment in the areas visible to the public.
- Furniture styles shall be compatible with the overall design and the aesthetics of the public area.
- Tenants with interior seating shall provide high quality furniture that is compatible with the overall design of the space and with the aesthetics of the tenant space. Furniture shall be approved through the Design Review Process.

Counters

- Counters are one of the key elements that contribute to the Tenant's overall identity and character. The counter area shall be flexible and creative in design. Tenants shall provide a clearly definable area for ordering and checkout. A counter height of 34 inches is required with the exception of counter front display cases.
- A highly durable counter base shall be provided by the Tenant. The counter base shall be set back 4 inches from the counter front to add variety and depth to the counter design. The height of the counter base shall be sufficient to accommodate customer toe space and cleaning equipment under the counter.

- The counter front is to be durable, high quality material consistent with the store's overall design image. Careful attention must be paid to the detailing of materials and how adjacent materials join and connect.

Suggested Counter front Materials:

- Stone
- Metal
- Wood
- Glass
- Tile (consisting of multiple, complimentary colors and size variation)
- Solid Surface Composites
- Other materials, as approved through the Design Review Process

Scrutinized Counter front Materials:

- Plastic Laminates
- Metal Laminates
- Glass Block
- Counter top material must be durable, high quality, monolithic material. The Tenant is encouraged to add decorative elements such as wood or metal bullnose or tile band along the face of the counter top.

Suggested Countertop Materials:

- Stone
- Stainless Steel
- Solid Surface Composites
- Finished Wood

Scrutinized Countertop Materials:

- Metal Laminates
- Glass
- Ceramic Tile

Doors

Doors, doorframes, and roll down gates shall be metal or a combination of metal/safety glazing. No plastic or wooden doors are permitted.

Paint

All paint used must meet flame-spread requirements of code.

Plumbing

Plumbing shall be sized, installed and maintained according to code. Installation and type of water, vent, and waste piping should meet all applicable code requirements. Pipe insulation shall be non-combustible and contain no asbestos.

Water

Proper hand-washing facilities should be installed as required to satisfy health code and operational requirements. Any water fountains must meet all accessibility codes.

Electrical and Communication

The power consumption for a concession may be adequate as shown on the plans; however, it may be necessary to increase the size of the service that feeds the concession. The Tenant should, at its expense, enlarge, change or alter the service entrance equipment to fit the needs of the concession area. The Owner will determine if adequate power is available in the Owner's electrical room for use by the Tenant. It may be necessary for the Tenant to install new wiring, conduit and a circuit breaker or disconnect switch from the Owner's designated service equipment to the concession area. A new switch or panel board may be necessary for the concession area, the total cost of which shall be borne by the Tenant.

Convenience Outlets and Switches

Outlets and switches shall be indicated on the plans. Only specification grade receptacles and switches must be used throughout concessions.

Lighting

Fluorescent lighting should be the primary lighting source for concessions, with incandescent lighting being used for accent purposes only. Recessed or drop-in type fixtures should be used where practical in suspended ceilings. Surface mounted fluorescent fixtures should have a lens or diffuser to cover the bare lamp. No open-lamp strip unit fluorescent fixtures should be allowed. All general-purpose lighting should provide light levels necessary for primary use of a concession. The following levels of lighting shall be maintained

General Lighting – 100 foot-candles

Storage Area – 40 foot-candles

Telephone

The Tenant should be responsible for making his own arrangements for telephone service in the concession area. The telephone line should be installed in a 3 / 4" rigid conduit from the concession area to the telephone equipment entrance area. The MBTA must approve any proposed telephone conduit route.

Fire Systems

Concession areas which have an existing sprinkler system should not have any ceiling installed below the sprinkler heads. There should not be any obstructions or partitions, which would leave a section of the concession area unprotected. The Tenant shall install additional sprinkler heads, if necessary, at his expense. The Tenant shall install, at its expense, a minimum of one (1) combination fire and smoke detector in any concession area. Additional smoke detectors may be required by code. The detector should be a hand-wired type, 120-Volt A/C and be connected as directed by the Engineer. Battery-powered smoke detectors are not allowed.

Security System

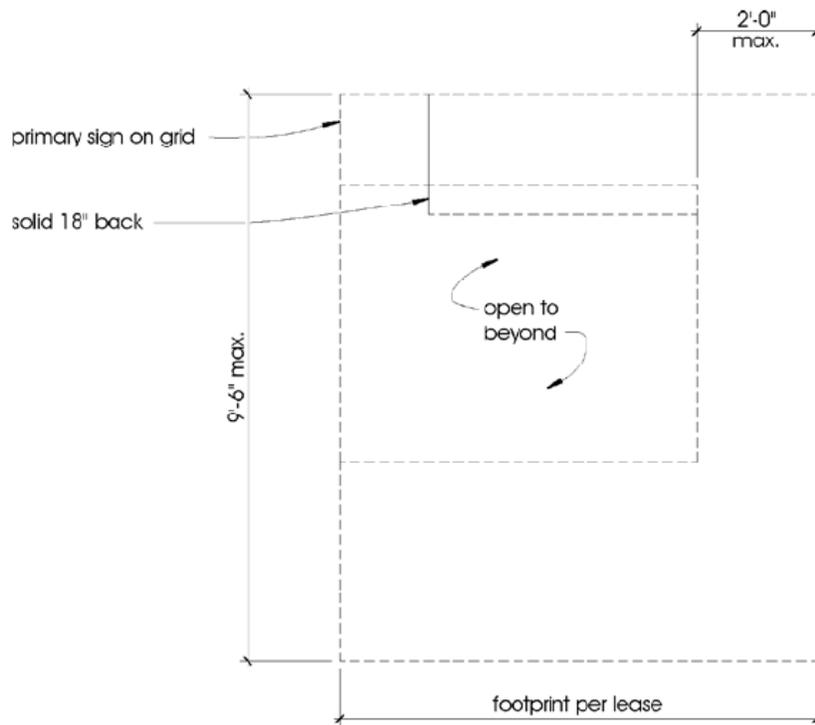
The tenant may install a security system at his expense, subject to MBTA approval. Pull-down grates are strongly encouraged.

3.9 GRAPHIC EXAMPLES

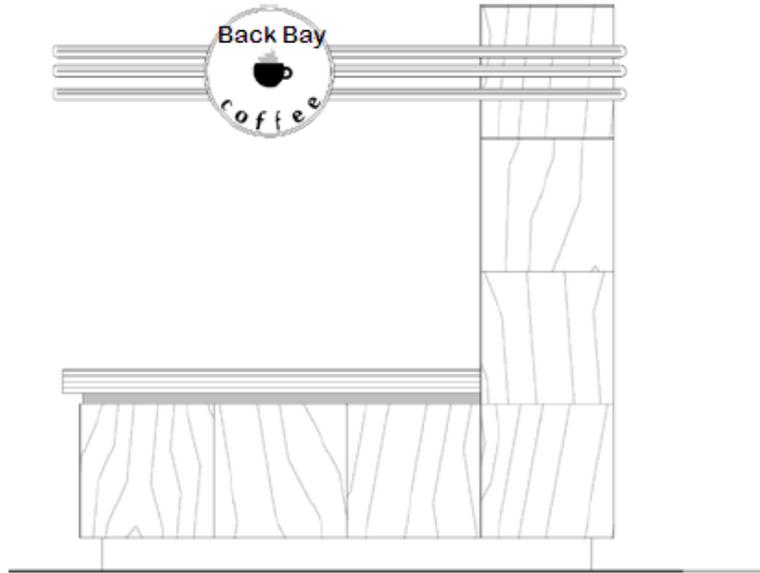
The following graphics indicate examples of kiosks offered as suggestions for design consideration. Exact dimensions of lease space will be specified in the Lease Agreement. Modifications to size and scale will be part of the design review at each stage of the approval process. The signage presented on the sign details shows the overall dimension and mounting substrate for all tenants. The logo and brand indication sign shall be cast relief by the tenant, subject to approval by the design review team, and shall not exceed 200 square inches.



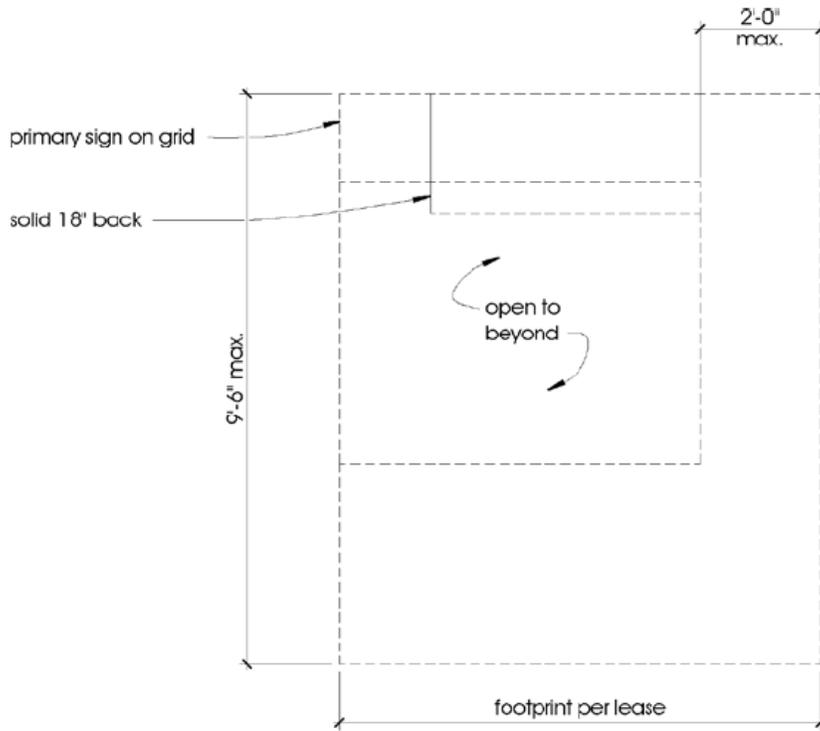
RMU with Canopy Primary View



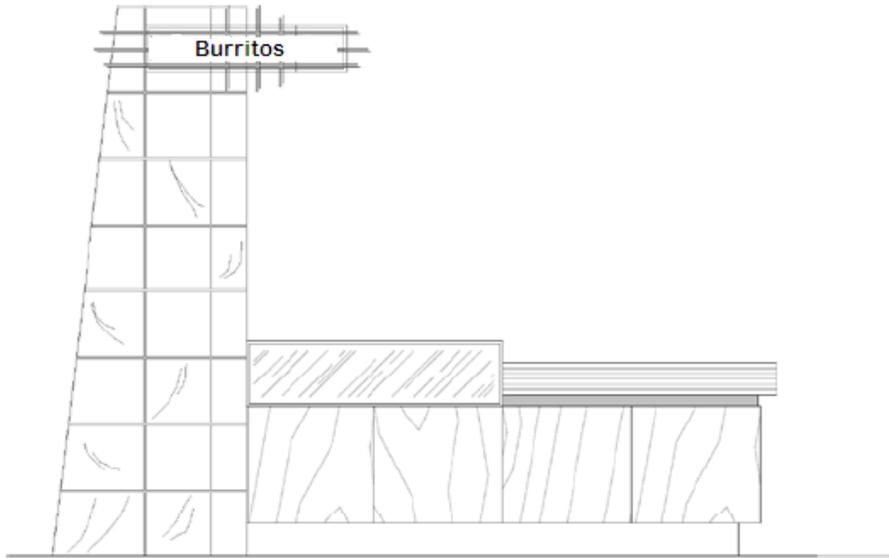
RMU with Canopy Primary View



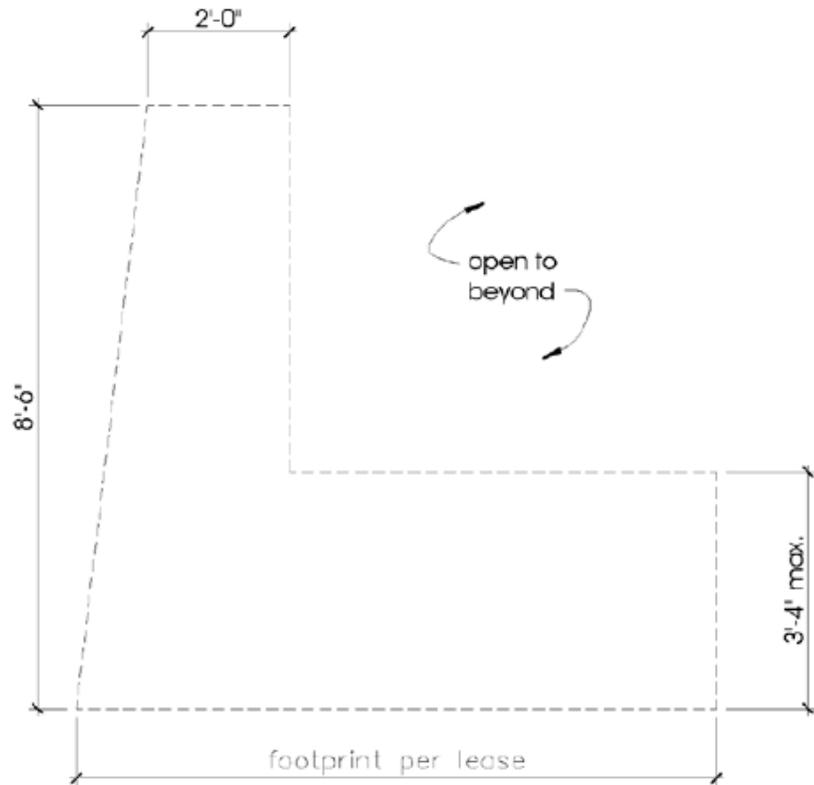
Secondary View



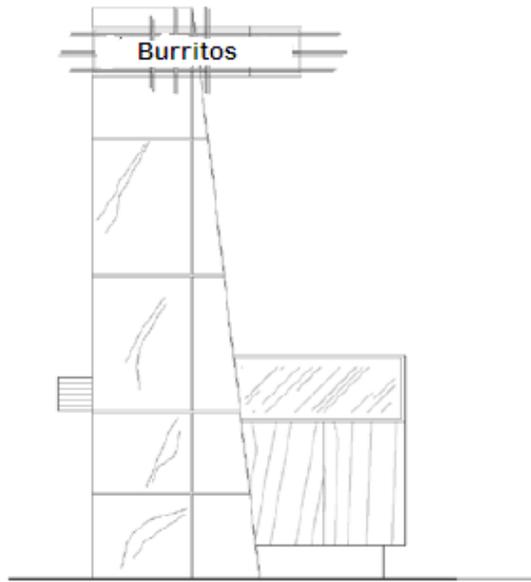
RMU with Canopy Secondary View



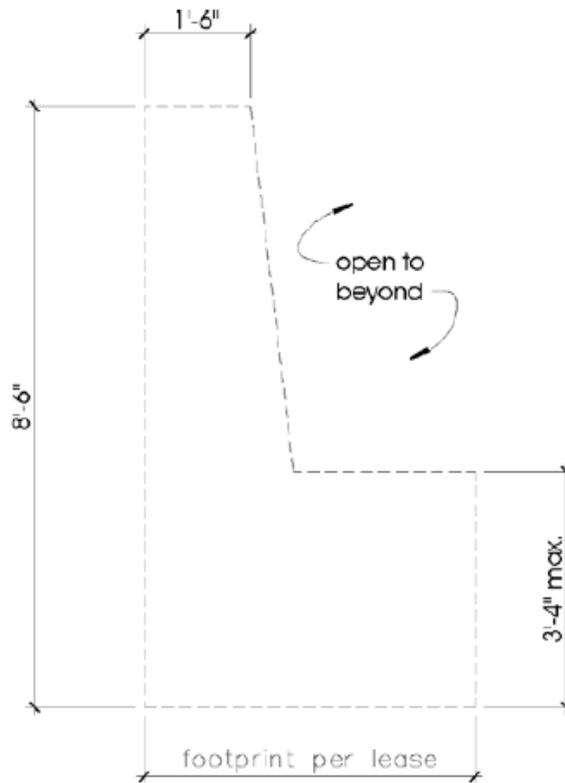
RMU with sign obelisk Primary View



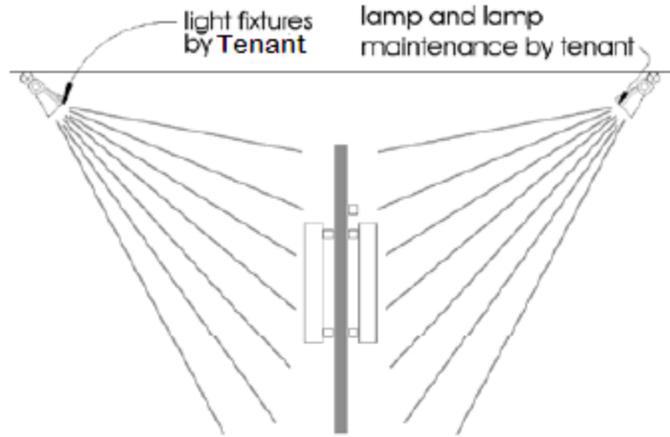
RMU with sign obelisk Primary View



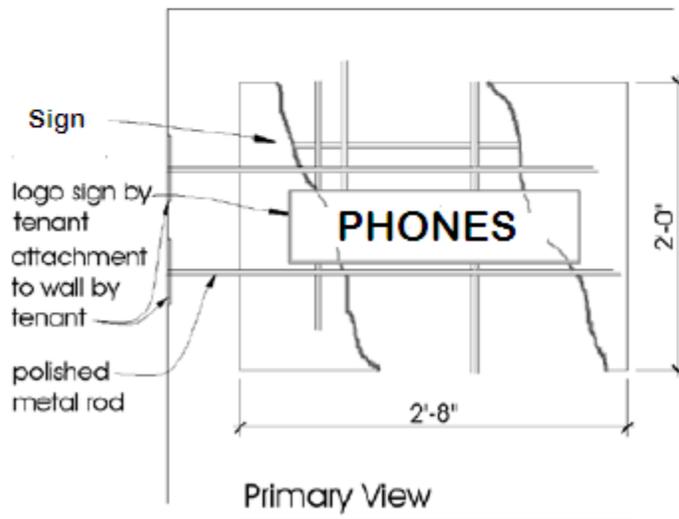
Secondary View



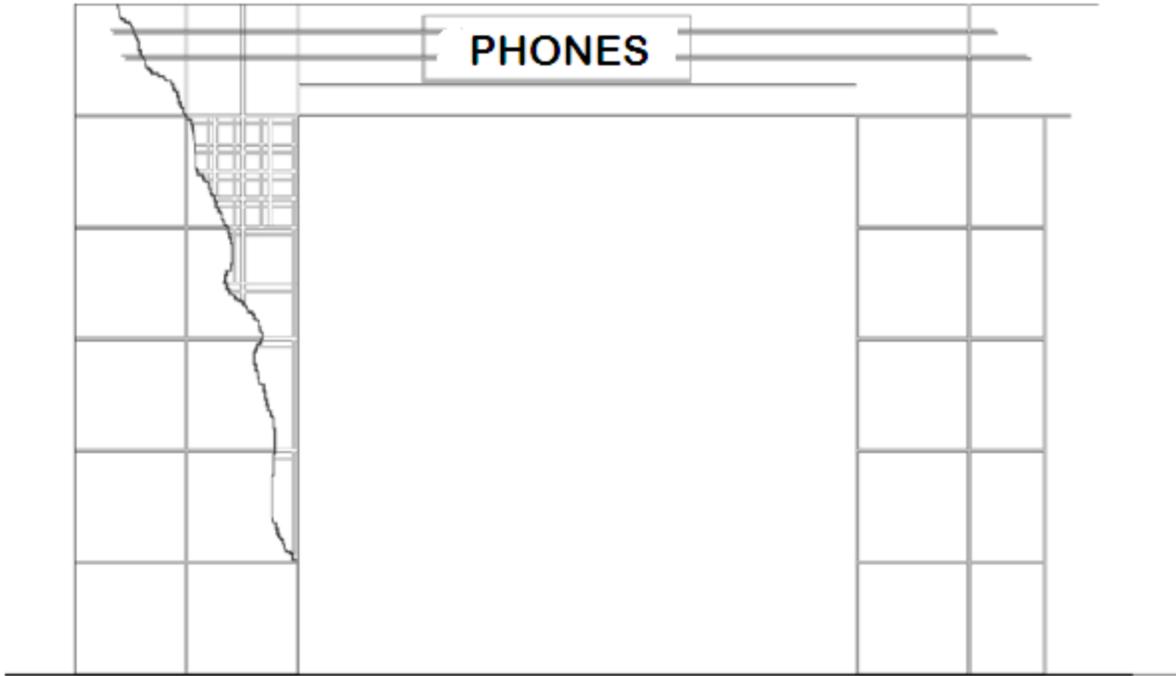
RMU with sign obelisk Secondary View



Side View



BLADE SIGN DETAIL



Store Front Primary View

4.0 CONSTRUCTION OF THE LEASED PREMISES

4.1 PRECONSTRUCTION REQUIREMENTS

Prior to commencing construction on the project site, the Tenant is to coordinate a Preconstruction Conference with the MBTA and Agent, Tenant, and the Tenant's contractor including the job-site superintendent. The purpose of the meeting is to clarify procedures, scopes of work, identify contact person, hours of operation, staging areas, routes of access, safety procedures, and other issues pertinent to the coordinated construction effort of Tenant Improvement. The Tenant shall conduct a Pre-Construction Conference agenda and provide information as listed below.

- Two (2) "Issued for Construction" sets of contract documents (for MBTA and its Agent). Contract documents shall include, without limitation, drawings, specifications, contracts or other data.
- A copy of the building permit and the stamped approved permit drawings.
- The original of the insurance certificate. An insurance certificate must be submitted for each specific work area with that work area noted on the certificate. MBTA must be named as additional insured on the certificate. Updated detailed project procurement/construction schedule. The schedule shall identify separate tasks that detail the scope of work from procurement to final acceptance. The schedule shall include all work components, permit procurement, shop drawing submittal process, interfaces with pertinent agencies and/or base building, milestones, substantial completion and final acceptance dates.
- Updated contact list including consultants, contractors, subcontractors, and others. Contact lists are to include firm name, contact person, address, and telephone, facsimile, pager, mobile and emergency phone numbers.

4.2 CONSTRUCTION COORDINATION

All construction related issues shall be Coordinated with the MBTA and its Agent. The MBTA and its Agent will visit the Tenant's construction project on a regular basis. MBTA and its Agent shall have the right to review the work during normal working hours or with reasonable notice at any other times as deemed necessary. The Tenant's contractor shall attend a weekly progress meeting which will be a review of the schedule and plans and specifications being used in the project, coordination issues with MBTA and of any other issues that need to be resolved. It is the express obligation and duty of the Tenant's contractor to coordinate, cooperate and communicate with the MBTA and/or its designated representatives. The Tenant's contractor shall not impede, hinder, or delay any other parties in the performance of their work and shall remain solely and exclusively responsible for any damages or costs incurred as a result of any hindrance or delay. If the Tenant and/or its consultant's or contractor require access to a space not currently being utilized or operated by the same Tenant, prior approval must be obtained for access to the space a minimum of 48 hours prior to the desired time of access. The Tenant's contractor(s) shall comply with all rules and regulations concerning safety and security. Tenant's contractor must supply labor that can work in harmony with MBTA labor.

- Elevator Usage. All contractors shall comply with MBTA's Escalator/Elevator Safety and Order #96-108. MBTA elevators and/or escalators must NEVER be used to move freight, heavy objects, carts or parcels. Tenant shall be responsible for any elevator or escalator damage caused by any of its contractors violating this requirement.

- **Construction Site Maintenance.** All Tenant construction work areas are to be maintained in a broom clean and organized manner at all times. Debris is to be kept within the construction work area and removed on a timely basis. All debris removal (dumpster delivery and pick-up) is the responsibility of the Tenant's contractor. Locations for dumpsters, if outside the Tenant's work area, are to be approved. If wheeled carts are utilized for the removal of trash and debris, rubber wheeled carts are required. All trash and construction debris shall be legally disposed of as set forth by Federal, Environmental Protection Agency, City and State standards and/or ordinances. Under no circumstances will any dumping be allowed on MBTA property. Any clean-up costs incurred by MBTA in connection with Tenant's work shall be back-charged to the Tenant's contractor by the Tenant and reimbursed to the MBTA.
- **Parking for Construction Workers.** The Tenant contractor's employees shall not park personal vehicles in a manner that in any way interferes with MBTA operations and/ or outside the approved Project Limit Lines. If the Tenant's contractor provides transportation for its employees, such transportation shall meet all national, state and local requirements. Tenant shall obtain license before parking on any MBTA property. Before transporting any employees, the Tenant's contractor shall prepare and submit a transportation plan and schedule to MBTA's designated representative for review. The Tenant's contractor is responsible for making arrangements for parking for their employees.
- **Storage of Materials.** All materials are to be properly and safely stored within the Tenant's construction area or in areas prescribed at the preconstruction meeting; storage shall be done in accordance with product manufacturer directions. Unless specifically authorized by the MBTA, materials shall not be held or stored outside the Tenant construction area, for example in corridors, public areas or areas being used by others. If approval is given, and subsequently the material must be moved, the Tenant's contractor shall relocate the material at its own cost. The Tenant's contractor shall be responsible to ensure all materials are properly packed and shipped so as to prevent any injuries to persons and prevent any damage occurring to existing surfaces, elements and structures either while in transit or held in storage. Upon completion of the work, storage sites and working areas shall be cleaned and restored to their original condition by the Tenant's contractor at its own expense.
- **Security.** The Tenant's contractor is solely responsible for the security of the work site. It is imperative that the Tenant's contractor adhere to all MBTA security rules and regulations.
- **Protection of Existing Conditions.** It is the responsibility of the Tenant's contractor to take all precautions to provide proper protection of all existing conditions. The Tenant's contractor shall be required to submit a plan proposing methods of protecting the existing conditions. In the event the Tenant contractor's operation causes any damage, interference, or inconvenience to work being carried out under any other contract, the Tenant's contractor shall restore, replace, rectify, or otherwise make good any damage to the satisfaction of MBTA. If the Tenant's contractor fails to comply with this provision or the MBTA determines, acting in its sole discretion, that such repair work must be completed by its own contractor(s), then MBTA will contract for the work to be done by others at the Tenant's expense. The MBTA may also prescribe specific manner and/or method of repair to be completed by Tenant's contractor, and such work shall be completed at Tenant's expense.

- Compliance with Environmental Laws. The Tenant's contractor shall at all times observe and comply with all laws relating to environmental matters as set forth in the Preliminary Concession's License Agreement.
- Compliance with All Laws. The Tenant's contractor shall at all times observe and comply with all applicable federal, state, and local laws, ordinances, rules, regulations, executive and administrative orders, now existing or hereinafter in effect, which may in any manner affect the performance of any work on MBTA property.
- Project Health and Safety. The Tenant's contractor shall have sole and complete responsibility for safety on the project. The Tenant's contractor shall designate a Safety Representative during the entire construction period. The Tenant's contractor shall comply with all health and safety requirements or standards then in effect under applicable Federal, OSHA, Commonwealth of Massachusetts, MBTA, and/or City of Boston provisions. Fire protection shall comply with all fire regulations in effect under Federal, OSHA, EPA, Commonwealth of Massachusetts, and/or City of Boston. The Tenant's contractor shall, at all times, conduct the work in such a manner as to insure the least obstruction to the public, including vehicular and pedestrian traffic. If the MBTA determines that any type of operation constitutes a nuisance, the Tenant's contractor shall immediately proceed to conduct its operations in an approved manner. If a Tenant's contractor causes any part of an adjacent street to be obstructed or closed to traffic, the Tenant's contractor shall provide, erect, and maintain at their cost and expense all of the approved barricades, signs, lights, and reflectors necessary to provide safe and convenient public travel. The Tenant's contractor shall also provide, at its expense, any flagmen that may be required for warning and directing rail and/or auto traffic. MBTA may at any time require additional safety provisions if such are deemed necessary for public safety or convenience. The Tenant's contractor will be held responsible for all damage or injury, notwithstanding provision of any required barricades, signs, lights, reflectors and flagmen are as herein required.
- Plan Modifications. Once the signed Tenant Improvement Authorization is issued, any change must be submitted in writing to MBTA for approval prior to proceeding with the change. This documentation must explain the reason for the requested change and be supported by adequate and appropriate information or drawings, as required. The Tenant's contractor shall allow ten (10) days for a response from MBTA. The MBTA will make every effort to work with the Tenant's contractor, and seek to timely issue a written response to such change request(s). Direction by any Building Official to make a change in the drawings does not constitute approval by MBTA. It is the Tenant's contractor's responsibility to notify and obtain MBTA approval or concurrence with any such directives or changes. If changes are made without MBTA approval, the Tenant's contractor may be required at their own expense to modify the work to conform to the approved drawings.

4.3 POST CONSTRUCTION PROCEDURES

- When the Tenant determines that the space is substantially complete and ready for an inspection by MBTA, the Tenant shall notify the MBTA and its designated representative in writing, a minimum of 48 hours prior to the requested inspection. MBTA and its designated representative will schedule the inspection, review the improvements, and prepare a Punch List of any deficiencies.
- If the MBTA determines that the space is substantially complete and may open, a written approval is given as soon as possible. Punch List items which are prerequisites to opening the concession shall be completed and reviewed again with MBTA representatives prior to opening. The premises must

remain closed to the public until any such remedial work is completed to the satisfaction of the MBTA, acting in its sole and absolute discretion.

- Following the inspection, a “Draft” Punch List will be issued to the MBTA and the Tenant.
- Following the review of the “Draft” Punch List by all parties, a final Punch List will be issued with a written authorization to open the concession.
- When the Tenant has completed all Punch List items, the Tenant shall request a re-inspection of the space. MBTA and/or its designated representative shall schedule this re-inspection.
- The Tenant is required to complete all items on the Punch List within 15 days of the date of issuance. If the Punch List items are not completed within 45 days of opening, MBTA reserves the right, at its sole discretion, to either complete the work at its cost and back charge the Tenant or close the Premises until all outstanding items are completed.
- Upon completion of Punch List, the Tenant shall provide MBTA with 1 hard copy and 2 electronic file of corrected RECORD DRAWINGS including any modifications and corrections as required to document as-built conditions. These drawings and specifications shall be delivered to MBTA within 45 days of the issue by MBTA of a Letter of Acceptance of the space.