

December 9, 2004

R E S O L U T I O N

- WHEREAS,** The construction of Route 93 through the City of Somerville has had a devastating impact on the air quality of the City because of the pollutants generated by traffic on that highway, especially during rush hours, where historically there have been substantial, almost-daily, traffic jams generating even more pollutants; and
- WHEREAS,** The construction of the “Big Dig” further exacerbated air quality in the City of Somerville by diverting traffic through the City and creating even worse traffic jams on Route 93; and
- WHEREAS,** Many of the major traffic arteries in the City of Somerville are heavily used by non-Somerville residents traveling to and from the City of Boston, thereby generating substantial pollution and thwarting economic development in areas of the City such as Union Square, Innerbelt, Gilman Square, Magoun Square and Ball Square; and
- WHEREAS,** A substantial portion of the City’s population that would be classified as an “environment justice population” lives within close proximity to Route 93, Union Square, Innerbelt, Gilman Square, Magoun Square and Ball Square; and
- WHEREAS,** The Commonwealth of Massachusetts entered into a consent decree with the plaintiffs in litigation involving the ”Big Dig” that called for a Green Line Extension to be constructed through Somerville; and
- WHEREAS,** The Commonwealth of Massachusetts enacted a State Implementation Plan (SIP) to reduce ozone emissions in the Greater Boston Area because of non-attainment of standards required by the Federal Clean Air Act; and
- WHEREAS,** The SIP is codified at 310 CMR 7 and expressly requires the construction of an operating rapid transit Green Line Extension through Somerville before December 31, 2011 at 310 CMR 7.36(h)1; and
- WHEREAS,** The Department of Environmental Protection (DEP) and the Executive Office of Transportation (EOT) are beginning a process to make decisions relating to the Green Line extension through Somerville, including changes to its transit commitments to build the extension as set forth in 310 CMR 7.36(h); **NOW THEREFORE BE IT**
- RESOLVED,** That the Somerville Board of Aldermen objects to any attempts by the DEP and EOT to change the transit commitment for the Green Line Extension to Somerville for the following reasons:
1. As a result of the entry of the consent decree that permitted construction of the Big Dig, the City of Somerville suffered tremendous air quality deterioration because of the traffic jams on Route 93 during construction. The City’s environmental quality also suffered because substantial traffic used the City’s streets to by pass construction. The Commonwealth of Massachusetts thereby benefited from entry of the consent decree to the detriment of air quality in the City of Somerville. For the Commonwealth to now abrogate its obligation

under the consent decree to build a Green Line Extension through the City of Somerville would constitute a breach of contract with the City of Somerville;

2. The SIP transit commitments as originally codified provided for improvements on an equitable basis throughout the Greater Boston Area. Because Somerville historically bore the brunt of pollution generated by Route 93 traffic since its construction through Somerville, the original SIP had a rational basis to mandate the Green Line Extension through Somerville to offset the emissions caused by Route 93 traffic by reducing automobile traffic from Somerville onto Route 93 and by reducing automobile traffic elsewhere in the City. Public Health Data shows that Somerville is one of the worst communities in the Commonwealth with respect to respiratory and heart disease as a direct consequences of pollution at an unwarranted level. Because transit improvements have been made to areas in the Commonwealth suffering less pollution and less public health consequences caused by pollution than Somerville, any change in DEP's regulations with respect to the Green Line commitment to the City of Somerville is irrational and without foundation in the entire record generated since the inception of the SIP. Any such change to the Green Line extension commitment would violate the provisions of the Federal Clean Air Act and Massachusetts law;
3. Any change to the SIP eliminating the Green Line extension to Somerville would violate the provisions of Federal Environmental Justice law because it would deprive a large environmental justice population of a transit improvement. Such elimination would also discriminate against an environmental justice population since the Commonwealth of Massachusetts has already funded transit improvements such as the Green Bush Line extension that do not benefit any environmental justice population; and
4. The Mayor of the City is encouraged to consider the use of counsel to advise the City and this Board on possible legal action under Federal and State Law should the DEP amend the provisions of 310 CMR 7.36(h)1 by eliminating the Commonwealth's obligation to construct an operating Green Line Extension through Somerville by December 31, 2011; **AND BE IT FURTHER**

RESOLVED, That the Clerk is instructed to send a copy of this Resolution to the following two individuals with a statement that this Resolution is sent as a written comment by the Board of Aldermen for inclusion in the record pursuant to the Notice of Public Meeting for December 14, 2004, issued by DEP and EOT pertaining to the process to make decisions relating to the transit regulation set forth in 310 CMR 7.36(h):

Secretary Daniel A. Grabauskas
Executive Office of Transportation
10 Park Plaza, Suite 3170
Boston, MA 02116

Commissioner Robert W. Gollidge, Jr.
Department of Environmental Protection
One Winter Street
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Submitted By:

Alderman William A. White, Jr.

Alderman John M. Connolly

Alderman Walter F. Pero

Alderman Robert C. Trane

Alderman Sean T. O'Donovan

Alderman Maryann Heuston

President Denise Provost

Alderman William M. Roche

Alderman Dennis M. Sullivan

Alderman Thomas F. Taylor

Alderman Bruce M. Desmond

BY: Aldermen White and the Entire Board

R E S O L U T I O N

Regarding the State's commitment for the Green Line Extension to Somerville

December 9, 2004