

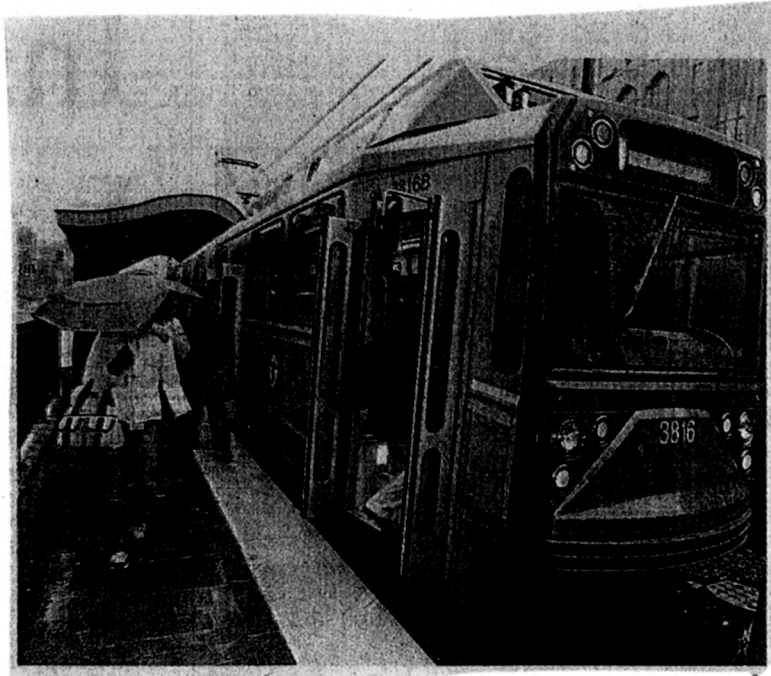
Prepared for the December 14, 2004 Public Hearing on Transit Mitigation

HISTORY of TRANSIT POLICIES and COMMITMENTS

Relative to the Central Artery Project 1989-1992

A summary review of historical decisions and responses,
with a supporting appendix listed in chronological order
containing news reports, press releases and policy statements

FIRST EDITION - December 2004



Prepared by Stephen H. Kaiser, PhD

**A History of Transit Policies and Commitments
Relative to the Central Artery Project : 1989 - 1992**
(with appendix material in chronological order)
(summary chronology of Artery see Globe Dec. 19, 1990)

The public hearing process on the fate of three transit projects (Arborway Service restoration, the Red-Blue Line connector, and the Green Line extension to Somerville and Medford) should be considered in terms of the history of the commitments. Since 1989 some state officials sought to establish binding commitments to continue the transit initiatives of the 1970s and 1980s, while other state officials sought to abandon them and seek other transit priorities. The purpose of this report is to provide a chronological summary of these cyclical efforts from the first public evidence of a transit strategy in September 1990, and the final efforts to link the requirements for transit projects to mitigation obligations associated with air pollution approvals during 1991 and 1992.

The key mover in the efforts to lock in transit mitigation was former Transportation Secretary Fred Salvucci -- active both during his tenure and after (as a Boston citizen and MIT Lecturer). His primary allies were the 1000 Friends of Massachusetts, the Conservation Law Foundation, the Artery Business Committee, the Boston Globe, Move Mass 2000, state EOEA & DEP and the EPA. The critics of this mitigation process included the Sierra Club, the Charles River Watershed Association (until 1991), the Citizens for Regional Transportation, the MBTA Advisory Board, the EOTC/DPW/MBTA (after 1991), the Federal Highway Administration, MAPC, MDC, Boston Herald, Cambridge Citizens for Livable Neighborhoods, and various anti-Salvucci citizens in the North End and East Boston.

BACKGROUND

The genesis of both the Central Artery project and most of the transit commitments came from the BTPR restudy of 1970-72. Around 1970 Salvucci picked up the idea for an artery tunnel from a contractor friend, Bill Reynolds. As EOTC Secretary he moved for the construction of the Red Line extension to Alewife, the Orange Line relocation, and the rehabilitation of South Station. Meanwhile he slowly built up support for the Artery project, without a Third Harbor Tunnel. Early support came from the Sierra Club, seeing the potential for a North-South rail connector in the Artery median. He was forced from office in 1979 when Ed King became governor. King acted to shelve the artery while championing the Third Harbor tunnel.

Salvucci returned to EOTC in 1983, and immediately scrambled to revive the moribund artery project -- by hitching it to the partially approved harbor tunnel. Initially, depressing the artery was described to MEPA in a two-page letter as a "project change." Slowly Salvucci revived the artery project, won over many local critics (especially in the business community) and overrode a Presidential veto in 1987 by the vote of one Senator. This was the peak of his power (see Globe article, Nov. 2, 1989).

In the process, Salvucci agreed to abandon the rail link and came to support a monstrous elevated interchange near Charlestown, a spaghetti-bowl-on-the-Charles called Scheme Z. EPA dubbed it "*the single ugliest structure in New England.*" (see model and sketch, Nov. 21 & 22, 1990). Numerous environmental groups who had been his supporters now rose in anguished opposition, and joined other groups with unrelated grievances against Salvucci. For my own part, I drew up a design plan for an all-tunnel alternative to Scheme Z, and the all-tunnel plan played a major role in cutting the ground out from under Scheme Z in 1990. Salvucci was also undermined by the most extensive staff mutiny I have ever seen in a government bureaucracy -- when virtually all of his lieutenants (including the Bechtel designer of Scheme Z) withdrew in horror from supporting the sprawling elevated road plan.

Although he denies it, Salvucci has been described as intensely Machiavellian. He is truly the ultimate schemer, the strategist par excellence at a time when many people of his liberal background are clueless about strategy. He has been accused of totally manipulating EOEPA secretary John DeVillars and treating the MEPA process as his own bailiwick. His highway and transit strategies were intertwined, and more often than not his ploys worked. But the collateral damage was building up. In early 1989 he sought to use transit monies to build a downtown parking garage underneath the future Fleet center. He sought and obtained a MEPA waiver. Former MEPA director Sam Mygatt, representing Charles River Park, complained: "*The MBTA has a duty to comply with MEPA. Some would have it, to the contrary, that MEPA must comply with the MBTA.*" (April 6, 1989) Other MEPA officials also complained, without effect. DeVillars refused to rescind the waiver. On March 27, 1990, the state Inspector General wrote to the MBTA that "*the garage project represents a wasteful, imprudent, and unnecessary use of scarce public funds. The garage will be extravagantly expensive.... building a parking garage in downtown Boston will neither promote mass transportation nor benefit the MBTA's riders. I therefore recommend that you cancel the forthcoming bid award for the garage construction contract.*" Salvucci was using transit funds for highway purposes. Only a few transit advocates protested.

Salvucci was intensely active seeking to move the artery (and Scheme Z) through the environmental approval process. The deadline for state approval was January 2, 1991, the last day in office for the Dukakis Administration. The goal was achieving a dual triumph -- approval of the artery project generally plus the mandatory conditions that required a significant package of transit projects.

HOW THE TRANSIT COMMITMENTS WERE DEVELOPED

The summary sequence of how the "transit commitments" were established begins with the 1988 Dukakis election loss and the realization that the Administration forces were lame ducks, with only two years to complete their achievements. EOTC Secretary Salvucci began with his main priority -- moving the artery project through the environmental review process -- and only later sought to lock in commitments to a broad

program of mass transit improvements. Salvucci sought several methods of making the commitments binding, and the actual device was not finally selected for several years.

The first initiative occurred on September 27, 1990 when the "Massachusetts Transportation Agenda" was issued on the letterhead of the 1000 Friends of Massachusetts (a group headed by former *Globe* editor Tom Winship). This policy agenda mentions the Central Artery only twice, both briefly, but stressed the need for transit priorities. The agenda included EOTC commitments and policies such as limits on transit fare increases and no increase in radial highway capacity, but was critical of the high cost of a Red-Blue Line connector. This agenda was "*adopted as Policy by the Executive Office of Transportation and development as of September 27, 1990,*" and was signed by Fred Salvucci and endorsed by John DeVillars.

Only three days earlier, EPA regional administrator Julie Belaga had written to the FHWA and EOTC identifying "*one of the most serious long-term environmental policy issues involved in the Central Artery decision*" is how to achieve "*an array of mass transit improvements...*" Two weeks earlier an EOTC/DPW letter to EPA offered only a minimal level of transit commitment to South Station & South Boston Piers and the Blue Line airport station. Clearly, an EOTC transit strategy was evolving, with the goal of offering transit benefits as an alternative to criticizing Scheme Z and its Charles River impacts.

On October 4, 1990, the Citizens for Regional Transportation wrote to EPA's Belaga, asserting violation of the parkland provisions of section 4(f) and noting that the Conservation Law Foundation had objected to EOTC efforts of "*putting pressure on Commissioner Bhatti of the MDC to declare that the Basin was not a park.*" The swing votes in the debate were clearly Belaga of EPA and Doug Foy of CLF.

By November 1, EOTC began to show progress in their mediating efforts with the Conservation Law Foundation. Steve Burrington indicated a general agreement to compromise on the 4(f) findings for the Charles River in exchange for various mitigation measures. He indicated that the mitigation proposed (mainly for Charles River parkland) did not meet his expectations, and he said he was looking for better, more specific mitigation measures. CLF felt increased pressures to come out against Scheme Z, because of the rising protests from environmental groups. Meanwhile, the 1000 Friends of Massachusetts had accepted the parkland deal and threw its support behind Scheme Z and the parkland mitigation package.

When the Final EIR was released in late November, the press reported that CLF considered the report "*too vague about commitments to mass transit, parking freezes, high-occupancy vehicle lanes and other measures to balance the effects of building a massive new highway system.*" CLF declared that they would wait for the later Federal EIS to be issued "*and if we don't see some transportation improvements we will try to legally stop the whole project.*"

At about the same time, the Conservation Law Foundation was also being courted by Citizens for Regional Transportation, which highlighted CRT's *"support of expanded mass transit expenditures."* CRT claimed that they never believed Salvucci would *"irrevocably commit the state to making the enormous transit and other expenditures that are required to bring the air pollution from the Big Dig down to legally-acceptable levels. So, though we support your efforts strongly, we are skeptical that they can be made irrevocable and their omission from the final EIR just confirms this skepticism."* In an unexpected development, CLF was pulled back towards government involvement when the press reported that Governor-elect Weld had offered Doug Foy the position of Secretary of Environmental Affairs.

The pressure of criticism was rising from all quarters about Scheme Z, with newspaper cartoonists joining the ridicule (Dec. 17, 18; see also columnists Jan. 13, Feb. 20, 1991). The Boston and Cambridge City Councils voted unanimously against Scheme Z and even John Silber was critical. The Globe editors held fast in their support, claiming that Scheme Z *"deserves DeVillars' wholehearted support,"* but the news reports of December 7 described the all-tunnel plan as a technically feasible plan which was attracting support. Salvucci had only one month left to act and was being castigated for his unattractive highway and weak transit proposals.

Citizens for Regional Transportation had called Salvucci's bluff, and he responded with a trump. On December 19, CLF issued a press release regarding a sweeping mitigation agreement between CLF and EOTC. The plan called for no expansion -- ever -- of radial highways, and instead the completion of 15 major transit projects, with deadlines. Support was given to a Boston rail link, but with the tunnel deflected to Logan airport, rather than North Station. MBTA fares were capped by inflation, and there would be an expansion of parking freezes.

Salvucci's last-minute move was brilliant : he had transformed CLF from a potential adversary (and litigant) into a supporter. He had set forth a mass transit planning legacy for the future, he had shifted the burden of funding to future administrations, and he had effectively obtained CLF compliance not to oppose Scheme Z or the 4(f) issues surrounding the Charles River.

Of the transit construction projects, five were already in the pipeline or under construction, and thus were unaffected by the CLF Memorandum of Understanding. The list included three projects now under discussion :

- * Red-Blue Line connection
- * Green Line Extension to Somerville/Medford
- * Restoration of trolley service on the Arborway line.

It is an odd piece of irony that one of the projects (Arborway) was the "temporary" cessation of trolley service -- ordered by the Salvucci MBTA in 1987. This identification of "temporary" has now lasted over a quarter of a century and has continued through all subsequent state administrations. Thus the Arborway proposal is unique in that it is not an entirely new service -- it is a restoration of a transit service which had existed for almost a century.

The CLF/EOTC agreement was immediately endorsed by John DeVillars and by Julie Belaga of the EPA, who also attended the CLF press conference. The transit package was initially estimated as "more than" 1 billion dollars. Salvucci admitted that for the agreement to be binding on future administrations, it must *"be written into the environmental findings at the state and federal levels."*

Almost all critics of Scheme Z expressed dissatisfaction with the CLF agreement. In addition, the MBTA advisory Board stated their opposition and intent to sue -- because of the transit costs and controls on fares, as well as process failures whereby *"The advisory board was taken out of the loop and an agreement was reached between two parties that don't represent the citizens of our communities."* The Advisory Board backed off after assurances from DeVillars, while also not wanting to jeopardize the entire artery project. DeVillars issued his final statement on the FEIR on Jan. 2, 1991. It waffled on Scheme Z, and supported transit mitigation which were not binding on any other agencies such as the MBTA.

In the first week of January, the transit mitigation cost estimate rose to \$2 billion, and by January 9 the MAPC had provided a more detailed estimate of \$4.3 billion. Questions remained : did Salvucci or DeVillars in their statements really establish anything? When are commitments not commitments? Who do we trust?

Salvucci's strategy of using EIS and EIR decisions to support transit mitigation was dealt a blow when the Federal Highway Administration (January 16) refused to fund many highway mitigation elements in the new plan, and found the transit agreement with CLF to be irrelevant because it was not a part of the EIS document. The MBTA Advisory Board wrote to FHWA in April and said they would not honor the CLF agreement. One board member said it was *"an agreement made behind closed doors with a private interest group away from the regular public process."*

In late May CLF responded by filing a notice of intent to sue because of the lack of enforceable mass transit and traffic-reduction. Doug Foy indicated that they would accept a plan to lock in the transit programs as part of a state air quality plan. Now it was time for the new Weld Administration to respond. In a week, they reached agreement with 1000 Friends, Move Mass 2000 and the Greenspace Alliance to set up a schedule to lower air pollution levels and expand transit programs. The agreement appeared to be a replacement for the CLF accord, making the latter null and void, but EOEA Secretary Tierney claimed that the process would uphold the CLF agreement.

By early July, 1991, the state DEP agreed to accept the artery claims that air pollution would be improved by building the new road, but only on condition that various transit projects would be completed. The DEP claimed "*This is an enforceable document,*" with DEP having the power to shut down the Big Dig construction if transportation officials failed to meet deadlines. While DEP had that power, there was no requirement that this power be exercised. The Sierra Club called the DEP action on the venting plan "*an end run of the laws already on the books.*"

CLF continued its suit on air pollution grounds and finally settled on March 1992, with a legal court settlement, to implement major extensions of commuter rail and subway lines and other measures. These elements had been promised in the form of MOUs and non-binding agreements, but now the conditions were in a legally binding form which CLF or other parties could resurrect before the court, if compliance were lax.

However, by the Fall, chances of agreement on actual enforcement were dimmed by the appointment of James Kerasiotes as the new EOTC Secretary. His appointment was opposed by many environmental advocates, including the 1000 Friends of Massachusetts, the Conservation Law Foundation, the Sierra Club and some leaders of Move Mass 2000. Kerasiotes, never one to claim an environmental constituency, was criticized as a "*1950s-style roadbuilder, contemptuous of mass transit and ecological concerns.*" Governor Weld once spoke approvingly of him as "*my pit bull,*" and most people felt that the new EOTC Secretary performed that role with great energy. Support for mass transit in a modern Republican administration was never strong.

The past dozen years have been notable for slow progress on some transit projects, completion of a few, and threats of court suits when completion deadlines have slipped unacceptably. In some sense, the transit mitigation is similar to a compulsory school attendance law. EOTC officials are being asked to build transit against their will, so they respond -- as school kids will -- by dragging their feet. The interesting question here is whether or not there is a better process which might be more in the spirit of a democratic society.

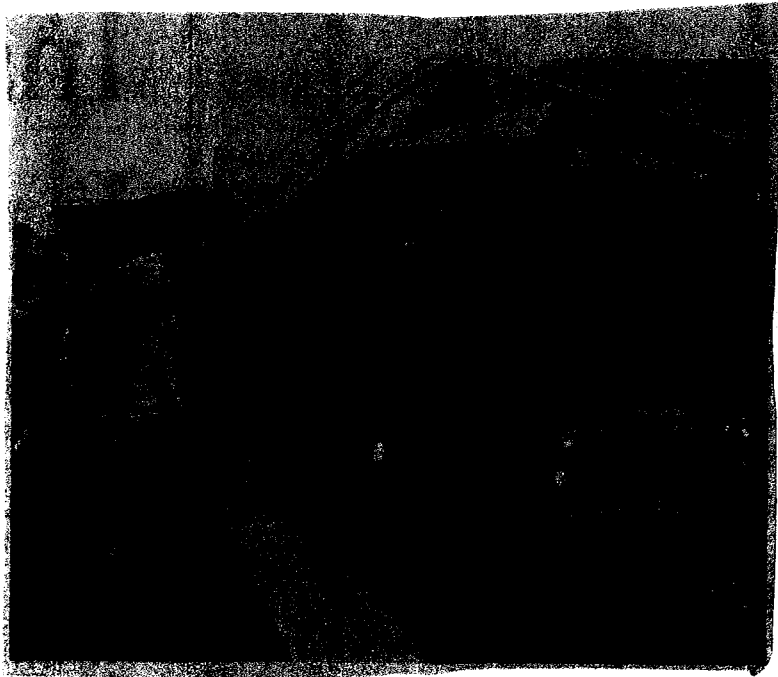
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Salvucci's vision of Boston is

11/2/89
By Peter J. Howe
and Jerry Ackerman
GLOBE STAFF

Fred Salvucci wants to construct the greatest road in the history of Boston, but he still shakes with anger when he remembers the turnpike engineers coming to seize his immigrant grandmother's house by eminent domain nearly three decades ago.

Salvucci has assembled a sprawling empire of transportation agencies and spent well over \$10 billion worth of public money, but he still lives in the same Brighton three-decker where he grew up, with his parents downstairs and his sister on the third floor.

In the view of many, Salvucci has done more than any other political leader — mayors and governors included — to remake Greater Boston in his vision, but he still likes to spend Sundays at home baking bread and has been known to jam on the brakes during official trips to pick rare mushrooms on the side of the road.

**'I think Fred Salvucci
has done as much as
any mayor to change
Boston.'**

FORMER MAYOR KEVIN WHITE

Most any other public figure who controls the kind of empire Salvucci oversees as the state's secretary of transportation and construction might be called a power broker or a kingmaker.

But Salvucci — a vegetarian, graduate engineer, and card-carrying member of the Bricklayers' Union whose pastimes include making wine with his cousin and strumming mandolin lullabies for

his first grandchild — is not so easily pegged. His nervous humility belies the political and financial clout that he wields. If an ego drives him, it is well concealed.

And now, just as Salvucci, 49, has reached the apex of his power, that power faces an unprecedented test: whether he can ensure that the dream he has chased for two decades — to replace Boston's hulking Central Artery with an underground expressway — will outlive him.

With no guarantee that the state's next governor will keep him on, Salvucci in the past year has so intensified

SALVUCCI, Page 46

his driving force



GLOBE FILE PHOTO/KEITH JENKINS

FRED SALVUCCI... focusing on Artery project

Salvucci's vision of Hub is his driving force

■ SALVUCCI
Continued from Page 39

his focus on the artery that many observers wonder whether he is doing anything else as transportation secretary.

Known for workdays that begin at 7 a.m. and often do not end before midnight, Salvucci these days is driving his closest lieutenants harder than they can remember, all in a rush to overcome nagging questions about finances and give the artery project - now combined with the third harbor tunnel - unstoppable momentum. Between now and the last day of 1990, artery-tunnel officials will rush to award 22 of the 36 final design contracts for the project, as well as five of the 70 construction contracts, hoping to get enough work started that the project cannot reasonably be stopped.

Salvucci's domain is formidable. By statute and through his own boss, Gov. Dukakis, he oversees the Department of Public Works, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike Authority and the state Aeronautics Commission. He is chairman of the MBTA board and, through Dukakis, controls the appointments to all three authority boards.

By directing where transportation improvements do or do not go, Salvucci has helped dictate where development goes. Cambridge's Porter Square and Alewife Center, Malden Center, Somerville's Davis Square and North Quincy, are all examples of once-dwindy urban backwaters that, largely because of Salvucci-led transit extensions, have become substantial commercial districts.

Frank T. Keefe, the former state secretary of administration and finance who throughout much of the Dukakis administration was considered Salvucci's only equal, said, "Some people, especially in the development community, hate Fred, and you don't hate someone unless they have power."

Salvucci might be viewed as a Massachusetts version of the late Robert Moses, the father of modern New York's highway system, or as a successor to William F. Callahan, the ironfisted Massachusetts public works commissioner who was the first chairman of the turnpike authority.

But while Moses and Callahan are remembered most for their hard-headed authority, Salvucci has never been seriously accused of trying to abuse his power. For what is perhaps his greatest, single achievement, the Orange Line Southwest Corridor, the T held more than 1,000 community meetings. Salvucci is considered shrewd, relentless and occasionally Machiavellian. But even his enemies say what drives him is nothing less than realizing his vision - which others may fault - of his Boston.

Under Salvucci, the MBTA has spent \$3.8 billion on extending the Red and Orange Lines, developing a 400-mile commuter rail network, and buying thousands of new rail cars and buses - all efforts that serve to reassert Salvucci's vision of Boston as the state's metropolitan center.

In pursuing the depression of the Central Artery, Salvucci sees an opportunity to patch over a gloomy gash of highway with a new downtown, and to expand his accomplishments beyond mass transit. The artery-tunnel project promises to double Boston's cross-town highway capacity and, in Salvucci's words, "allow the center to continue to grow."

In pursuing the depression of the Central Artery, Salvucci sees an opportunity to patch over a gloomy gash of highway with a new downtown, and to expand his accomplishments beyond mass transit.

One of Boston's greatest practitioners of political power, four-term former Mayor Kevin H. White, said earlier this year, "I think Fred Salvucci has done as much as any mayor to change Boston."

But critics complain that in his zeal to change Boston, Salvucci has neglected the urban periphery and the rest of Massachusetts. Two-thirds of metropolitan Boston's population, professional planners point out, live and work outside Route 128, west in places where train and bus transportation are impractical. Yearly, complaints grow about worsening gridlock on and around Route 128 and some critics say Salvucci has offered no real relief.

Sam Baas Warner, the Boston University urban historian, explained that Salvucci "is a man who comes out of the center of the city, thinks first of the center, and is going to make the center over as he sees it should be. What he has inherited, he is trying to perfect. In addressing the Eastern Massachusetts problem, where we have a new metropolitan pattern that stretches from Nashua to Providence to Worcester - that is what he has missed. But we are going to get an improved center, no doubt about that. And we've got to give the man credit for that."

Another irony in Salvucci's life is that his political initiation came through the antithetical movement of the late 1960s. At that time, thousands of homes and apartments were being razed - with thousands more slated for the wrecking ball - to make way for proposed six- and eight-lane extensions of Route 2 and Interstate 95 into downtown Boston, where they would meet an Inner Belt looping through Cambridge, Brookline and Roxbury.

Salvucci, an antiwar activist after his graduation from the Massachusetts Institute of Technology, was brought into the thunderous grassroots movement that persuaded Gov. Francis Sargent in 1970 to declare a moratorium on highway construction and later to convince Congress that federal highway money could be diverted to mass transit and expansion of the T.

As a Boston Redevelopment Authority staff member, manager of White's Little City Halls, and later the former mayor's transportation adviser, Salvucci also helped draft the bipartisan plan for what to build instead of the Inner Belt. But Salvucci also fell in love with

an idea presented to him at lunch one day 20 years ago by William Reynolds, a contractor from Canton, who, now semiretired, says it was offered almost in desperation on behalf of all highway contractors as a scheme to put themselves back to work.

The idea was that the already despised Central Artery could be moved underground and expanded without totally disrupting the city. The secret was technology developed by mining engineers that could allow the elevated artery to stay in place while a new underground expressway was dug below.

Salvucci, as a professional engineer, was intrigued. And he bit. As early as 1972, Boston Magazine pictured him taking an ax to the elevated highway. Said Reynolds, "It was just a matter of keeping pushing at him" until Salvucci got White to support the project and place it irrevocably into the master transportation plan - a plan that still is being followed.

Through three Dukakis administrations and a four-year interregnum, during which he taught at MIT, Salvucci steadily pressed ahead. During one critical two-week period in 1976 when the Dukakis administration was developing a master building plan, Salvucci cornered Keefe - then a senior Dukakis planning aide - every night as they left work and would lobby even as Keefe's train pulled out, all to keep the artery idea alive.

"What is astonishing," says Alan Aitshuler, Salvucci's predecessor as transportation secretary under Sargent, "is that Fred has carried this so far. I don't think that I would have invested the energy in something that seemed so far-fetched as this did at the time."

Indeed, tenacity is the common thread in all Salvucci has accomplished. Persuasion is his stock in trade, patience his trump card. "I never saw him at a loss for words," remarked one legislator. Added John Gould, lobbyist for the Associated Industries of Massachusetts: "I never saw him get vitriolic, but I also never saw him walk away."

Mayor Flynn's transportation commissioner, Richard A. Dimino, said his experience shows Salvucci "will listen to a lot of people before he decides something. He will be persuaded by a lot of people as he listens. But once he determines the path he wants to take, he follows it pretty closely. What is most remarkable is his strength of will."

Friends talk of how, when the first of his three children was born, Salvucci wanted to christen her Roseann Louise Carmine Lucia Maria Salvucci. But the priest insisted Salvucci and his wife, Mary Anne, drop the three extra names. Still, Salvucci never gave up. When Roseann Louise turned 13 and was confirmed, he had her take Carmine and Lucia as confirmation names. When she got married at 23, Salvucci persuaded her to add the name Maria. It took him 23 years, friends like to say, to get the name he wanted for his daughter. But he got it.

Now Salvucci faces the greatest challenges he has ever encountered: the imminent departure of his political patron, Dukakis, and the unprecedented fiscal anxiety that is raising serious questions about whether the state can afford the artery-tunnel project.

Salvucci has told aides he does not expect to be kept on after 1990. The emerging consensus among political observers is that if Lt. Gov. Evelyn Murphy or former Attorney General

Francis X. Bellotti becomes governor, Salvucci can stay; if Mayor Flynn or US Rep. Joseph P. Kennedy 2d is the new governor, Salvucci is out; if a Republican is elected, natural inter-party animosity would likely make Salvucci's departure inevitable.

Fiscally, the Achilles heel of the artery-tunnel project is the part closest to Salvucci's heart, the \$890 million depression of the Central Artery between North Station and International Place. Unlike the rest of the project, which is guaranteed 90 percent federal funding, the artery depression is eligible for only limited federal money.

Salvucci and his allies argue that the time has never been better for a great infusion of public works spending that, they say, will bring the state more in increased tax revenues than it will have to spend. But as legislators and business leaders moan about huge state budget deficits, and as anti-tax hostility rages among voters, artery-tunnel supporters fear the current mood could somehow derail the project.

"The time just couldn't be worse. This is the great lightning rod. This is the great thing to shoot at," said a senior Dukakis aide.

Still others say the project can never die because an array of powerful players - construction unions, lawyers, engineers, downtown real-estate interests and the bond houses - have had a taste of the millions and millions of dollars they are going to make if the Big Dig is carried out.

Also, in the summer of 1988, Salvucci finally consolidated control over the board of the Turnpike Authority, whose \$100 million a year in revenues are seen as the key to making the artery project fiscally viable. He has stuffed the Turnpike executive offices with proteges he believes will keep his dream alive. "I think the project now has legs of its own," Salvucci offered hopefully in an interview. "I think it can sustain itself."

DiCARA, SELIG, SAWYER & HOLT

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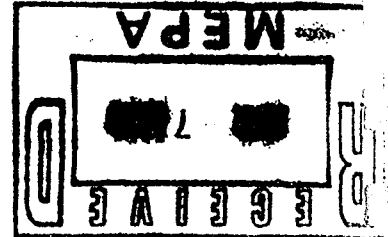
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BY HAND

April 6, 1989



Secretary John DeVillars
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02202

Re: EOEA 7433, MBTA North Station Garage

Dear Secretary DeVillars,

I am deeply concerned by the course of events concerning the MBTA's waiver request for the North Station Garage.

The MBTA has squandered four months in arguing that the EIR must be waived if construction is to commence in October, 1989. At the scoping session on December 8, 1988 it was suggested that the MBTA file the existing traffic study as a Draft EIR, receive comments, and go on to a Final. The MBTA refused.

In my February 7 comment to you on the Tentative Record of Decision, I offered a suggestion for a limited design waiver that would meet the spirit and purpose of the MEPA process, yet let the MBTA move forward into design. The MBTA has spurned this suggestion.

The MBTA has a duty to comply with MEPA. Some would have it, to the contrary, that MEPA must comply with the MBTA.

The MBTA's comments on the Tentative Record of Decision have serious flaws (some of which are detailed in the appended comments). At bottom, the MBTA has failed to make any credible showing on the two essential elements for a waiver: that the project's impacts are insignificant, or that MBTA is suffering any substantial hardship.

Since the limited design waiver satisfies MBTA's scheduling needs just as much as does the waiver you previously proposed

Secretary John DeVillars
April 6, 1989
Page 2

(with a TIA to be submitted prior to construction), it is apparent that the MBTA is trying to avoid an EIR, because

- (i) it doesn't want to be subject to Section 61 of MEPA which will require it to mitigate the impacts of the garage project, and/or
- (ii) MBTA's analysis of impacts is seriously flawed, and the project will in fact engender chaos at North Station.

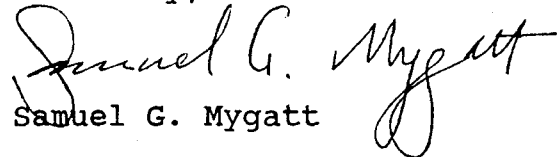
In either event, the circumstances are highly disturbing, and indicate a substantial disrespect on the part of the MBTA for your authority.

The sequence of delays may create a new problem for MEPA. The longer the delay, the harder it will be for you to make clear that you are in charge, your regulations must control, and Section 61 must not be bypassed. Immediate action is therefore imperative.

I respectfully urge that you assert your statutory authority and uphold the independence and importance of the MEPA program. A limited design waiver should issue, conditioned upon a requirement that the Final EIR and Section 61 finding be completed before any construction on the project commences.

Thank you for your consideration of this matter.

Sincerely,


Samuel G. Mygatt

Attachment: Comments concerning
the MBTA's most recent submission.

cc: Chief, Environmental Section
Office of the Attorney General
Steven C. Davis, Assistant Secretary

1887SL1
1887-1

MEMORANDUM

TO: John DeVillars
FROM: Steve Davis SD
DATE: April 18, 1989
SUBJECT: North Station Garage Waiver Request

As a follow up to Dick Foster's April 13, 1989, memorandum and our conversation of today, the following points support "Option 4" - issuing a waiver for design and construction, but requiring an EIR to deal with traffic mitigation measures.

1. Waiving the requirement for an EIR in this case may set an unacceptable precedent for other, similar projects by private proponents. In particular, we are now vigorously pursuing the Binney Street Garage in Cambridge on a very similar set of facts. The essence of MEPA is that it governs Commonwealth agency actions. We must set at least as high a standard for review of direct agency actions as we do for agency permitting of private actions.

2. Waiving the requirement for an EIR eliminates the necessity for the MBTA to abide by the charge of s. 61 (G. L. , c. 30, s. 61). This is the guts of MEPA and states that "Any determination made by an agency of the commonwealth shall include a finding describing the environmental impact, if any, of the project and a finding that all feasible measures have been taken to avoid or minimize said impact." This section, and the required s. 61 finding, only apply if an EIR is required. It is your primary strength under MEPA. For example, in the TIA model, you could not refuse to accept inadequate mitigation nor could you require other, better mitigation. Under the EIR model, you could.

3. The informal review of a Traffic Impact Analysis (TIA) will limit the public's ability to comment meaningfully on the project. In an EIR process, the information would be reviewed at the Draft stage and comments would have to be responded to in the Final. While the MBTA might in good faith do this as part of the TIA, it would be required if the TIA were reviewed as an EIR.

4. If the Cummings v. the Secretary decision applies to this case (a likely outcome), we would be in the perverse position of taking an unchallengeable and unusual action at the same time we are pushing a major set of MEPA amendments that would restore this very right of challenge. Since we normally don't just outright waive a parking facility of this size, challenge would be likely in the absence of Cummings. We could appear to be hiding behind bad law that we have proposed changing.

It should be acknowledged that the project has several very good aspects. It will assist in the commuter rail track extension, thus fostering better use of transit. It will replace critical parking lost to Central Artery Construction, but will contain fewer spaces than those displaced, reducing total vehicular traffic and associated air quality effects. It will allow coordinated construction of the Green Line tunnel, the commuter rail extension, and the garage, reducing construction impacts and conflicts significantly. Even so, the EIR model proposed in Dick's memo (waive design and construction, study traffic and mitigation) need not, and apparently will not, delay this project. It will, however, allow you to take a good look at the traffic situation, examine proposed mitigation, and assure that the best measures are chosen to limit back ups (and to limit negative air quality effects). It will allow informed and meaningful public review of these matters. And it will preserve your ability to invoke s. 61 and force appropriate mitigation, should that prove necessary.

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NEW ENGLAND NEWSCLIP AGENCY, INC.

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EPA: Artery project bridge a mistake

By LAURA BROWN

Federal environmental officials have blasted another piece of the Central Artery-Third Harbor Tunnel project, charging the state is not meeting key environmental regulations.

In a Nov. 1 letter to state Project Manager William Twomey, a top Environmental Pro-

tection Agency official outlined six new concerns about the \$4.4 billion project and two issues the EPA has raised in previous letters to the state.

Calling the state's proposed bridge structure over the Charles River "a serious environmental mistake" and "the single ugliest structure in New England," EPA director of gov-

ernment relations and environmental review Stephen Ells rapped artery officials for failing to fully analyze "less damaging alternatives."

Ells also criticized the state's draft supplemental environmental impact statement for deferring analysis of construction impacts and failing to analyze the tunnel fabrication site, demolition debris issues, the impact of future development and other issues.

Claire Barrett, a spokeswoman for the artery project, said state officials are taking the EPA's concerns seriously, but disagree with the agency's approach.

State officials believe the massive double bridge over the Charles River is by far the least damaging alternative of the 29 studied and would preserve the most open space and pedestrian access, Barrett said.

Artery delay ^{3/21/90} seen if DeVillars rescinds waiver

By Steve Marantz
GLOBE STAFF

In what could be another high-stakes confrontation with the Dukakis administration and the development community, Environmental Affairs Secretary John DeVillars may take on Transportation Secretary Frederick P. Salvucci over a decision that could have long-range impact on the \$4.4 billion Central Artery project, according to city and state sources.

DeVillars is considering rescinding an environmental waiver, a move that could set back planning for a key northern section of the project. Salvucci opposes the move, fearing that a delay could throw off the project's timetable and run up costs, according to the sources.

DeVillars' potential order is also being opposed by Boston development officials, who fear it could set off a chain of events that could kill the proposed \$700 million North Station and Boston Garden redevelopment.

The issue came up yesterday in a meeting that included DeVillars, Salvucci, Gov. Dukakis' chief secretary, Stephen Rosenfeld, and Economic Affairs Secretary Alden Raine, sources said.

A spokesman for DeVillars, Chris Phillips, said the waiver was not discussed during

ARTERY, Page 13

DeVillars move could delay plan for Artery

■ ARTERY

Continued from Page 1

the meeting and that DeVillars has yet to decide on an environmental group's request to rescind it.

"The request is under a microscope and a decision will be made," said Phillips. "I don't know what the timing will be."

Raine declined comment. Salvucci and Rosenfeld could not be reached for comment after the meeting.

The environmental waiver is at the heart of a controversy surrounding the artery project's plan for building an 18-lane highway structure across the Charles River with 10-story ramps overlooking the Museum of Science.

Environmentalists oppose the plan and favor an alternative that involves building a tunnel under the Charles. But the alternative configuration would send the highway through a corner of an underground MBTA parking garage proposed for the North Station project.

Last April, the state issued an environmental waiver on the underground garage. Environmentalists say that by rescinding the waiver, DeVillars would open the way for the tunnel route and lead to further challenges of the elevated highway structure.

"We're waiting for a public review of the tunnel alternative," said Karen Peltó of the Charles River Watershed Association. "We're going to look at it very carefully... we feel it's a significant improvement."

"The fact that this one [parking garage] project will make the alternative analysis meaningless is infuriating. It should never have happened."

Mayor Flynn's development adviser, John Connolly, said last night that he is confident DeVillars will not rescind the waiver and that both the artery and North Station projects will go forward on schedule. Construction on the garage could begin as early as July, he said.

But Connolly said if the waiver was rescinded the developers of North Station, Delaware North Corp., would have difficulty completing the project on time.

"It's difficult to assess the total negative implication, but it would be serious," said Connolly.

DeVillars has recently been at loggerheads with Raine and Dukakis over his rejections of final environmental impact reports for two massive projects - Campeau Corp.'s Boston Crossing and F.D. Rich's Commonwealth Center.

Two other rejections proposed by DeVillars - for the renovation of the former Sears building into a biotechnology center, and One Lincoln Street, a 37-story downtown tower linked to the development of Ruggles Center in Roxbury - were quashed by Raine and Dukakis.

At-large City Councilor Michael C. McCormack, chairman of the planning and development committee, said DeVillars' potential action is tantamount to "Monday-morning quarterbacking."

"It becomes terribly troubling when these decisions cost the city a lot of benefits and jobs, especially in this economy," said McCormack. "I'd hate to see an opportunity like the Garden brought to a halt."



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE INSPECTOR GENERAL

ONE ASHBURTON PLACE • BOSTON 02108

JOSEPH R. BARRESI
INSPECTOR GENERAL

March 27, 1990

TELEPHONE
(617) 727-9140

Thomas P. Glynn, Jr.
General Manager
Massachusetts Bay
Transportation Authority
Transportation Building
10 Park Plaza
Boston, MA 02116

Dear Mr. Glynn:

As you know, my Office has been reviewing the MBTA's plans to build a five-level, 1300-car, underground parking garage at North Station, immediately behind the existing Boston Garden. The focus of this review has been to determine the rationale for building the publicly funded garage and to assess the reliability of the MBTA's revenue projections for the garage. I appreciate the cooperation and assistance exhibited by the MBTA during this effort, which has included interviews with senior MBTA staff and reviews of numerous project documents provided by the MBTA.

Last December, as you are aware, my staff advised your General Counsel of my concerns about the garage construction project, and suggested that the MBTA postpone advertisement of the bid until I completed my review. However, the MBTA chose to advertise the bid in late December. It is my understanding that the MBTA plans to open the bids on April 12.

I believe that the garage project represents a wasteful, imprudent, and unnecessary use of scarce public funds. The garage will be extravagantly expensive. The MBTA's multiple rationales for constructing and operating a parking garage in downtown Boston are inconsistent and unpersuasive. The MBTA's internal analyses of the project's feasibility are outdated and incomplete. And the MBTA's plan to finance the project with bond funds is inappropriate as well as inconsistent with the MBTA's mission: building a parking garage in downtown Boston will neither promote mass transportation nor benefit the MBTA's riders.

The contract to build the North Station garage and relocate the Green Line behind the present Boston Garden --

estimated at \$87.9 million -- will be the largest single construction contract the MBTA has ever awarded, according to statements of MBTA staff at the pre-advertising conference for the contract. As currently designed, the underground garage will have to bear the weight of up to 12 overhead commuter rail tracks; moreover, the MBTA plans to build a double bore transit tunnel within a two-story segment of the garage. It is difficult to conceive of a more expensive location and design for a parking garage.

According to recent estimates provided by the MBTA, the marginal cost of building the garage as part of the \$87.9 million contract is approximately \$45.7 million. In other words, if the garage were not built, the MBTA estimates that it would spend \$42.2 million to relocate the Green Line; extend the commuter rail track, platform, and canopy; and provide foundations for the developer of the new arena at North Station. (The MBTA hopes to receive in-kind compensation -- including a rehabilitated train concourse at North Station, valued at \$3.1 million -- from the arena developer in return for spending \$9.8 million on the foundations for the arena. However, the MBTA has not reached agreement with the developer regarding these cost-sharing arrangements.)

I believe that the MBTA's estimates overstate the costs of relocating the Green Line and extending the commuter rail track, platform, and canopy -- and therefore understate the true cost of building the parking garage.¹ But even if one accepts the \$45.7 million estimate for the North Station garage, the cost is exorbitant.

By way of comparison, a 1300-car above-ground garage in the Boston area may reasonably be estimated to cost between \$10 million and \$20 million.² The MBTA's \$46 million underground

¹The MBTA's \$12.1 million estimate for relocating the Green Line appears excessive, given that only the "shell" of the subway structure will be built under this contract. Installation of the Green Line track, signals, and electrification will be performed under a future contract. In addition, the MBTA estimates that extending the commuter rail track, platform, and canopy by 3420 feet will cost \$8.3 million, or \$2440 per foot -- an improbably high cost for a relatively simple "slab-track" procedure.

²A survey of above-ground garages being designed and built in the Boston area shows that the cost per parking space ranges from \$8,000 to \$15,000.

garage will be more than twice the price the agency should even consider spending on a garage of this size. The MBTA will waste at least \$26 million in public funds -- \$20,000 for each of the 1300 parking spaces -- on this project.

The waste is likely to be far greater. Because the garage is being built underground, there is a high probability that the contractor will encounter latent site conditions, necessitating change orders which will drive up the cost of construction.

Even if there were a strong argument for the MBTA to construct a 1300-car garage at North Station, building the facility underground makes no sense. Ironically, the MBTA is currently installing deep caissons for future air rights development northwest of the underground garage site. According to MBTA staff, such development could include an above-ground garage.

The imprudence of this project is not simply that the MBTA is building the garage underground. The MBTA has no sound reason for building the garage at all.

The MBTA's justifications for building this garage do not stand up to analysis. In the Environmental Notification Form filed with the Executive Office of Environmental Affairs in October, 1988,³ the MBTA stated the purpose of the garage as follows:

The project helps to fulfill a public commitment to the businesses and residents of Boston to replace parking spaces eliminated by construction of the Central Artery.

Other MBTA documents also cite replacement parking for the Central Artery project as the primary purpose of the North Station garage. Oddly, there appears to be no written record

³In April, 1989, the Secretary of Environmental Affairs waived the requirement that an Environmental Impact Report (EIR) be prepared for the garage project. The Secretary's Final Record of Decision cited two reasons for granting the waiver: the large-scale traffic impacts of the garage would be "insignificant," and the project delay that would result from preparation of an EIR would "work a hardship in terms of less successful coordination of the three MBTA projects on this site." If, as has been reported, the Secretary is reconsidering the waiver, he is to be commended.

of the "public commitment" referenced in the Environmental Notification Form, according to staff from both the MBTA and the State Department of Public Works. In my view, the decision to spend tens of millions of dollars on a parking garage should not be based on an unwritten agreement between unspecified parties. Moreover, I question the appropriateness of an arrangement that requires the MBTA -- which is mandated to provide mass transportation -- to pay for mitigating the impact of a highway expansion.

MBTA staff have stated in recent interviews that the primary purpose of building an MBTA-financed parking garage at North Station is not to replace parking lost to the Central Artery project. In contradiction to the statements of purpose contained in the Environmental Notification Form and other MBTA documents, MBTA staff state that the purpose of the garage is to generate revenue for the MBTA.

The MBTA's revenue forecasts are improbable, at best. The expectation that the garage will be profitable is based on a consultant report commissioned by the MBTA in 1988. The 14-page "Preliminary Feasibility Analysis of Proposed North Station Garage," dated October, 1988, was updated by a four-page memorandum in December, 1988. Although both the Analysis and the update were labeled "preliminary," no final version of the feasibility analysis exists. The MBTA has not revisited these documents during the past 14 months to determine whether further updating, refinements, or wholesale changes in its underlying assumptions are required.

As the basis for proceeding with the garage project, the 1988 Analysis is totally inadequate. First of all, its optimistic cash flow projections were based on information which is today -- two years later -- obsolete. For example, the Analysis assumed that the proposed new arena at Boston Garden will be open for business by 1992. The revenue projections for the garage contained in the Analysis were heavily dependent on the anticipated income from "event" parking: i.e., the fees (estimated in the Analysis at \$11 per car in 1992, increasing by seven per cent each year thereafter) the MBTA will charge garage users to park for the 200 "major-draw events" per year at the new arena. These revenue projections also assumed daily parking by occupants of two new office towers to be built by the arena developer in the area adjacent to the arena.

Today, two years after the Analysis was prepared, there is virtually no chance that a new arena will be open for business by 1992. Plans for the two office towers have reportedly been

tabled. Indeed, the future of the arena project appears far from assured. How does the postponement (or cancellation) of the new arena and adjacent office towers affect the MBTA's 1988 revenue projections for the garage? The MBTA does not know.

In addition, the 1988 Analysis did not factor the impact of the massive Central Artery construction project into its projections of parking demand from 1992 through 2002. Instead, the Analysis assumed that demand for parking in the North Station area would increase at a healthy rate throughout the Central Artery construction project.

Today, there is no doubt that the Central Artery project will cause major traffic dislocations in the downtown area for at least six years, beginning in 1991. If a significant proportion of automobile commuters chooses to avoid the North Station area during this period, demand for parking will be lower than projected in the 1988 Analysis. How sensitive are the revenue projections contained in the Analysis to decreases in daily short-term and long-term parking demand? The MBTA does not know.

In short, the MBTA lacks a credible basis for its belief that the garage represents a sound investment of public funds.

There is also reason to question the legality of the MBTA's expending public funds for a risky venture that is ancillary to its statutory purpose. The MBTA's Environmental Notification Form for the garage project stated: "The project is consistent with the Massachusetts Bond Issue Act of 1988." This Act, c.15 of the Acts of 1988, authorizes the MBTA to issue bonds "for the capital needs of the authority, including, but not limited to," a series of mass transportation-related activities, such as purchase of rolling stock, commuter rail improvements, and expansion and modernization of the MBTA's transit stations. The MBTA plans to finance the parking garage at North Station with the proceeds of bonds authorized by this Act. In my view, using these bond funds for construction of the North Station garage would be inappropriate and unjustified. There is no apparent connection between a parking garage at the inbound end of the commuter rail system and the MBTA's "capital needs."

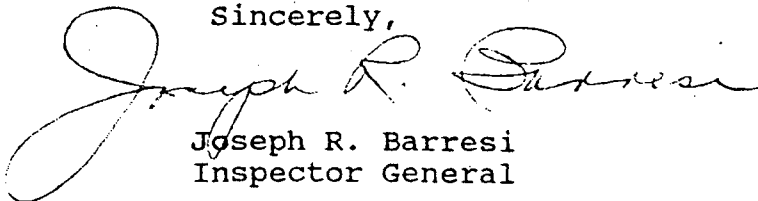
Finally, the MBTA parking garage is not necessary to the development of a new arena at Boston Garden. A second, 1300-car underground parking garage adjacent to the MBTA garage is to be privately financed and built for the benefit of the new arena.

I am aware that the MBTA's excavation work on the Green Line tunnel presents the opportunity to coordinate the garage construction with the tunnel project. However, based on the considerations set forth in this letter, I believe that the MBTA should forgo this opportunity.

In the context of the State's fiscal crisis, constructing the garage would be fiscally irresponsible. The financial risks are high; the potential benefits are dubious at best. The public should not be asked to gamble scarce public funds on a questionable economic venture which promises no benefits for the MBTA or its riders. I therefore recommend that you cancel the forthcoming bid award for the garage construction contract.⁴

If the MBTA wishes to find out whether a private developer would regard the garage as an attractive investment, the MBTA might consider advertising for proposals to lease the development rights to the site for purposes of constructing a parking garage. I would not object to this approach, which -- unlike constructing and operating the garage with MBTA funds -- would entail minimal risk to the MBTA.

Sincerely,



Joseph R. Barresi
Inspector General

cc: Frederick P. Salvucci, Secretary of Transportation
Anne M. Lerner, Executive Director, MBTA Advisory Board

⁴In the course of my review, I noted that the MBTA has awarded, without advertising or competition, millions of dollars of design work to a joint venture competitively selected in 1983 for a \$1.1 million design contract. Over the following seven years, the MBTA has executed 28 supplemental agreements with the same joint venture, Parsons, Brinckerhoff, Quade & Douglas/Seelye, Stevenson, Value and Knecht. The total value of the work has soared to more than \$22 million, of which the design of the North Station garage constitutes approximately \$1 million. The MBTA's reliance on open-ended, unadvertised agreements with consultants invites waste and abuse.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

September 24, 1990

Anthony Fusco
Division Administrator
Federal Highway Administration
55 Broadway, 10th Floor
Cambridge, MA 02142

Dear Mr. Fusco:

The Environmental Protection Agency, in accordance with its responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed Central Artery (I-93)/Third Harbor Tunnel (I-90) project.

These statutes require that EPA, from the standpoint of its areas of jurisdiction and expertise, formally comment on the environmental impacts of the project and the adequacy of the environmental analysis as presented in the DSEIS that was filed in May of 1990. The results of our review are detailed below and in the attachments to this letter. However, since the filing of the DSEIS, there have been a number of positive discussions between the EPA, the Federal Highway Administration (FHWA), the Massachusetts Department of Public Works (MDPW), and other agencies. Additional information has been developed, and on the basis of this, we are hopeful that the concerns we are required to formally present in this letter will be resolved. I have attached a copy of a September 10, 1990, letter to me from Secretary Fred Salvucci and MDPW Commissioner Jane Garvey that contains specific expectations for project improvements in several areas of concern to EPA. We believe this indicates progress towards resolution of EPA's concerns.

The May 1990 DSEIS describes the MDPW's \$5 billion proposal to construct approximately 7 miles of roadways in Boston, the key elements of which are a widened, mostly underground Central Artery (I-93); an extension of I-90 via a Seaport Access Road and Third Harbor Tunnel to Logan Airport in East Boston; and extended frontage roads along the Central Artery and Southeast Expressway. (The proposal also includes a new South Boston Haul Road for which a separate EIS was prepared. EPA's comments on the Final EIS for the Haul Road are being submitted today in a separate letter). The DSEIS, the fifth in a series of EISs that began in 1982, is



intended to address issues that were left unresolved at the time the Final EIS was issued in 1985 (see Appendix 1).

The project has multiple public goals which are, in essence, to improve traffic flow in the Boston metropolitan region and to do so in a manner which permits a more livable city, reconnected to its waterfront and without the barrier that the elevated Central Artery now poses. The project also has the potential to bring other environmental benefits: to improve air quality; to remediate any harm that may be occurring as a result of the historic landfill on Spectacle Island; and to create a park on the island.

EPA supports these objectives and recognizes the importance of their fulfillment. As the DSEIS recognizes, this project, by virtue of its enormity and its location, raises substantial environmental concerns, which EPA has addressed in numerous meetings and letters throughout the project's history.

In summary, EPA does not object to the proposed project as a whole. We do, however, believe that certain key elements of the project as proposed in the DSEIS would cause adverse environmental impacts. These impacts are of sufficient magnitude that the project should not proceed until they are resolved in the FSEIS in accordance with the substantive requirements of the Clean Water Act, NEPA, and, potentially, the Clean Air Act. We further believe that the DSEIS, while comprehensive in some areas, does not fulfill NEPA's requirements for disclosure of significant environmental impacts and evaluation of less damaging alternatives. We are pleased, however, as mentioned above, that MDPW and others are already working to fill these information gaps in the FSEIS.

EPA's principal concerns are as follows:

- 1) The materials disposal program, described as the preferred alternative in the DSEIS and in current applications for federal permits, would place significant amounts of dredged and excavated material in 103 acres of Boston Harbor surrounding Spectacle Island. In its review of the Corps of Engineers' public notice, EPA concluded that this fill would violate Section 404 of the Clean Water Act, particularly the regulatory requirements concerning alternatives and significant impacts. Similarly, we conclude that the fill proposal in the DSEIS would violate parallel requirements under NEPA that agencies fully assess all reasonable alternatives and use all practicable means to avoid or minimize any possible adverse effects (Council on Environmental Quality Regulations at 40 CFR 1500.2(e) and (f)). (A copy of EPA's July 31, 1990 comments under Section 404 is included at the end of Appendix 3).

We note, however, that during the months since the DSEIS and the public notice were issued, the MDPW has been making a serious effort to respond to our objections to the proposed 103-acre fill in the Harbor. For example, the MDPW has identified portions of

the project where excavated material can be minimized or re-used. Further, the MDPW is re-evaluating upland disposal sites and is examining the size and impacts of the island landfill. We are optimistic that there will emerge from this effort a number of sites that alone or in combination would be less environmentally damaging, reasonable alternatives to the 103-acre fill at Spectacle Island. We are therefore hopeful that the MDPW will ultimately submit a revised materials disposal plan which satisfies the requirements of the Clean Water Act and NEPA.

2) The DSEIS does not discuss the potential for adverse effects to public health due to high levels of carbon monoxide from the currently proposed ground-level ventilation exhaust from the Dewey Square tunnel portal in the vicinity of Chinatown. To ensure compliance with the Clean Air Act and NEPA, the FSEIS must quantify this impact and evaluate the effectiveness of options for ensuring that no violations of applicable air quality standards will occur.

3) The DSEIS does not evaluate the potential for adverse air quality impacts from exposure to high levels of truck and automobile exhausts throughout downtown Boston during the 8-10 years of project construction. The DSEIS mentions the potential for major construction-related impacts to cause elevated levels of carbon monoxide at 34 locations in Boston, but defers the evaluation of air quality impacts and mitigation planning to a time after completion of the EIS process. Because of the potential seriousness of this impact and the large numbers of people who would be exposed to it, the FSEIS must identify the key locations that will be impacted by construction activities and quantify predicted air quality impacts.

We are also concerned that the DSEIS does not adequately identify construction-phase mitigation measures that the MDPW had promised to include. A further evaluation of such measures must be included in the Final SEIS. Moreover, since some mitigation measures from the Maintenance of Traffic Plan and the Construction Mitigation Program will not be finalized until after the EIS process is completed, the FSEIS must also define future air quality commitments and commit to the inclusion of EPA in a process that will insure that these commitments satisfy air quality criteria and are implemented in a timely manner.

4) One of the most serious long-term environmental policy issues involved in the Central Artery decision is how to increase the likelihood that the construction of the Central Artery is accompanied by an array of mass transit improvements and regulatory actions sufficient to permit the project to succeed in its purposes: to avoid traffic strangulation and to permit a more liveable city. Dramatic changes in intra-city and inter-city transportation are required, along with farsighted control over such growth and traffic generators as new infrastructure and land use.

The FSEIS must commit to treat mass transit improvement as an integral part of the project. There must be a commitment to a reasonable group of mass transit projects and transportation control measures and to a process (that will include EPA) to determine that the projects will be done and the promised improvements will be achieved.

The Executive Office of Transportation and Construction has a long record of commitment to mass transit. The upgrading and expansion of mass transit, however, will be as difficult as implementing the Central Artery project itself. We fear that, in an era of fiscal and government retrenchment, the steps will not be taken to change the transit mix from a reliance on the private automobile to a mix relying on mass transit. Many public comments reflect this sense of urgency and a sense of unease that these "other" projects will fall by the wayside and the Central Artery will dominate the transportation agenda.

Therefore, we expect that the FSEIS will contain commitments, linked to the policies of other state cabinet offices through the Massachusetts Environmental Policy Act process, to schedules of mass transit improvement and associated transportation control measures. The first category would be to assure the completion of those projects the success of which is assumed in the air quality modeling that predicts pollution improvements as a result of this project. The second would be an aggressive program of construction-period transit-enhancing measures, with the commitment to continue successful measures on a long term basis. The third category would be the design of features, such as HOV and carpool lanes, and fringe parking, which could be built into or with this project to provide long-term benefits. The fourth program should be one of farsighted regulatory and environmental review actions to prevent unplanned growth from cancelling the traffic capacity benefits of the project and thus frustrating its purpose.

EPA is committed to use its regulatory authority, through the Massachusetts State Implementation Plan (SIP) for air pollution control, to assist in meeting these objectives.

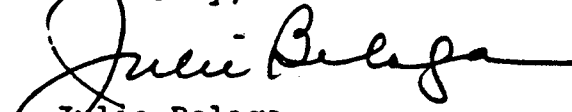
Furthermore, we encourage FHWA to take a creative approach to evaluating the myriad mitigation and environmental enhancement measures which would be appropriate for a project of this magnitude. FHWA's new Environmental Policy Statement (April 1990) places emphasis on "avoidance, minimization, and mitigation of environmental impacts," and places special emphasis on "the need to consider environmental enhancement measures." In addition to the mitigation measures identified above, we see an opportunity, consistent with the new policy, for FHWA to ensure that any environmental harm posed by the historic fill on Spectacle Island will be remediated and that the island will be transformed into a public park.

The attachments to this letter detail these concerns as well as others, such as the need for additional analysis of the impacts of and alternatives to the proposed Scheme Z design for the crossing of the Charles River Reservation and of secondary effects from the future development of the 27 acres on top of the depressed Central Artery.

In accordance with EPA's national rating system, an explanation of which is attached in Appendix 2, we are required at the Draft EIS stage to assign a rating to the environmental impacts of the proposed action described in the EIS, and to the adequacy of the EIS. We have rated this DSEIS "EU--Environmentally Unsatisfactory" and "2--Insufficient Information." It should be noted that we are required to rate the project based on the information in the DSEIS provided by the FHWA and MDPW in May, 1990. Since that time, however, a series of meetings has been held that should result in important improvements to the project and should address the concerns that we have raised. As we receive this information, we will review it promptly and expect that it should be incorporated in the final SEIS. This "EU-2" rating is appropriate in cases where the proposed action has the potential to cause a substantive, long term violation of a federal environmental standard, as would occur under Section 404 if the MDPW were to pursue the 103-acre Harbor fill, and where the DSEIS does not contain sufficient information to fully assess environmental impacts that should be avoided, such as the air quality concerns above.

We are pleased at the positive steps and the cooperative effort that have taken place over the past few months. The issues we have raised are being discussed but do require resolution in the FSEIS. We believe that they can be resolved and an environmentally sound project achieved. My staff and I are committed to working with the FHWA and the MDPW to that end.

Sincerely,



Julie Belaga
Regional Administrator

Enclosures

cc: Frederick Salvucci, Secretary
Executive Office of Transportation and Construction



1000 FRIENDS OF MASSACHUSETTS

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MASSACHUSETTS TRANSPORTATION AGENDA

INTRODUCTION

The last decade of the 20th century will witness the largest public works project in the history of the Commonwealth of Massachusetts. Construction of the Central Artery and Third Harbor Tunnel, by the sheer magnitude of its expense and impacts, will tend to dominate the transportation improvement activities of the Commonwealth. A cohesive, balanced transportation system must now be articulated, lest the vision for our transportation future be lost in the shadow of a single, monumental highway project in New England's largest city.

The Executive Office of Transportation and Construction is committed to an integrated transportation plan that permits guided economic growth and significant improvement in environmental quality. This program openly favors increasing mass transit and reducing reliance on single-occupant auto travel. The Agenda encourages development in the urban cores of the Commonwealth, where such transportation strategies will be most successful and environmental improvements will be maximized.

Public transportation decisions have fundamental impacts on development of land, economic opportunity, and the quality of life for all citizens. Failure to develop a more efficient transportation system will lead to unnecessary and unacceptable economic stagnation, traffic congestion, air pollution and continued urban sprawl. Periodic adoption of a statewide transportation plan and its associated capital improvement program will foster economic growth without attendant environmental and social dislocation.

This Massachusetts Transportation Agenda describes our current priorities for a renewed commitment to effective transportation integrated with sound land use, energy and environmental policies.

MASS TRANSIT IN THE COMMONWEALTH

Improved mass transportation systems are the backbone of future transportation policy. The Commonwealth must continue its current policy of expanding rail and bus transit routes, improving facilities and developing innovative operating programs. State policy will encourage sufficient density of development and



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quality of transit to make mass transit the preferred transportation for most commuters in urban and suburban regions.

Where highway construction creates temporary commuter dislocation, mass transit alternatives are crucial to mitigate construction impacts and encourage more enduring modal shifts.

Intra-Regional Transit. The highest priority in the Massachusetts Transportation Agenda is increasing the capacity and quality of the transit system. This Agenda includes the following:

- New equipment. Continued acquisition of new rapid transit cars, buses and commuter rail equipment is cost effective and provides a more pleasurable ride likely to encourage increased ridership.
- Extending Rail and Rapid Transit Services. Existing rail lines may be used to extend service and rapid transit to new markets previously limited to automobile use. Re-establishing Old Colony Rail Service will be vigorously pursued to achieve the tangible improvements in congestion and air pollution caused by traffic from the South Shore to Boston.
- Commuter Boat Service. Establishment of new docks within Boston should be continued, with new commuter locations developed around the harbor and the South Shore. Pedestrian and bicycle facilities should be encouraged and parking accommodated adjacent to commuter boat docks.
- Private Bus, Limousine and Van Services. Private operators should be encouraged to participate in the mass transit market. The Commonwealth should support private transit investment by facilitating downtown terminals and peripheral commuter parking facilities. Where such operations constitute HOV (high-occupancy vehicles), priority access to HOV lanes and toll subsidies should be provided. In more rural areas, fixed route bus services should be complemented with feeder routes that are more rider-responsive, such as a "Dial-A-Ride" program.
- Transit Fares. All appropriate steps must be taken to constrain fare increases and encourage employer contribution to transit pass programs. Moderate transit fares encourage increased system use, and provide better opportunity for improved mobility for those with lower incomes. EOTC should link to the extent permissible by fiscal constraints, automobile toll revenues and transit fare revenues, such that transit fare increases are accompanied by comparable auto tariffs. Additional revenues generated would be available to fund mass transit and HOV initiatives.

- Capital construction programs of EOTC, including the MBTA capital construction programs identified in the environmental analysis for the Central Artery, will be implemented.

Inter-Regional Transportation. Inter-city transportation has the capability to impede transit flow. State policy encourages:

- Inter-City Bus Service. Continued private bus service along all highway corridors should be encouraged, and urban bus terminals should be provided in central locations.
- High Speed Rail. High speed rail, especially to New York City, promises to be the most energy and environmentally efficient alternative to alleviate aircraft and automobile congestion at Logan Airport. Purchase of new equipment available in the short term future should be commenced. Each public transportation authority would benefit by such service, and the resources of each should be applied for this purpose.
- General Aviation Aircraft. Efforts should be continued to remove most general aviation aircraft to secondary airports, and to ensure that such aircraft pay their allocable share of airport administration.
- A Second Major Airport. State leadership is necessary to preserve the option for a major airport to mitigate congestion caused at Logan. Examination of existing military and civilian facilities should be continued, and efforts made to land bank any appropriate parcel of 10,000 acres or more which may become available within one hour's drive from Boston.
- The Red Line/Blue Line MBTA Connection. While highly desirable, the cost of this subway construction appears to outweigh its benefits at this time. Continued investigation may better justify further development of this proposal.
- North Station-South Station rail connection. Although a commuter rail facility between these two transportation nodes currently appears technologically infeasible as part of the Central Artery/Third Harbor Tunnel project, a rubber tired surface transit vehicle will be aggressively studied, and will not be precluded by proposals for development of the artery land.
- Circumferential Transit. Rail service between suburban centers and transit service for the Route 128 or Route 495 perimeters has been proposed, but continues to appear

infeasible because of the dispersed origins and destinations for trips in the area. Such transit linking urban neighborhoods should be implemented when feasible.

THE MASSACHUSETTS HIGHWAY SYSTEM

Highway expenditures should be premised upon an integrated planning process. They should be focused on public safety and those environmental and economic benefits that may be achieved in conjunction with discouraging increased automobile use, consumption of undeveloped land, and environmental degradation. Single occupant vehicles for commuter use will be actively discouraged, and opportunities increased for high occupancy vehicles (HOV) on Commonwealth highways.

Traffic Management: The following reflect current priority mechanisms to reduce single occupant automobile use in Massachusetts:

- Capacity Limitations. No capacity additions to arterial highways into Boston should be made except to add HOV lanes to some highway segments with one or two existing lanes in each direction. A similar policy shall be examined for the other urban areas of the Commonwealth.
- Parking restrictions. Revision of the parking freeze applicable in areas of Boston and Cambridge should expand the restrictions to private facilities. Air quality, energy conservation and traffic congestion will all improve if further parking limitations are imposed in conjunction with sufficient alternate commuting facilities.
- Destination parking. Van pools and car pools should receive priority treatment at downtown locations. Urban parking meters and public parking facilities should establish rate schedules that favor transitory and residential parking, accommodating those for whom ride sharing is not feasible. Recognizing that commuters driving alone burden the publicly provided highway system, the Commonwealth will examine financial disincentives for single vehicle occupancy. Mandatory fees for employee parking (waived for HOV), premium toll prices and elimination of most free private parking in state-owned as well as private facilities will be carefully examined.
- Maintenance and upgrading. Highest priority for spending on highways and bridges should be toward providing safety through maintenance, repair and reconstruction. Priority should also be given to highway improvements already serving

mass transit, or to improvements which will not substantially increase demand or promote additional consumptive land uses.

- **Cost Accountability.** EOTC will examine state and federal revenue programs to ensure that automobile users bear the true costs imposed by them on the environment and the transportation system.
- **Peripheral Parking.** An extensive program for suburban parking is essential to promote mass transit and car pool/van pool programs. The MBTA, Massport and MDPW should each dedicate substantial resources toward peripheral parking facilities. Where possible, these should be provided at no cost to commuters choosing HOV or mass transit.

High Occupancy Vehicles. For many locations, high occupancy vehicles provide the most efficient means of reducing traffic congestion. EOTC will encourage HOV's through programs such as:

- **Financing.** Provide public financing assistance for vehicles.
- **Consumer HOV.** Institute ride matching and commuter programs on a regional basis with particular outreach to areas affected by transportation construction activities.
- **HOV Capacity.** Implement and enforce HOV/bus lanes on major arterials, except where it is determined that such lanes would be unsafe, unnecessary or not cost effective.
- **Employer Education Programs.** Institute outreach programs that 1) encourage or require employers to charge for parking, 2) describe available programs to encourage HOV and 3) publicly acknowledge and reward companies with a high percentage of HOV employees.
- **EOTC Regulations.** Condition curb cut approvals and other discretionary state permits for private development upon mitigation that will encourage reasonable HOV participation.
- **State Leadership.** EOTC should require all state agencies and authorities to promote HOV and mass transit alternatives to single occupancy automobile commuting by their employees.

TRANSPORTATION PLANNING AND REGULATORY PROGRAMS

The Commonwealth's Division of Capital Planning and Operations as well as EOTC should expressly review all major capital investment in light of 1) the Commonwealth's policy to encourage HOV and mass transit transportation and 2) the land use and environmental implications of its programs and policies. Transportation and


land use are interwoven, with changes in either inevitably affecting the other. Unless transportation policies are integrated with land use plans and regulations, billions of dollars in public investment, as well as invaluable natural and cultural resources, could be wasted. Massachusetts transportation planning documents, such as "The Transportation Improvement Program" prepared by the Commonwealth's Metropolitan Planning Organization, provide existing resources for comparing proposed transportation improvements. Such documents combined with a cohesive capital improvement plan should more clearly describe priorities among transportation alternatives and state the means by which any project listed in those documents promotes 1) the policy of this Agenda, 2) improved environmental quality and 3) appropriate uses of land and natural resources.

EOTC also bears an obligation to review private proposals (e.g., through the MEPA process and curb cut approvals) for impact on the road network and opportunities to mitigate any substantive impact. In addition, planning and regulatory activities of EOTC should include:

- Regulatory Review. Review of curb cut applications and any projects which significantly increase highway use to ensure that any mitigation includes the discouragement of single occupancy vehicles and the encouragement of HOV and mass transit.
- Private Initiative. Actively encourage private transit investment and establishment of "Transportation Management Associations" among private employers.
- Monitoring. Establish monitoring systems to constantly review the efficiency of the transportation system and to review future programs and policies in an active public information process.
- Consistency. Ensure that transportation initiatives undertaken by any EOTC agency will be consistent with the plans and programs of EOTC, other state and regional agencies, or duly promulgated local plans, unless the Secretary determines that there exists an overriding public benefit to the proposal that cannot otherwise be achieved.
- EOTC MEPA Compliance. A Memorandum of Understanding with the Executive Office of Environmental Affairs will be executed in which EOTC agrees that transportation projects involving MEPA will include consideration of public and private land use implications of the project, and the extent to which the project complies with local, regional and state land use plans.

September 27, 1990

The Massachusetts Executive Office of Environmental Affairs, acting by and through the undersigned Secretary of Environmental Affairs, endorses the Massachusetts Transportation Agenda adopted today by the Massachusetts Executive Office of Transportation and Construction.

A handwritten signature in dark ink, appearing to read "John DeVillars", written over a horizontal line.

John DeVillars, Secretary
Executive Office of Environmental
Affairs

Board of Directors

Martin Adler
Economist

Andreas Aepli
National Association of
Railroad Passengers

John Allen
Boston Bicycle Coalition

Wayne Davis
Train Riders N.E.

Christopher Fincham

Professor Ernst Frankel

K. Dun Gifford

Dan King

Fred Langone, Esq.

Joe Matara
Haymarket Pushcart
Association

Larry Overlan

Guy Rosmarin, Esq.

Rosemarie A. Ruggerio

Mr. & Mrs. Robert Sawyer
Charles River Wheelmen

Leonard M. Singer, Esq.

Scott Spencer
Consultant, High-Speed
Rail Association

Jim Sullivan, Sr.

David Gordon Wilson
Professor of Mechanical
Engineering, M.I.T.

October 4, 1990

BY HAND

Julie Belaga, Regional Administrator
U.S. Environmental Protection Agency
J.F.K. Building, (22nd Floor) Room 2203
Boston, Massachusetts 02203

Re: Central Artery/Third Harbor Tunnel

Dear Ms. Belaga:

We look forward to meeting with you on October 10, 1990. In the meantime, the attached letter from the National Trust for Historic Preservation came across my desk. I noticed that the National Trust copied virtually everyone involved with this project except you. Accordingly, I wanted to share with your office the position of the National Trust.

The letter makes it quite clear that the entire Charles River Basin, and the adjoining park land on both banks of the Charles are all subject to the protection of Section 4(f) of the Department of Transportation Act of 1966. As the National Trust points out, DPW's plan for crossing the Charles River (the infamous "Scheme Z") violates Section 4(f).

Since the mid-19th century, the Charles River Basin has been Boston's foremost waterfront area. The Harbor has, unfortunately, been largely dedicated to commercial use since colonial days. The basin of the Charles, on the other hand, has served Boston well as an area of scenic beauty, recreational opportunities and as an urban nature preserve. It is imperative that the Charles be protected to the full extent of the law.

One of CRT's members, who is a qualified civil engineer, has designed an all-tunnel alternative to Scheme Z. DPW has acknowledged that his alternative works. Yet, DPW refuses to analyze it in the EIS/R.

Instead, DPW has embarked on a campaign to obscure the fact that the Charles River Basin is protected 4(f) property. Indeed, the Conservation Law Foundation issued a stern letter last summer chastising DPW for

Julie Belaga, Regional Administrator
October 4, 1990
Page Two

putting pressure on Commissioner Bhatti of the MDC to declare that the Basin was not a park. Commissioner Bhatti has stood his ground and refused to do so. DPW, however, continues to put a tremendous amount of pressure on the MDC and the FHWA in this regard.

Your own staff called the proposed Scheme Z crossing the "single ugliest structure in New England." Now the National Trust has joined you in opposition to Scheme Z. We look forward to reviewing this issue with you next week, as well as Spectacle Island and other areas of concern about the Central Artery project.

Thank you for your consideration.

Sincerely,

COMMITTEE FOR REGIONAL
TRANSPORTATION, INC.

By: K. Dun Gifford
K. Dun Gifford,
President

cc: Greenpeace Action
Sierra Club
Cambridge Conservation Commission
Honorable Alice Wolf, Mayor of Cambridge
Charles River Watershed Association



Conservation Law Foundation of New England, Inc.

3 Joy Street
Boston, Massachusetts
02108-1497
(617) 742-2640
Fax: (617) 523-8019

November 1, 1990

By Telecopier

Mr. Douglas McGarrah
Executive Office of Transportation and Construction
10 Park Plaza, Room 3510
Boston, Massachusetts 02116

Dear Doug:

Now that we have outlined what could be, from CLF's point of view, an acceptable compromise definition of the 4(f) status of various areas affected by the Charles River Crossing, I want to make sure that EOTC understands what CLF thinks still needs to be accomplished.

As I have said at quite a few points, CLF has been willing to accept a compromise 4(f) statement for the sake of getting an improved set of mitigation measures -- a set of mitigation measures that approximates what would flow from the 4(f) accounting which we consider to be ultimately the legally correct one. Now we need to see those mitigation measures. Until they have emerged, it would be premature for EOTC to represent to anyone that we have reached an agreement about anything. We have what could be part of an agreement, but it is nothing until the rest of the agreement falls into place.

I take the trouble to underscore this because, for whatever reason, what I heard about additional mitigation measures this afternoon did not fulfill my expectations. That may to some extent be my fault, since I went into the meeting without very clear expectations, hoping that I would "know it when I saw it." What I saw seemed to amount to a few new pedestrian paths and bridges, some allusions to other possibilities taking shape sometime in the future, and a rather formless planning process. These latter two things, even if they do not amount to much now, could be turned into something significant, but they currently amount to considerably less than I thought we would have as of today.

CLF does not have the capacity to shape up the mitigation

package -- we look to MDC, EOTC and perhaps others like the Greenspace Alliance (all with the help of 1000 Friends and/or the Mediation Service) to do that. I can provide prompt feedback and some constructive criticism, but not the creativity and expertise that the mitigation package needs.

So, EOTC should for the meantime be talking to MDC not about the 4(f) approach that CLF, the National Trust and EOTC have agreed could be acceptable if the mitigation package falls into place, but about the mitigation package that still needs to fall into place. Now that CLF has helped produce something for MDC and others to consider in the way of a possible 4(f) solution, we need MDC, EOTC and perhaps others to come back to us with a mitigation proposal. We need to be sold on something.

It may be unnecessary to explain these things, but since time is short it seems best to err on the side of repetitiveness.

Very truly yours,



Stephen H. Burrington
Staff Attorney

cc: Julia B. O'Brien
Elizabeth Merritt
David O'Connor

Environmental group throws support behind Scheme Z

4/21/90

By Ronald Rosenberg
GLOBE STAFF

An environmental group said yesterday it would accept a proposal for a massive highway crossing the Charles River because of a state promise to add extra park land.

The plans, which state officials estimate could cost \$75 million, call for an extensive series of parks and other amenities on the north and south banks of the river once the crossing, known as Scheme Z, is completed.

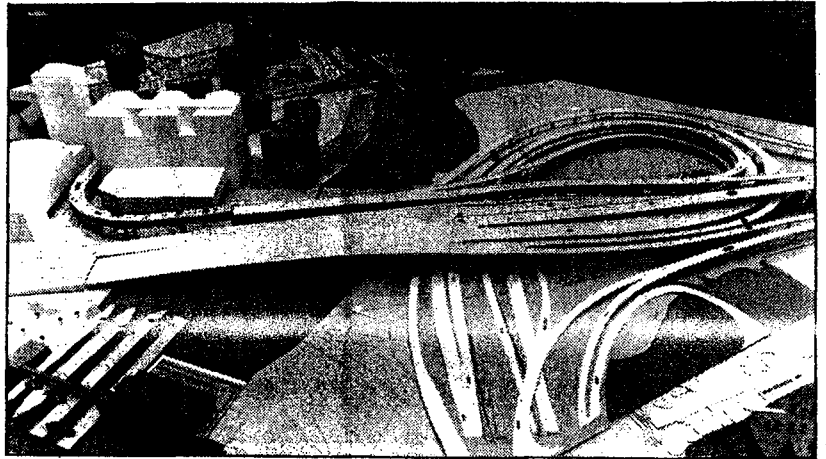
But other environmental and community groups withheld support, insisting the real issue is to find alternatives to the proposed 11-story high, 16-lane freeway bridge that is a cornerstone of the \$5 billion Central Artery/Third Harbor Tunnel project.

On Monday, the Cambridge City Council unanimously approved a resolution to oppose Scheme Z and hire an attorney to explore legal options. The city will also form a citizens' advisory committee to review and recommend alternatives to the state.

Yesterday, 1000 Friends of Massachusetts, a land-use planning group, announced that state officials have agreed to expand the Charles River Esplanade around the mouth of the river to Steriti skating rink in the North End. On the north side, parklands would enable continuous pedestrian and bicycle connections from the Museum of Science to the Charlestown Navy Yard.

"We do not pretend that this mediation has solved all the issues surrounding the Central Artery project," said Thomas Winship, chairman of 1000 Friends. "It never was intended to. It is a start, and we hope it will show the way to negotiating out the remaining controversies."

Winship credited John DeVillars, secretary of environmental affairs, with developing some specific mea-



GLOBE FILE PHOTO

An architectural model shows the interchange for the Central Artery project slated to be built along the Charles River in Cambridge.

sures incorporated in the state's environmental impact report. Among the plans for the banks of the Charles River:

- Design, construction and maintenance of parks at Paul Revere Landing, the Nashua Street parcel and federally owned riverfront land.

- Construction and continued operation of a commuter ferry at Lovejoy Wharf.

- Acquisition of a 100-foot buffer along a loop ramp in North Point on the Charlestown-Cambridge line.

- Renovation of Metropolitan District Commission horse stables, boathouse, police station and the building that controls the locks that govern the water level between the Charles River and the sea.

- Reconstruction of Lee Pool in Charlestown to Olympic size and quality.

- Review studies of Storrow lagoons and, if feasible, develop public swimming and winter open ice skating.

- Formation of a 21-member citizens advisory committee to review land use issues and parkland responsibilities.

This parkland agreement also is included in the state's final environ-

mental impact statement, an 11-volume, 5,500-page document to be released this afternoon. It will be submitted to the Federal Highway Administration and the Environmental Protection Agency. If the EPA approves it, the state hopes to launch construction of the Third Harbor Tunnel in April.

Yesterday's agreement calls for several land parcels controlled by the Department of Public Works to be transferred to the MDC - a move that will give the parks agency a greater role once the project is completed.

But community groups from Cambridge and Charlestown as well as the Charles River Watershed Association say these parkland plans did not involve much public participation.

"You can't mitigate a monster, and Scheme Z is a monster," said Gladys Gifford of Cambridge Citizens for Livable Neighborhoods, which seeks a combination of tunnels and viaducts to cross the Charles.

O'Connor said other groups were invited to participate, but declined when they learned there would be no discussion of alternative highway crossings to Scheme Z.

Final state environmental report

8081 11/22/90
By LAURA BROWN

Racing the deadline of a change in administrations, state transportation officials have filed the final state environmental report on the Big Dig, but have yet to file a similar document with the federal government.

The state Department of Public Works released the 11-volume, 5,500-page final environmental impact report for the Central Artery-Third Harbor Tunnel project yesterday, a week after filing it with the state Office of Environmental Affairs.

Environmental Affairs Secretary John P. DeVillars has until Jan. 2 to approve the report — just one day before Gov.-elect William F. Weld takes office.

The report details changes made in the project since the draft environmental statement was filed last May, and includes all of the public comments handed in during the hearings and review period on the draft.

A drastic reduction in the amount of excavated dirt that will be dumped on Boston Harbor's Spectacle Island and modifications in a highway crossing over the Charles River

topped the list of major changes in the report.

The down-scaled plan for Spectacle Island came after more than a year of sometimes bitter feuding between state officials and two federal regulatory agencies, the Environmental Protection Agency and the Army Corps of Engineers.

The agencies finally settled on a plan to cap a former garbage dump on the island with 3 million cubic yards of fill, then

create a park and recreation area.

The changes in the highway crossing known as Scheme Z followed conditions set by DeVillars in his approval of the draft.

In an effort to reduce the impact of the massive ramp plan on the banks of the Charles River, artery planners eliminated a northbound on-ramp, relocated another ramp, and then designed extensive parkland improvements along the river-

on Big Dig in

banks from the Esplanade to the harbor.

Despite the changes, the City of Cambridge has still threatened to sue the state over Scheme Z, citing alternatives such as a tunnel under the Charles or a less massive ramp plan.

Other critics — such as the City of Boston and the Artery Business Committee — back Scheme Z but want to see the scrapped ramp put back in the plan.

Andrew Hamilton, a staff scientist for the Conservation Law Foundation, said he is worried the report is too vague about commitments to mass transit, parking freezes, high-occupancy vehicle lanes and other measures to balance the effects of building a massive new highway system.

Hamilton said if the state does not include the specifics in the federal environmental statement, CLF would consider legal action.

Artery impact report issued

8081

11/22/90
By Ronald Rosenberg
GLOBE STAFF

The construction of the \$5 billion Central Artery/Third Harbor Tunnel project came a step closer to starting with the release yesterday of the final environmental impact statement, which now needs state and federal approval.

Included in the 11-volume, 5,500-page report prepared by the Department of Public Works are final plans for the controversial Charles River crossing, known as Scheme Z; the more limited use of Spectacle Island as a disposal site for excavated material; and new air quality findings.

The report also details a series of steps to minimize the adverse environmental impact of the mammoth project during and after construction. The project, which is scheduled to begin in April, includes a ribbon of parkland on both sides of the Charles River.

A few hours after the report's release yesterday, various environmental groups opposed to portions of the project threatened to launch legal action to stop it.

K. Dun Gifford, chairman of the Committee for Regional Transportation, said the state "has delivered an 11-pound tur-

ARTERY, Page 38

DPW issues environmental report on Artery

■ ARTERY

Continued from Page 33

key that will give everyone complete indigestion ... the report is full of legal holes."

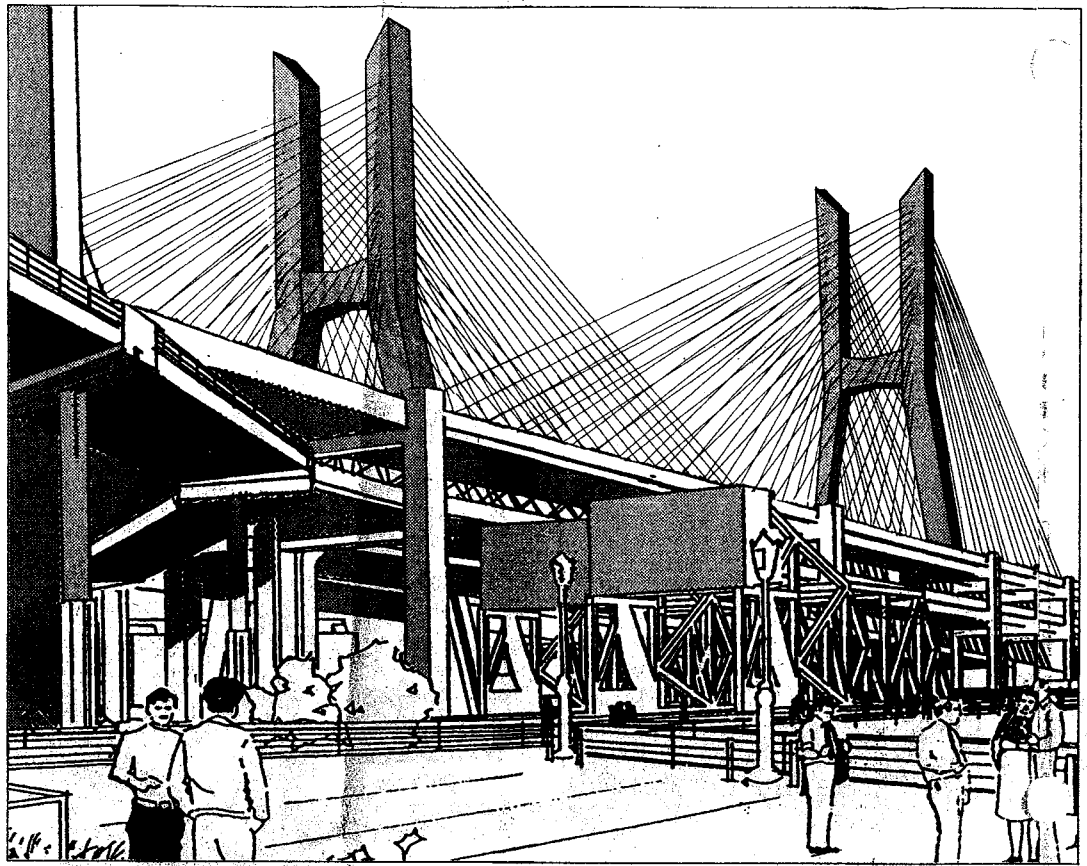
Last week, parts of the huge document were sent to John DeVillars, secretary of environmental affairs, who has to make the state's final determination of the project by Jan. 2, which is expected to be his last day in office.

Within the next few weeks, a similar version of the report is scheduled to go to the US Army Corps of Engineers and the federal Environmental Protection Agency. Both must independently approve the state's plans before the first phase of the project, the construction of the Third Harbor Tunnel, commences. A 30-day comment period is scheduled in December, and their decisions are expected in late January.

"I'm thankful this part of the project is over," said William Twomey, Central Artery project director, who estimated that the two-year environmental review cost about \$10 million, with more than 30 people working full time on it since June.

He said that to prevent any "sudden surprises" from the EPA and Army Corps, advance copies of the critical sections of the report have been given to those agencies to preview and comment upon before the final federal document is published in December.

But no sooner had word of the state report hit the street yesterday than several groups said they might



Proposed cable-suspension designed bridge crossing the Charles River.

try to block the project - even before they had read it.

"We don't think the overall transportation issues are fully discussed in this report," said Andrew Hamilton, staff scientist for the Conservation Law Foundation.

For example, he said, plans for highway lanes primarily for buses and van pools "deserve a C-plus grade."

"Similarly, there is not adequate mention of parking freezes for Boston," he said. "We'll wait for the federal version, and if we don't see some transportation improvements we will try to legally stop the whole project."

But Twomey, the project director, said he was confident that the state and federal environmental reports could withstand any legal tests.

"Some will press for litigation but the book as written, researched and published will stand up well in court and be defended," he said.

Among the final recommendations:

■ As many as 16 lanes of traffic will cross the Charles River under a plan known as "Scheme Z modified." Earlier plans called for 18 lanes, but the elimination of a two-lane on-ramp at Traverse Street in the North Station area has reduced the overall width of the crossing, which will have three spans.

There will also be fewer piers in the river for a wider boat channel and the design of the mammoth bridge has been improved by using a combination of cable-stayed or truss designs. The 11-story-high crossing will be about 600 feet wide over the south bank of the Charles River, down from 700 feet under the original Scheme Z proposal.

■ Approximately 3 million of the nearly 12 million cubic yards of fill dug up during construction will be placed on Spectacle Island, an abandoned dump. It will be capped and turned into a park - a move that adds 8 acres to the 97-acre island, down from more than the 200 acres originally proposed.

In addition to Spectacle, about 2

million cubic yards of material will be cleaned and reused as backfill to cover the new underground Central Artery. Another 2.1 million cubic yards of clean fill material will be sent by truck as daily cover at real landfills, while nearly 2.7 million cubic yards - mostly clay - will be available to 25 regional landfill to permanently close them.

■ A \$2 billion state commitment, over and above the \$5 billion project cost, for mass transit improvements, including 2,000 new city buses, construction of a regional bus terminal above the tracks at South Station, 126 new double-decked commuter rail coaches and 15,000 to 20,000 new Park and Ride parking spaces by 1995.

In addition, the state has promised to buy between 160 and 214 subway cars for the Red, Orange and Blue lines, plus three-car Green trolleys and station improvements on all lines. State and federal environmental officials said a mass transit commitment was critical for environmental approval.

CRT

COMMITTEE FOR REGIONAL TRANSPORTATION, INC.

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Consultant, High-Speed
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Jim Sullivan, Sr.

David Gordon Wilson
Professor of Mechanical
Engineering, M.I.T.

November 28, 1990

Douglas Foy, Esquire
Conservation Law Foundation
3 Joy Street
Boston, Massachusetts 02108-1497

Re: ..

Dear Doug:

Thank you for spending the time last week to talk over a few of the aspects of the Big Dig. As we discussed, there is a great deal more that unites us than divides us on this matter, despite the efforts of Fred's spin doctors to sow seeds of misunderstanding.

To that end, I have enclosed the CRT statement of purpose, which we released last summer and which we have not changed since then. You can see that it is explicit on our support of expanded Mass transit expenditures. We have never equivocated on that point and anyone who says we have is either lying or misinformed. Further, as I mentioned we have never believed that Fred would (or could) irrevocably commit the state to making the enormous transit and other expenditures that are required to bring the air pollution from the Big Dig down to legally-acceptable levels. So, though we support your efforts strongly, we are skeptical that they can be made irrevocable and their omission from the final EIR just confirms this skepticism.

As to the rail matter, we have made very exciting progress and will be ready in two weeks to show how it can be done. Of course, the irony of an unfunded group of volunteers coming up with a workable rail plan will escape no one. I will call you for a time for a presentation to you, as we agreed.

I have also asked our rail people to do some research. It turns out that if North and South stations are not Amtrak-linked, Boston will be the only city on the entire U.S. Amtrak network that is dead-headed and without through trains or a single train-changing station. This should give pause. Further, enclosed are

224 Clarendon Street, Boston, MA 02116 Phone (617)437-6546 Fax (617)421-9470

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Douglas Foy, Esquire
Page 2
November 28, 1990

some articles from British papers of last month announcing the plans to bring British Railway trains right through London in order to eliminate the congestion and delays from dead-heading and from required transfers to the underground.

Thanks again, Doug, and I'll call in a week or so.

Personal regards,

A handwritten signature in dark ink, appearing to read 'Dun', with a stylized flourish extending from the end.

K. Dun Gifford, President

Weld asks leading conservationist to be environmental secretary

12/1/90

By Robert Braile
SPECIAL TO THE GLOBE

Governor-elect William Weld has asked Douglas Foy, one of New England's leading conservationists, to be his environmental secretary, environmental sources say.

Neither Foy, the executive director of the Conservation Law Foundation of New England, nor a Weld spokesman would comment, but the sources say Foy is considering the offer.

They say Weld offered the job to Michael R. Deland, the former regional administrator of the US Environmental Protection Agency who now chairs the federal Council on Environmental Quality, and was turned down.

Whether Foy will accept the post remains questionable, the sources say, in part because working on environmental policy in a recession would be very frustrating.

But Weld's pursuit of Deland and Foy suggests he is seeking a high-profile conservationist to succeed outgoing secretary John DeVillars in the cabinet post, said several environmentalists, including Priscilla A. Chapman, executive director of the New England Sierra Club.

Foy, whose preference for solutions that make economic as well as environmental sense has won him praise from the business and environmental communities alike, is considered a leading voice on problems from transportation planning to energy conservation. Environmentalists said Foy's consideration by

Weld is in part intended to shore up support in the environmental community. Although Weld has said environmental issues will be a priority in his administration, his campaign position against secondary treatment of sewage entering Boston Harbor and in favor of the CLT tax rollback petition prompted concern among environmentalists.

Deland, who was a vocal environmental advocate at EPA, reportedly declined Weld's request largely to fulfill his commitments to the Bush administration. Deland did not return phone messages.

While Foy would not comment on the job offer, he did praise Weld's environmental agenda. "I am quite encouraged by where it seems Bill Weld is headed on environmental issues, and I think there is every reason to believe he will be very strong on those issues and will do a very fine job, no matter who he chooses for the job," Foy said.

"If I were Bill Weld, I would be looking for ways to link my economic goals with my environmental goals. . . . I think there is a myth that environmental solutions cost money, and in an economic downturn you cannot afford them. But in fact, it is when you are in an economic downturn that you have to be most efficient with your resources, which also happens to be the most beneficial thing to do environmentally. When you are in a flush economy, you tend to be wasteful."

But Foy has more than a few reasons not to accept the post. The

Conservation Law Foundation, with which he has been involved for 13 years, enjoys a reputation as one of the most influential environmental groups in New England. It has just started a big regional transportation initiative, hoping to influence national policy. It continues to operate as a leading player on regional issues ranging from ski areas to solid waste. And while Foy may say an economic downturn is the time environmental solutions must come to the fore, the sources say he would most likely end up frustrated.

Commenting on what the consideration of Foy and Deland says about Weld's thinking on the environment, Chapman said, "Neither of the two individuals are the kind who will be steamrolled by anybody. . . . So I think it is clear that he is not looking for someone who is just window dressing."

Yet, Chapman said, "It will be a very tough challenge for Bill Weld to live up to his commitment on the environment when there does not seem to be a lot of money around."

Others said to be under consideration for the post include Commissioner Daniel Greenbaum of the Department of Environmental Protection; former state Sen. Peter Webber (R-Pittsfield), who was active on the Senate natural resources committee; state Sen. Henri Rauschenbach (R-Brewster), who has been involved in the Cape Cod Commission; and Ralph Childs, a Boston lawyer who was active in the Weld campaign.

Engineer proposes an all-tunnel option to Scheme Z

By Peter J. Howe
GLOBE STAFF

A Cambridge traffic engineer yesterday presented before three government agencies an all-tunnel alternative to the controversial Scheme Z interchange over the Charles River proposed as part of the Central Artery-Third Harbor Tunnel project.

Steve Kaiser admitted his plan would

cost up to \$1 billion more than Scheme Z. Aides to Transportation Secretary Frederick P. Salucci have already studied an earlier version of his plan and deemed it unworkable on several counts.

But Kaiser said his modified plan would avoid "re-creating the Central Artery on top of the Charles River" and could create a vast new park at the river's mouth. His plan could also accommodate the North Station-to-South Station rail

road link transit planners have sought for a century.

Kaiser, a respected engineer among local transportation planners, is a former state environmental protection official who worked with Salucci in the 1960s, when they were both engineering students, to stop the Inner Belt expressway.

New public opposition erupted this week from environmentalists and officials from Boston and Cambridge to the

planned 110-foot-high interchange. It would cover an area the size of Boston Common at the northern edge of the city. Its ramps would connect the future underground Artery with the Tobin Bridge and Storrow Drive.

Kaiser presented his plan yesterday at the Metropolitan District Commission weekly meeting and to officials of the Federal Highway Administration and Boston

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Boston Globe

December 7, 1990

Tunnel option to Scheme Z proposed

■ TUNNEL

Continued from Page 29

Redevelopment Authority.

The BRA agreed to review the plan further, a spokesman said, while federal highway officials told Kaiser it would be up to the state to decide whether his plan should be adopted.

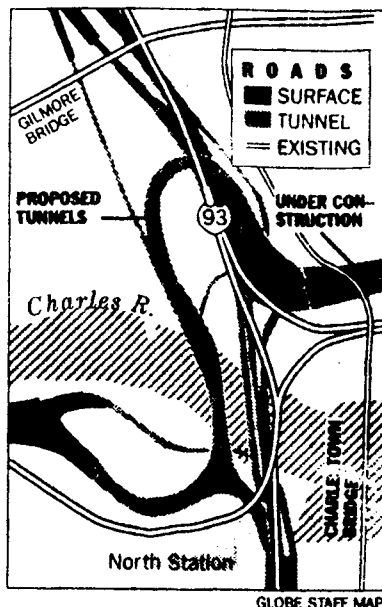
MDC chief M. Ilyas Bhatti said Kaiser gave "an interesting presentation ... but I did not sense any enthusiasm" for it among the commissioners.

"With the tunnels, obviously you have an open river bank, but the cost would definitely escalate," and construction could stir up poisonous metals now settled on the river bottom, Bhatti said. He added that it "would not be the MDC's call to put forward a recommended plan" in place of Scheme Z.

However, Stephen Ells, director of government relations and environmental review for the New England office of the Environmental Protection Agency, called Kaiser's all-tunnel plan "a serious alternative and a serious proposal that deserves serious consideration. It's a remarkable professional and personal accomplishment."

Some interest in 2d plan

Ells, whose agency controls key regulatory approvals needed for the Artery-tunnel project, also expressed interest in another Kaiser plan that would be two-thirds tunnels.



Map shows tunnel alternative to Scheme Z elevated ramps.

Engineers designing the \$5 billion Artery-tunnel project took an earlier version of Kaiser's plan seriously enough that they spent several thousand dollars drawing up blueprints based on it. But they concluded it would not meet traffic safety standards and require junking the \$300 million Central Artery North Area project currently under way in Charlestown.

"A plan is not practical just because you can draw it on a piece of paper," project spokeswoman Claire R. Barrett said. Barrett said Kaiser's plan fails to address whether it could actually be built without causing huge disruptions to highway, rail and boat traffic.

Barrett said engineers concluded Kaiser's scheme would severely disrupt commuter rail service at North Station at a time Artery planners will be urging people to use transit to avoid highway detours caused by Artery construction. Also, it might require shutting down the Charles River locks to boat traffic for two years, Barrett said.

"The truth is, if it would work, why wouldn't we do it?" Barrett said.

Calls new plan a better fit

However, Kaiser said he has modified the plan since then to fit better with the Charlestown project, due to be completed in 1993. This project involves replacing the overhead ramps between the Tobin

K. Dun Gifford, president of the Committee for Regional Transportation, said the group "strongly supports Kaiser's plan, which is terrific. There are only a few people left in the world who support Scheme Z and they all are on the state payroll." Gifford's committee includes mass transit advocates and businesses that would be affected by Artery-tunnel construction.

Gifford added that "Scheme Z, after all, is a plan resurrected from 1950s Los Angeles, and it just must be opposed by anyone who loves Boston and respects its neighborhoods."

Some BRA officials have expressed alarm at Scheme Z, welcoming a study of alternatives, and have expressed skepticism that Kaiser's alternative would in fact cost \$1.7 billion, three times as much as the projected cost of Scheme Z.

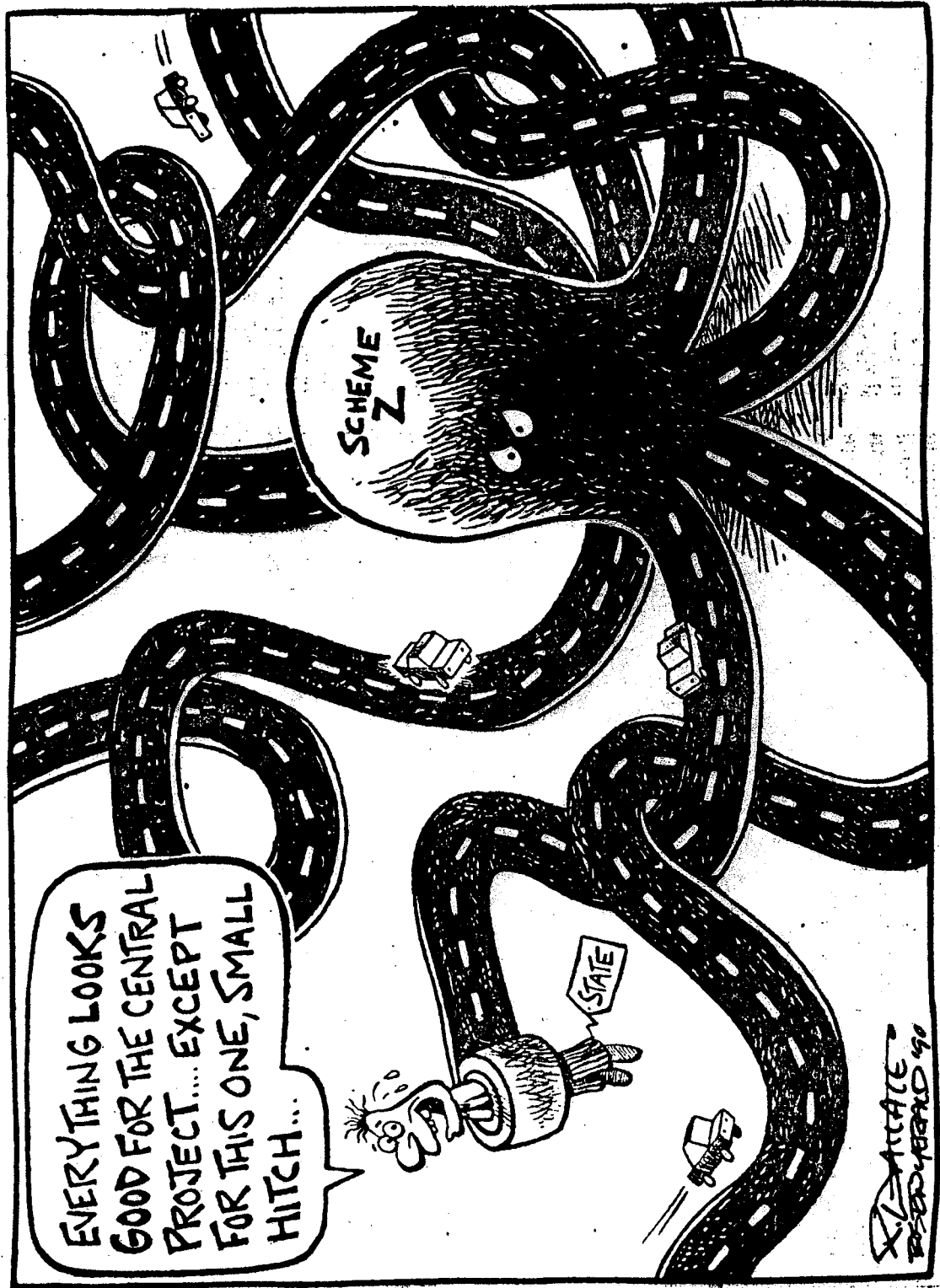
Bridge and Interstate 93 with tunnels under City Square and a loop ramp on the west side of I-93 allowing Route 1 and I-93 southbound traffic to merge more safely.

Kaiser said he has solutions to the worst traffic-merging problems highlighted by Artery-tunnel engineers. In Kaiser's revised plans, most of the ramps are at 5 percent grades - about 25 percent steeper than the Callahan Tunnel - and the sharpest curves still allow for 25 m.p.h. ramp traffic, he said.

Also, unlike Scheme Z, Kaiser's plan includes enough space for a two-track rail tunnel that would connect North and South stations, a link sought since the 19th century to allow travel throughout New England via Boston.

Kaiser, a self-employed traffic engineer, worked for the Massachusetts Environmental Policy Act office for eight years and for the MDC for two. He has used his technical expertise in several antidevelopment battles in Cambridge, including the controversy over a 1973 city parking-space freeze that had been ignored by local officials and developers. He spent several months drawing up his plans on his living-room table.

Kaiser said when he first learned of the "corkscrew elevated design" proposed for Scheme Z, he was shocked. "I couldn't believe that Fred Salvucci would support such a thing. It's an awful design that belongs nowhere," Kaiser said.

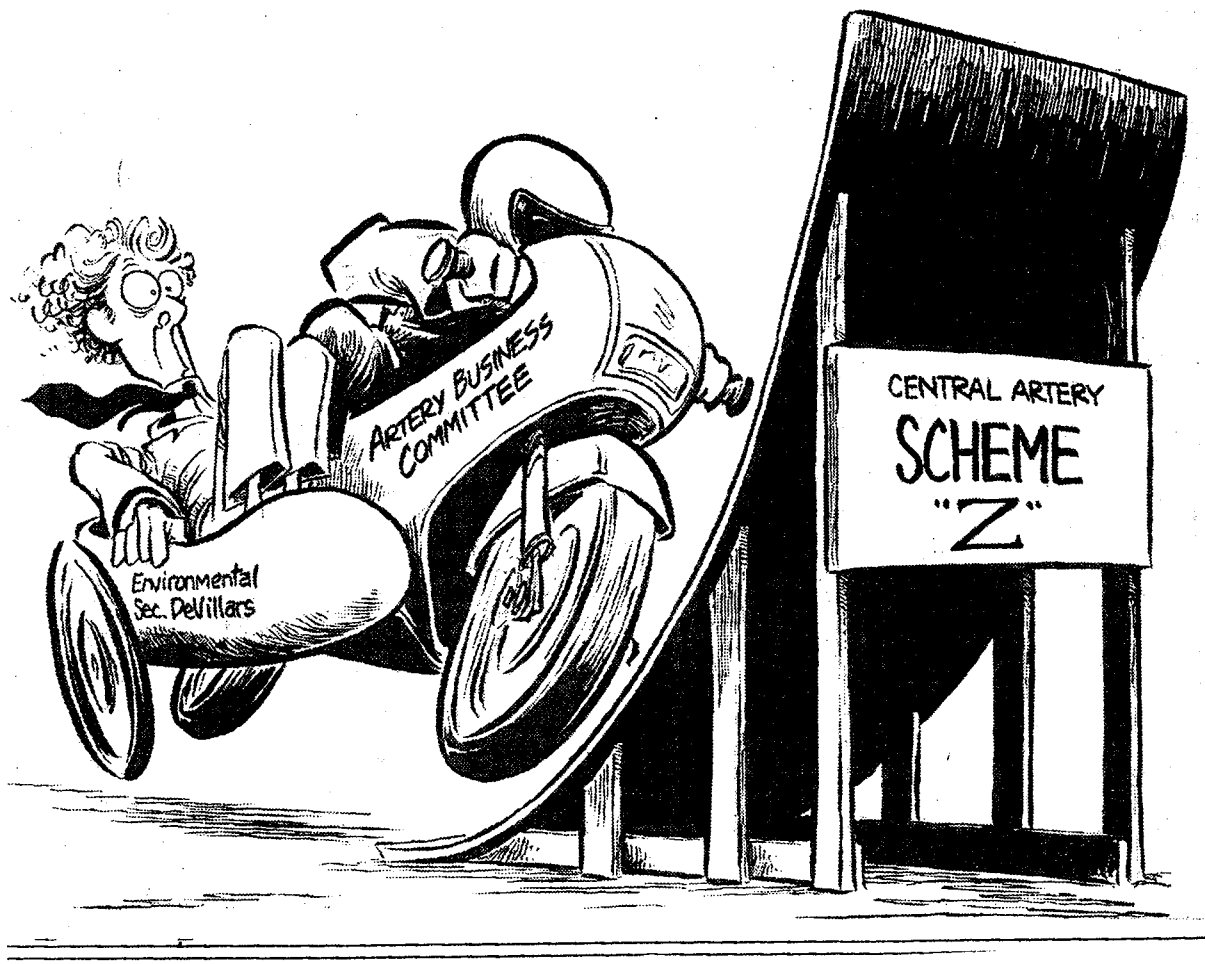


TUESDAY, DECEMBER 18, 1990

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HAMMOND





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Wednesday, Dec. 19, 1990

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**SWEEPING ENVIRONMENTAL PROTECTION AND TRANSIT PLAN
ANNOUNCED FOR CENTRAL ARTERY/TUNNEL PROJECT**

Boston -- The Conservation Law Foundation and two Massachusetts transportation agencies today announced an agreement to include commitments protecting the environment and improving Boston's transportation system in plans for the Central Artery/Third Harbor Tunnel Project. The initiative -- the first of its kind for a major highway project -- calls for dramatic expansions of mass transit, a ban on future highway expansion, and the promotion of more efficient use of roads in and around Boston.

"By reducing our dependence on the automobile, these commitments will make the Central Artery Project more than a temporary fix," said CLF Executive Director Douglas Foy. "They will also give Massachusetts an impressive early start in the race to comply with the amended Clean Air Act, help curb our reliance on oil from the Mideast, and promote the economic vitality of Boston well into the next century. Huge numbers of people will be able to travel into and around the city in clean,

Vermont Office: 9 Bailey Avenue, Montpelier, Vermont 05602 • (802) 223-5992

convenient ways."

The agreement, signed by Foy, Frederick Salvucci, Secretary of Transportation and Construction, and Jane Garvey, Commissioner of Public Works, is the product of more than a year of negotiations between CLF and the two agencies. "The environmental document we submitted to state and federal officials outlines a number of improvements in both transportation and environmental quality," said Salvucci. "These improvements will be substantially exceeded as a result of today's agreement."

The agreement includes detailed commitments to expand the MBTA system. Extensions of commuter rail lines and subway lines will be carried out. The addition of at least 20,000 new parking spaces at MBTA stations will enable more commuters to use transit services. The agreement with CLF sets deadlines for completing these and other projects. It also calls for the development of high-speed rail between Boston and New York, and between Boston and Portland by way of a new link beneath the harbor from South Station to Logan Airport.

Under the agreement, traffic flow on interstate highways leading into Boston will be improved and maintained through the creation of bus and car-pool lanes. Such high-occupancy vehicle (or "HOV") lanes can, according to Foy, "guarantee both reliability and speed. And more people can use an HOV lane -- so we get more service as well as faster service for each dollar we

spend to build and maintain the lane." Time standards will be set for HOV lanes, and management techniques will be used to ensure that bus, car- and van-pool passengers enjoy fast, reliable service.

The agreement bans the further expansion of roads into Boston within Route 128. "This is the last time we can expand the Artery -- even now, we have to go underground to widen it," said Foy. "If our air and neighborhoods could take it -- and they can't -- it would still be insane to increase the capacity of routes leading to a road that cannot be expanded any further."

Other provisions in the agreement require new or improved parking freezes for East Boston and Revere, Downtown Boston, South Boston and Cambridge. An analysis in the environmental impact report for the Artery/Tunnel Project shows that parking freezes represent the best means of maintaining acceptable traffic and air quality conditions. The freezes are included in the State Implementation Plan that Massachusetts must adopt under the Clean Air Act to attain compliance with federal standards for ground-level ozone pollution, or "smog."

Today's agreement calls for its provisions to be incorporated in documents approving the Artery/Tunnel Project that must be issued by John DeVillars, Secretary of Environmental Affairs, and the Federal Highway Administration. Commitments in the agreement will be enforceable under state and federal law.

Environmental Protection and Transit Improvement Plans for the Central Artery/Tunnel Project

Detailed agreement between EOTC, DPW and CLF represents the most far-reaching piece of environmental planning ever undertaken for a highway project.

Highways

- o No expansion of commuting roads into Boston, ever.

Mass Transit

- o Completion of fifteen major commuter rail, subway and other projects -- by firm deadlines.
- o High-speed rail between Boston and New York, and between Boston and Portland by way of a rail link from South Station to Logan Airport.
- o 20,000 new parking spaces at MBTA stations.
- o Active pursuit of other projects, such as circumferential transit and water shuttles to North Shore.
- o Indexing of MBTA fares to the cost of automobile use or inflation, whichever is lower.

Parking Freezes

- o New or improved parking freezes in South Boston, Downtown Boston, East Boston/Revere, and Cambridge.
- o Freezes to require, wherever appropriate, car-pool parking and employer promotion of car pools and mass transit.

Bus and Car-pool Lanes

- o Creation of high-occupancy vehicle ("HOV") lanes on Interstate 93 north and the Southeast Expressway. Establishment of HOV toll booths and priority systems on the Turnpike.
- o Time standards for all major highway routes so that buses, car-pools and other HOVs will be guaranteed fast trips. Promotion and enforcement of HOV system.

New DEP Vent Stack Regulations

- o Use of new vent stack regulations as back-up mechanism for controlling traffic volumes in additional ways.

MEMORANDUM OF UNDERSTANDING:

TRAFFIC AND AIR QUALITY MITIGATION

FOR THE

CENTRAL ARTERY/THIRD HARBOR TUNNEL PROJECT

1. Parties. The parties to this agreement are the Executive Office of Transportation and Construction of the Commonwealth of Massachusetts ("EOTC"), the Massachusetts Department of Public Works ("MDPW"), and the Conservation Law Foundation ("CLF") (hereafter collectively referred to as "the parties").

2. Need for Mitigation Measures. The parties agree that:

The Central Artery/Third Harbor Tunnel Project ("the Artery/Tunnel Project") can play a major role in producing significant long-term improvements in traffic congestion and air quality;

In order to ensure these improvements in conditions, the parties acknowledge the desirability of implementing new and expanded measures to provide transportation by alternative modes and to increase the efficiency of use of the highway system that includes the Central Artery and harbor tunnels;

The 1990 amendments to the Clean Air Act impose major new requirements on Massachusetts, making it essential for the Commonwealth to position itself to meet those requirements in a manner that enhances both environmental quality and economic prosperity; and

The implementation of the measures referred to in the preceding paragraphs will contribute to the long-term success of the project under the range of conditions that may prevail in the year 2010 and thereafter.

3. Nature of Commitments in This Agreement. The commitments described in this agreement should be incorporated into the certificate of the Secretary of Environmental Affairs on the final supplemental environmental impact report ("FSEIR") for the Artery/Tunnel Project and into the record of decision for the project issued by the Federal Highway Administration ("FHWA"). The parties agree to take all steps appropriate to their respective offices, and to use their respective authorities and means to the full extent necessary, in urging that the commitments be so incorporated.

These commitments shall be incorporated in the Artery/Tunnel Project, implemented, monitored and enforced to at least the same extent as other mitigation commitments made in the environmental impact statement or report, the secretary's certificate or the record of decision for the Artery/Tunnel Project. They are intended to supplement, not to limit or substitute for, commitments made in the other documents just mentioned. The commitments described herein are intended by the parties to be fully binding and enforceable under any applicable law.

4. Parking Freezes. The MDPW has undertaken a sensitivity analysis of the traffic forecasts used to predict air quality impacts of the project. In that sensitivity analysis, several critical input variables were tested to learn their effect on traffic volumes. The results of this analysis indicate that of all the public policy interventions examined, a parking control policy would be the most effective. A full parking freeze for Boston and Cambridge would lower regional trip ends by 135,000. The parties agree that parking policy represents one of the most important areas for improved environmental control and intervention. New or revised parking freezes that ensure high levels of service (or at least no further deterioration of service) and the attainment of air quality goals without increasing street or road capacity shall be put into effect for East Boston/Revere, South Boston, Downtown Boston and Cambridge and made part of the State Implementation Plan for Massachusetts under the Clean Air Act. The parties agree to take all steps appropriate to their respective offices, using their respective authorities and means to the full extent necessary, to attain these goals.

A. Each freeze shall impose a firm limit on the total number of parking spaces in the geographical area to which the freeze applies. Each such limit shall be calculated to ensure the attainment of level of service and air quality objectives. In addition, it may be appropriate for some or all freezes to require holders of permits for new or existing spaces to establish aggressive employer-based transportation demand management programs, to provide preferences -- through set-aside, pricing, and other requirements and incentives -- for high-occupancy vehicle ("HOV") parking, and/or to provide appropriate preferences for short-term (non-commuter) parking. It may also be appropriate to issue permits on the basis of use-specific ratios of allowable parking spaces per 1000 square feet of space developed, and to vary the ratios used within different districts in a freeze area according to the districts' proximity to mass transit services.

B. The Metropolitan Planning Organization ("MPO") shall submit, in each of its parking freeze submissions to DEP, language which would require that the review and approval of additions to or changes in facilities providing parking spaces in each of the freeze areas shall be administered in accordance with a plan to be submitted to the Governor which sets forth the procedures by which the permitting of facilities in the area shall occur. In the case of the parking freezes implemented by the City of Boston, for example, these permitting procedures would be set forth as a proposed text of amendments to the current BAPCC "Procedures and Criteria for the Issuance of Parking Freeze Permits." Such procedures and criteria are subject to an open public hearing process conducted by DEP. The parties agree to take all steps appropriate to their respective offices, using their respective authorities and means to the full extent necessary, to ensure that they are effective in meeting the intent of the parking freeze.

C. Given that the MPO has, at the recommendation of the Secretary of Transportation and Construction ("Secretary"), proposed a South Boston parking freeze, the Secretary shall transmit the freeze to DEP within fourteen days from the date of this agreement. The parties shall in the ensuing months take all steps necessary to see that the South Boston parking freeze is adopted, and that the Cambridge and Downtown Boston freezes are revised, as quickly as possible in accordance with the previous paragraphs. The parties specifically agree that such revisions shall apply to all off-street spaces, and shall address the current problems created by exemption of employee spaces from the freeze concept.

5. Mass Transit. The use of mass transit by commuters, airport travelers and others in the Boston metropolitan area shall be maximized. EOTC shall complete and provide to the other parties no later than December 31, 1991, an initial study of transit improvement strategies in addition to those called for by this agreement and the FSEIR, and shall make every effort to reach a consensus with the other parties as to the conclusions and implementation of that study by March 31, 1992, at which time it should be addressed in a revised Program for Mass Transportation ("PMT"). The parties agree that all of the public transportation improvements discussed below, including rapid transit, commuter rail, bus, water shuttle and station and parking facility improvements will contribute to the success of the total transit plan. The parties also acknowledge that the implementation of other transit projects contained within the Artery/Tunnel Project, including the replacement of the Dewey Square Bus Station at South Station, the reconstruction of the

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Airport Blue Line station, and the creation of the underground right of way for the South Boston Piers access transit project will contribute to the attainment of the Artery/Tunnel Project's environmental goals.

The parties recognize that implementation of most or all of the transit improvements addressed in this agreement is subject to public environmental review processes. If any planned improvement is found in the course of such a review process to have environmental impacts which render the project infeasible, EOTC shall develop and implement a substitute transit facility or service that will serve at least the same number of passengers in the same transportation corridor as the transit improvement contemplated by this agreement. In implementing transit improvements under this agreement, EOTC shall confer with the other parties on a quarterly basis in the manner described below.

EOTC shall also do the following.

A. All of the improvements listed in Appendix A to this agreement shall be completed. EOTC shall make every effort to complete each improvement by the last day of the calendar year stated as the year of completion in Appendix A. EOTC shall begin the operation of each new facility or service by the last day of the calendar year following the stated year of completion.

B. Although new circumferential transit facilities were not assumed in the FSEIS/R forecasts, EOTC shall determine whether and how to connect radial transit service corridors outside the central business district (provide one or more permanent circumferential transit facilities). On the basis of a feasibility study of various alternatives, EOTC shall complete and provide that study to the other parties no later than December 31, 1994, and shall make every effort to reach a consensus with the other parties as to whether and how to provide permanent circumferential transit facilities by September 30, 1995.

C. EOTC agrees to pursue with due diligence the program to attain three hour travel speeds for high speed rail between New York and Boston, as its highest inter-city transportation priority. Second, EOTC agrees to pursue high speed rail services along the inland route connecting Hartford, Springfield and Worcester to Boston. Third, EOTC agrees to work cooperatively with the States of Maine and New Hampshire to attain high speed rail service between Boston and Portland, Maine.

Fourth, EOTC agrees on the desirability of extending

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Northeast Corridor service north of South Station, possibly on a new alignment. Toward that end, EOTC shall determine whether and how to provide a rail connection between South Station and Logan Airport on the basis of a feasibility study for such a connection. EOTC shall complete and provide that study to the other parties no later than December 31, 1991, and shall make every effort to reach a consensus with the other parties as to whether and how to provide such a connection by March 30, 1992. EOTC shall complete a preliminary study of the compatibility of planned construction work for the Artery/Tunnel Project with such a connection and provide that study to the other parties no later than February 28, 1991, and shall make every effort to carry out design and construction work for the Artery/Tunnel Project so as not to interfere with the development of a rail connection between South Station and Logan Airport.

D. Given the success of the Massport Braintree terminal project, and given the progress in establishing a multi-modal terminal in Natick, the Secretary shall make every effort to obtain from the Massachusetts Port Authority by June 30, 1991, commitments (1) to develop suburban "remote terminal" facilities designed to reduce automotive travel to Logan Airport, and (2) to expand HOV facilities and services within Logan Airport and to coordinate them with other HOV facilities and services, including those developed as part of or in connection with the Artery/Tunnel Project.

E. EOTC, in cooperation with MDPW, the Massachusetts Port Authority and the Massachusetts Turnpike Authority, shall complete and provide to the other parties by December 31, 1991, a feasibility study of the relocation of some of the existing Sumner Tunnel toll booths to a location along Route 1A, generally in the vicinity of the Airport Blue line station, that would allow for airport users to utilize separate toll booths from those approaching from other directions. Given the ability to differentiate subgroups of tunnel users, EOTC shall examine in that study the use of toll pricing to regulate trips to Logan Airport, acknowledging the needs of airport employees. EOTC shall make every effort to reach a consensus with the other parties as to how best to use toll pricing to regulate vehicle trips to the airport by March 31, 1992.

F. The parties agree that MBTA fares should be indexed so that they do not rise more rapidly than fuel, toll and other costs of automobile use, or than the rate of inflation, whichever rate of increase is lower. The parties

shall make every effort to reach a written consensus by September 30, 1991, on a specific long-term means of accomplishing such indexing to the full extent possible under existing statutes.

G. EOTC shall complete and provide to the other parties no later than September 30, 1991, a feasibility study examining alternative means of providing a water shuttle service from Boston to the North Shore, which shall explore the special problems of commuter operations in open ocean waters and make recommendations concerning strategies to deal with this problem. EOTC shall make every effort to reach a consensus with the other parties as to how best to provide such service by December 31, 1991.

6. Radial Capacity. No expansion of the radial roadways to and from Boston shall be undertaken within the Route 128 radius. Capacity shall not be expanded in either direction through the addition of lanes on any of the radial roadways, although localized improvements necessary to increase safety or to enhance HOV access may be carried out. "Radial roadway" means a roadway whose major peak-hour function is to carry passenger and other vehicles to and from Boston. This commitment shall be incorporated in the State Implementation Plan for Massachusetts under the Clean Air Act. The parties agree to take all steps appropriate to other respective offices, using their respective authorities and means to the full extent necessary, to attain such incorporation.

7. Regulation Governing Roadway Tunnel Ventilation Systems. DEP has published in draft form a proposed regulation governing roadway tunnel ventilation systems in the Boston Metropolitan Air Pollution Control District. The parties shall make every effort to assist DEP in expediting the issuance of a final regulation in order to ensure the attainment and maintenance of the air quality goals of the Artery/Tunnel Project. The parties agree that all appropriate terms of this agreement, including but not limited to those pertaining to the triggering of expanded HOV measures, should be incorporated in any compliance plan that may be submitted for the Artery/Tunnel Project (see proposed 310 CMR 7.38(5) (November 1990)). All commitments in this agreement shall be implemented and enforceable whether or not the measures to be undertaken pursuant to those commitments are also required under the DEP regulation.

8. High-Occupancy Vehicle Facilities. The highest possible level of high-occupancy vehicle ("HOV") utilization shall be attained throughout the entire highway system that includes the Central Artery and harbor tunnels, to the full extent that individual HOV facilities and priority mechanisms

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contribute to improved environmental quality and sound traffic management. Both commuters using highways to and from Boston and travelers, patrons and employees using highways to and from Logan Airport should utilize HOVs, and mass transit. Conversely, the goal of the commitments made in this memorandum is to reduce to the maximum extent feasible single-occupancy vehicle travel by those two groups and others.

To that end, the parties agree that the actions described below shall be taken. The commitments outlined in this section shall be incorporated in the State Implementation Plan for Massachusetts under the Clean Air Act. The parties agree to take all steps appropriate to their respective offices, using their respective authorities and means to the full extent necessary, to attain such incorporation.

A. Interstate 93 ("I-93") North of the Southern Bank of the Charles River.

Southbound Direction. Prior to commencement of reconstruction of the Central Artery, from the area of the I-93 Charles River bridge, the existing southbound HOV lane shall be extended toward Route 128 to the northernmost point appropriate to maximize use of the lane, using appropriate lane demarcation mechanisms. This shall not be accomplished by the addition of a new lane or lanes to I-93. The Commonwealth will incorporate into the permanent design of the Charles River crossing an HOV lane extending down the exit ramp to Nashua Street, with a head of queue enforcement point at the ramp's intersection with Nashua Street, subject to the review and approval of the FHWA. EOTC and MDPW shall further study and implement additional HOV priority measures, as appropriate, such as metering systems or HOV lanes on ramps, for southbound traffic from the Charles River crossing to Route 128.

Northbound Direction. EOTC and MDPW shall implement appropriate HOV measures if and when such measures are triggered by traffic conditions in the manner described below. In the case of this highway segment, the parties expect a left-hand HOV lane, from the Charles River crossing to the northernmost point toward Route 128 appropriate to maximize use of the lane, to be an appropriate measure. Creation of such a lane shall not be accomplished by the addition of a new lane or lanes to I-93.

B. Southeast Expressway. EOTC and MDPW shall establish an HOV lane or lanes for north- and southbound traffic, from the Interstate 90/Interstate 93 interchange to at least a point immediately north of the Route 128-Route 3

interchange, and extending beyond to the southernmost point appropriate to maximize use of the lane or lanes, prior to May 31, 1993. EOTC shall establish such a lane or lanes sooner if triggered by traffic conditions in the manner described below. The best engineering mechanism to provide faster, more reliable, safe HOV flow shall be determined through a study which EOTC shall complete and provide to the other parties no later than June 30, 1991. The study shall examine relevant engineering, safety and environmental considerations. If an HOV lane or lanes is accomplished by the addition of a new lane or lanes to I-93 or Route 3, any such HOV lane shall remain as a permanent HOV lane and shall at no point be converted to use for general traffic.

C. Massachusetts Turnpike. The Secretary shall take all steps necessary to enhance and expand the Massachusetts Turnpike Authority programs supporting HOVs and to ensure the implementation of the following measures by the Massachusetts Turnpike Authority: a program of special HOV toll booths and full head-of-queue privileges, and wherever practical, specially demarcated lanes leading to those toll booths, at all appropriate turnpike interchanges; and the provision of electronic identification systems. In addition, the Secretary shall complete and provide to the other parties no later than June 30, 1992, a study, undertaken with participation of the Authority, to establish the best mechanism to improve the quality and reliability of HOV flow on the Turnpike between Route 128 and Boston. This study shall examine the feasibility of full-scale HOV lanes and other facilities and mechanisms on the Turnpike through Newton and Boston. Once the appropriate engineering solution has been established, it shall be triggered in the manner described below. Creation of HOV lanes shall not be accomplished by the addition of a new lane or lanes to the Turnpike.

D. Trigger Mechanisms. Preceding paragraphs of this section call for HOV measures to be undertaken in the northbound direction on Interstate 93 north of Boston, and additional HOV measures to be undertaken on the Massachusetts Turnpike, when triggered by traffic conditions. Those measures shall be undertaken for the construction and post-construction period after "triggers" calculated by the parties in the following manner have been reached. Each trigger shall consist of the difference, in minutes, between a pre-construction trip time and a construction period trip time. The specific pre-construction ("baseline") trip times and thresholds ("triggers") for implementing HOV measures, both during and after construction, shall be agreed to in writing by the

parties no later than April 30, 1991. Triggers shall represent a perceptible deterioration from baseline conditions. The collection of data necessary to the determination of baseline trip times shall be undertaken by December 31, 1991.

E. Performance Standards. Performance standards shall be set for HOV trips along the entire length of each corridor referred to in this paragraph, and for trips between all important origins and destinations along each corridor. Specific performance standards shall be agreed to in writing by the parties no later than April 30, 1991. The performance standards shall be set to provide both a travel-time advantage of a sufficient amount and an extremely high level of reliability to HOVs. For example, an appropriate goal for the standards may be to maintain all HOV trip times at no more than 80 percent of non-HOV average trip time or, where adequate HOV flow now exists, at no more than 105% of current HOV average trip time. Standards shall be set, in minutes, for trips along the following corridors wherever HOV lanes or other facilities or mechanisms have been established: (1) Interstate 95-Interstate 93 interchange north of Boston and the Charles River crossing (during the construction period) and Logan Airport entrance (during the post-construction period), by way of Interstate 93 and the Callahan and Sumner Tunnels; (2) Interstate 95-Interstate 90 interchange and South Station (during the construction period) and Logan Airport entrance (during the post-construction period), by way of Interstate 90; and (3) Weymouth to South Station (during the construction period) and Logan Airport entrance (during the post-construction period), by way of the Southeast Expressway and Interstate 90.

F. Continuous Attainment of Performance Standards. Performance of HOV facilities shall be monitored on a continuous basis to determine whether additional measures or changes in HOV operations are warranted. All appropriate measures, such as metering or changes in the HOV eligibility standard, shall be used on a continual basis to the full extent necessary to maintain compliance with performance standards. Even when vehicles with two occupants do not qualify for HOV eligibility, taxis with single passengers may qualify for HOV eligibility. Trip times will be measured as described on page 5 of the construction Mitigation Appendix to the FSEIR for the project or as subsequently agreed to in writing by the parties.

G. Promotion and Enforcement for HOV System. An aggressive HOV promotion program shall be carried out by

EOTC according to a plan to be completed and provided to the other parties by EOTC prior to commencement of reconstruction of the Central Artery. EOTC shall make every effort to reach a consensus with the other parties as to the adequacy of the plan within ninety days from the date when the plan is submitted to the other parties. The plan will be based on a comprehensive review by EOTC, to be summarized in a written report to the other parties no later than April 30, 1991, of techniques used to manage or promote HOV use in other locations throughout the United States and Canada. Effective enforcement of the HOV system shall be provided by EOTC according to a plan to be completed and provided to the other parties by EOTC no later than the date when highway construction work begins for the Artery/Tunnel Project. EOTC shall make every effort to reach a consensus with the other parties as to the adequacy of the enforcement plan prior to December 31, 1991. EOTC shall also ensure that HOV studies targeted at the various needs of Logan Airport passengers, patrons, and employees are conducted.

H. EOTC and MDPW shall use best efforts to ensure that HOV facilities, including special bus and/or taxi lanes, are incorporated into the design, construction and reconstruction of City of Boston streets. The parties agree to consult on the progress of the development of City street designs and shall encourage the adoption of HOV lane designs wherever feasible and appropriate.

9. Mitigation Oversight. The parties agree to meet no less frequently than once in each calendar quarter, from the date of this agreement onward, to review the implementation of the commitments in this agreement and of other mitigation commitments for the Artery/Tunnel Project pertaining to traffic and air quality. The parties expect that more frequent meetings will often be necessary for the parties to confer, review studies and plans, and enter into subsequent agreements as provided in this agreement. EOTC and MDPW agree that when CLF considers additional monitoring or technical data to be necessary to carry out this agreement, EOTC and MDPW shall arrange to obtain such data in a timely and impartial manner. Such data shall be obtained through the services of an independent person or entity with relevant expertise, at the expense of EOTC and/or MDPW, where a reasonable difference of opinion exists regarding the nature or extent of the data to be obtained, the manner of data collection, or other such matters.

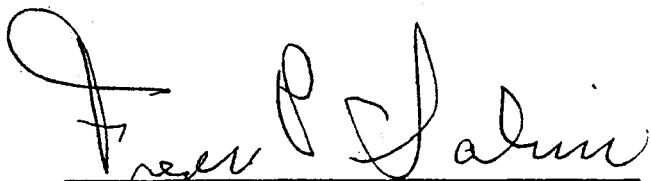
10. Future Support. In recognition of the importance of the Commonwealth's long-term commitments in this agreement to the attainment of transportation and air quality improvements, and on the condition that the commitments in this agreement are

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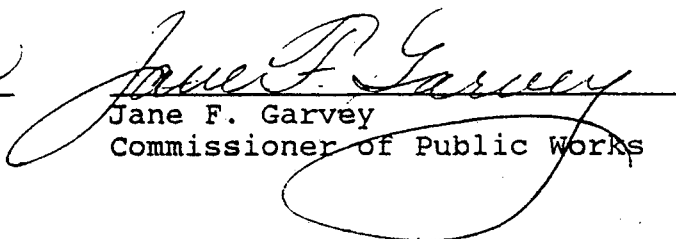
incorporated into the certificate of the Secretary of Environmental Affairs on the FSEIR and into the record of decision issued by FHWA, CLF agrees not to commence, maintain or participate in any action or legal proceeding challenging the adequacy of the environmental documentation for the Artery/Tunnel Project, including the Central Artery North Area Project. CLF specifically reserves the right to take any action necessary to enforce this Memorandum of Understanding. CLF agrees to support actively and in good faith the Artery/Tunnel Project and the implementation of the improvements and other measures undertaken pursuant to this agreement or pursuant to other mitigation commitments in the documents referred to in section 3 above, while reserving the right to recommend further improvements that can be made without delaying the project. CLF specifically agrees to pursue intervention, subject to the approval of its Board of Directors, on behalf of the Commonwealth upon request in a law suit or law suits brought against the Commonwealth in which a third party (other than a state or federal regulatory agency) challenges the adequacy of the environmental documentation for the Artery/Tunnel Project, for the purpose of asserting the public interest in the transportation and air quality improvements resulting from the Artery/Tunnel Project and the mitigation measures undertaken in connection with the project. CLF agrees to take all steps consistent with this agreement and to use its resources vigorously in carrying out the commitments

Memorandum of Understanding
Traffic and Air Quality Mitigation
Page 12

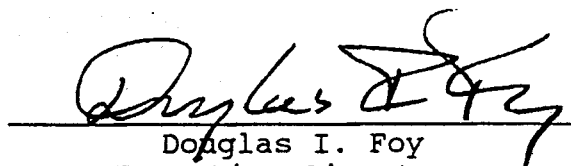
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Frederick P. Salvucci
Secretary of Transportation
and Construction



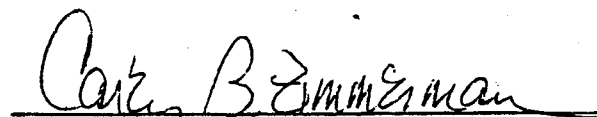
Jane F. Garvey
Commissioner of Public Works



Douglas I. Foy
Executive Director,
Conservation Law Foundation

Commonwealth of Massachusetts
Suffolk County

Sworn to and subscribed before me on this 19th day of
December, 1990.



Carey B. Zimmerman, Notary Public
My commission expires January 10, 1997.

Appendix A

<u>Project</u>	<u>Year of Completion</u>
<u>Commuter Rail</u>	
Old Colony Line Extension	1995
Ipswich Line Extension to Newburyport	1993
Framingham Line Extension to Worcester	1995
Lynn Central Square Station and Parking Garage	1991
North Station High Platforms New Tracks	1991
South Station Track 12	1993
<u>Rapid Transit</u>	
South Station Access to Red Line	1991
Blue Line Connection from Bowdoin Station to Red Line at Charles Station	2010
Blue Line Platform Lengthening and Modernization	1997
Green Line Extension to Ball Square/ Tufts University	2010
Green Line Arborway Restoration	1996
<u>Bus</u>	
South Station Bus Terminal	1993
Lynn Transit Station Bus Terminal	1991
South Boston Piers Electric Bus Service	2000
<u>Park & Ride</u>	
Addition of 10,000 spaces systemwide, outside of Boston	1995
Addition of a further 10,000 spaces systemwide, outside of Boston	1998

Artery environmental plan set

Boston Globe Dec 19 1990

By Larry Tye
GLOBE STAFF

State transportation officials today will pledge to forgo expansion of highways into Boston, complete more than \$1 billion in mass transit improvements and take other extraordinary steps to cut traffic congestion and air pollution as part of the Central Artery-Third Harbor Tunnel project.

The pledges are expected to make it

substantially easier for project promoters to win approval from state and federal environmental agencies, whose ongoing reviews are the biggest hurdles remaining for the \$5 billion construction project. Those approvals, in turn, would transform today's agreement from mere promises by the outgoing Dukakis administration into legally enforceable conditions for work to proceed.

The new agreement — worked out

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Environmental plan set for Artery project

ARTERY

Continued from Page 1

during a year of negotiations between the Conservation Law Foundation and state officials — "is the kind of thing they ought to be looking at for the highway project to receive the endorsement of our agency," said Julie Belaga, head of the New England office of the Environmental Protection Agency.

"It has enormous potential as a model for other states."

John DeVillars, the state's top environmental official, whose approval also is needed before the construction project can proceed, said the pact to be announced at a news conference this morning "is exactly the direction we charted." DeVillars and Belaga are expected to rule on the project next month.

Douglas Foy, head of the Conservation Law Foundation, was even more enthusiastic: "This is the most comprehensive and innovative mitigation package ever imposed on a highway project in America. We will effectively be able to keep vehicles off the road and out of the city."

But project critics — especially those upset by the planned 16-lane Charles River crossing, called Scheme Z — insist they will not drop their opposition.

We strongly support what the Conservation Law Foundation is doing to get people out of cars and onto rail lines," said K. Dun Gifford, president of the Committee for Regional Transportation, an anti-artery group supported by the owner of an East Boston parking lot that is threatened by the highway project.

However, said Gifford, Scheme Z "is an abomination and has to be done away with. And we will continue to press for a rail solution, for the North Station-South Station rail link."

Many residents of Charlestown, Mattapan and the North End, along with the Sierra Club and other environmental groups, also oppose parts of the plan to depress the artery and build a tunnel linking the Massachusetts Turnpike to Logan Airport. They are expected to sue if the state and EPA approve the project, while additional delays are likely as the state Department of Environmental Protection, the Army Corps of Engineers and other agencies conduct their own specialized re-

Frederick Salvucci, the state secretary of transportation and the biggest booster of the artery project, said he hopes to put out bids for fabrication of the harbor tunnel — the next major milestone in construction — in April.

Despite continuing controversy over the construction effort, today's agreement is seen as a significant development, politically and substantively. It ensures that the Conservation Law Foundation, one of New England's most powerful environmental groups, will support the artery project. It also commits the state Department of Transportation and Department of Public Works to the following measures to reduce pollution and traffic:

■ **More mass transit:** The state will spend more than \$1 billion on projects ranging from extending commuter rail and subway lines to adding at least 20,000 parking spaces at Massachusetts Bay Transportation Authority stations.

For the extensions of the Old Colony, Ipswich and Framingham commuter rail lines along with subway and bus improvements already on the drawing board, the agreement sets precise deadlines for completion. It also commits the state to finishing studies, on a set schedule, on such new ventures as a rail link between South Station and Logan Airport and better public transportation between communities including Cambridge and Brookline.

■ **Wider parking freezes:** Existing freezes in downtown Boston, East Boston and Cambridge would be tightened and new ones would be

required for South Boston and Revere. Such limits have been used nationwide to reduce traffic and the resulting air pollution.

■ **Adding high-occupancy vehicle lanes:** Such lanes, generally reserved for vehicles carrying three or more people, would be added immediately on parts of I-93 and eventually on a range of other highways in and around the city. Consideration also would be given to special high-occupancy tollbooths on the Mass. Turnpike, greater incentives for workplace car pools and other ways to reduce traffic.

■ **No more roads to Boston:** The agreement would make explicit a policy in place since the Sargent administration banning the expansion of access roads to Boston within the Route 128 radius.

The state also promises to push for higher-speed trains between Boston and New York and ensure subway fares do not rise faster than inflation or the cost of owning and operating an automobile, whichever is less.

"Next major area"

"This agreement embodies the next major push offering people an alternative for getting into and out of Boston," said Daniel Greenbaum, the commissioner of environmental protection, who is expected to be reappointed by Governor-elect William Weld. "It provides assurances we're going to achieve cleaner air as a result of this highway project."

Salvucci said the agreement makes "even better" environmental plans he submitted in May and November. For the agreement to be binding on future administrations,

Central Artery chronology

■ **1972:** The concept of a widened, underground expressway emerges after Gov. Francis W. Sargent cancels plans for an 8-lane inner beltway through Somerville, Cambridge, Brookline and Roxbury.

■ **1974:** Boston Redevelopment Authority conducts feasibility study of depressing Central Artery.

■ **1975-79:** The first Dukakis administration says it will continue to plan for depressed Central Artery; initial versions include a North Station-South Station railroad link.

■ **Jan. 1982:** Gov. Edward J. King officially begins environmental review process for construction of a third harbor tunnel.

■ **Jan. 1983:** Dukakis, on return to office, adds depression of Central Artery to tunnel as one megaproject.

■ **Jan. 1988:** State and federal governments approve environmental impact report for artery-tunnel project, but say 14 unresolved issues, including plans for Charles River highway crossing (now Scheme Z), need further review.

■ **April 1987:** US Senate by one vote overrides President Reagan's veto of \$88 billion highway bill, securing 90 percent federal funding for most of the artery-tunnel project. Depression of Central Artery between International Place and North Station, however, eligible for only limited federal funds.

■ **June 1990:** Public hearings held on revised supplemental environmental impact report for artery-tunnel project.

■ **Aug. 29, 1990:** Environmental Affairs Secretary John DeVillars gives interim approval to project and specifies changes needed to win final state approval.

■ **Jan. 2, 1991:** DeVillars scheduled to make final ruling on environmental impact report. If approved, way is cleared for state environmental agencies to award necessary individual permits for the project.

■ **1991:** Federal authorities expected to rule on final environmental approvals for the project.

■ **April 1991:** Artery-tunnel officials say they hope to begin construction.

GLOBE STAFF

however, Salvucci said it must "be written into the environmental findings at the state and federal levels."

DeVillars' environmental ruling is due Jan. 2, a day before Gov. Dukakis leaves office. Sources say DeVillars, who has been criticized for allegedly tempering his objections to the artery project under pressure from Salvucci, will find it easier to approve the project now that Sal-

vucci has agreed to tougher environmental standards and they have been endorsed by a respected figure like the Conservation Law Foundation.

Today's agreement also is likely to encourage a green light from EPA, which will advise the Federal Highway Administration on why to approve the artery project. A decision could come late next month.

BOSTON HERALD

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NEW ENGLAND NEWSCLIP AGENCY, INC.

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JOHN DEVILLARS
No transit agreement

T advisory panel drops suit after bitter debate

8081

By LAURA BROWN

The MBTA Advisory Board withdrew a lawsuit against state environmental officials yesterday after settling a bitter debate over a Big Dig transit agreement hours before a scheduled court hearing.

State Environmental Affairs Secretary John DeVillars told the fiscal watchdog group he would not include the controversial transit agreement in the official "certificate" for the Central Artery-Third Harbor Tunnel project he is expected to sign tomorrow.

But Andrew Savitz, an attorney for the state Office of Environmental Affairs, said DeVillars would require the state Department of Public Works to "commit to securing the objectives" of the agreement, and "use every legal means to insure those objectives are met."

The agreement — which would require specific transit and environmental improvements as part of the artery-tunnel project and limit MBTA fare hikes — was signed by Conservation Law Foundation Executive Director Douglas Foy and state transportation officials on Dec. 19.

The Advisory Board complained the agreement would guarantee measures that it had not approved, and should not be included in state environmental documents.

Last Friday, the group filed for an injunction to block DeVillars from including the transit measures in his certificate, and were scheduled to present their case in Suffolk Superior Court yesterday at noon.

But weekend negotiations produced a settlement, and the Advisory Board withdrew its suit.

Foy yesterday called the dispute "a tempest in a teapot," and argued the state will have to complete all of the transit improvements in the agreement just to comply with the new federal Clean Air Act.

"If you can't afford to do all the stuff to make the road work environmentally, you can't afford to build the road," Foy said.

MBTA is told environment office cannot order it to expand service

■ ARTERY

Continued from Page 17

expanding and improving 16 commuter rail, rapid transit, bus and parking projects within the next 20 years. It also calls for Massachusetts Bay Transportation Authority fare increases to be limited to certain average costs of operating an automobile, such as fuel and other expenses, or the rate of inflation, whichever is lower.

The advisory board filed suit after receiving a Dec. 26 letter from DeVillars. DeVillars stated his intention to include elements of the pact as "conditions of the environmental approval of the project."

But in a letter yesterday, Andrew W. Savitz, general counsel for the environmental affairs office, told Theodore D. Mann, chairman of the MBTA's advisory board, that "The secretary has . . . stated that he has no intention of incorporating the 'pact' itself into his certificate."

The assurance was committed to writing yesterday morning after the terms were hammered out late Sunday, according to people familiar with the negotiations.

Savitz said in the letter that DeVillars has also told Mann that any requirements imposed on the artery-tunnel project as a condition of environmental approval do not legally bind the MBTA.

Instead, according to the letter, DeVillars plans to require the state Department of Public Works, which is in charge of the artery-tunnel project, "to commit to securing the objectives" of the pact. DeVillars will use "every legal means to insure that those objectives are met," Savitz said.

Mann was out of town yesterday. Ann Lerner, a member of the MBTA advisory board, said the letter is a

Conditions of environmental approval do not legally bind the MBTA.

recognition of the board's powers and its oversight responsibility on capital projects and fare rates.

The MBTA Advisory Board asserted in the suit that the agreement between state officials and the Conservation Law Foundation could usurp its power to approve or disapprove capital projects and regulate fare increases. The board, which controls the MBTA's budget and represents the 78 metropolitan communities taxed to subsidize the mass transit system, said the member communities would be excluded from a voice in the projects.

The projects in the pact would cost \$2.5 million, while the MBTA

currently only has an authorized borrowing power of \$500 million, according to the suit.

The suit also charged that the limitations the pact imposed on fare increases would conflict with board policy that fares should cover 33 percent of the cost of providing MBTA services.

Douglas I. Foy, executive director of the Conservation Law Foundation, characterized the dispute "as a tempest in a teapot," and a reiteration of what DeVillars has said in the past.

Foy said the environmental group is not concerned about the mechanics of carrying out the agreement, as long as the goals are accomplished.

"The DPW has already made a lot of these commitments in its proposals and we went out and gathered all of them," Foy said.

"All we said is 'OK, we're going to hold you to these promises.'"

MBTA gets assurance on Artery agreement

By Doris Sue Wong
GLOBE STAFF

The MBTA Advisory Board received a written assurance yesterday that the state environmental affairs secretary cannot order it to improve and expand mass transit to offset the impact of the proposed Central Artery-Third Harbor Tunnel project.

The advisory board filed suit in Suffolk Superior Court Friday to stop Environmental Affairs Secretary John DeVillars from incorporating a pact reached between the Conservation Law Foundation of New England and state transportation and public works officials in his certificate of approval for the artery-tunnel project.

The pact, which was signed earlier this month, commits the state to

DeVillars gives a major boost

DeVillars gives major OK to artery project

By Peter J. Howe
GLOBE STAFF

On his last day in office, state Environmental Affairs Secretary John DeVillars yesterday gave a major approval to the \$5 billion Central Artery-Third Harbor Tunnel project, but drew harsh criticism from environmentalists for declining to block its widely opposed Scheme Z interchange.

Coming two decades after the depression of the artery was first conceived and seven years after the artery-tunnel's environmental review began, DeVillars' approval of its impact report pushed the project over a big hurdle.

It clears the way for state agencies to issue permits and licenses needed to begin the decade-long construction of a tunnel extending the Massachusetts Turnpike to Logan International Airport and a widened, underground Central Artery. DeVil-

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■ ARTERY

Continued from Page 1

lars said the projects will greatly improve air quality and traffic flow, create thousands of jobs and "transform the landscape of our capital city."

However, the artery-tunnel project must also win approvals from federal agencies in coming months. Several critics of the 11-story-high, 70-acre Scheme Z interchange over the Charles River predicted lawsuits will be filed to stop it.

DeVillars said his approval included "strong recommendation of further review of Scheme Z, including the exploration of alternatives." He required the formation by Feb. 1

of a design review committee including community leaders, environmentalists and architects to find ways to make Scheme Z more attractive but warned against "endless review and delay."

The \$600 million interchange, needed to connect the future underground artery with the Tobin Bridge and Storrow Drive, would include 16 lanes of bridges over the Charles River and a swirl of loop ramps covering an area the size of Boston Common between East Cambridge and Charlestown. The city councils of Boston, Cambridge and Somerville have all opposed it, and the Cambridge City Council has hired lawyers to begin planning a lawsuit

to stop Scheme Z.

Several environmentalists and opponents of Scheme Z criticized DeVillars for not taking a tougher stand against the proposed structure, which they contend will ruin efforts to extend the Esplanade eastward to the harbor, create as much new elevated highway as the Central Artery depression would eliminate and stand as a massive blight at the northern entrance to Boston.

Cambridge Mayor Alice K. Wolf said, "I'm not happy. It looks to me that if we want a redesign of Scheme Z we'll have to do it through the feds or through court."

Karen Pelto of the 1,000-member Charles River Watershed Association said, "It's really disappointing. It's a lot of nice language with no teeth."

Priscilla Chapman of the New England chapter of the Sierra Club said, "This stinks - it's full of holes." Daniel Thomas King of Citizens for a Liveable Charlestown said, "The people definitely were not heard. Legal action will be forthcoming."

DeVillars said criticisms of Scheme Z obscured the massive improvements that were successfully mandated by him during the environmental review, including requiring the project to pay for millions of dollars in parkland improvements along the Charles River Basin to compensate for Scheme Z's negative effects.

DeVillars said he considered his recommendation on Scheme Z the strongest action he could reasonably take, but acknowledged that project officials could ignore his call to reconsider the plan. "They certainly could, but I strongly hope they don't," DeVillars said.

Dukakis "very pleased"

Gov. Dukakis, for whom the artery and tunnel could be one of the major legacies of his 12 years as the state's chief executive, said he was "very, very pleased" by DeVillars' ruling, calling it "a great victory for the environment and development of

Globe

Jan 3, 1991

to artery-tunnel project

Excerpts from DeVillars certificate

Following are excerpts from the certificate issued by Environmental Affairs Secretary John P. DeVillars yesterday approving the final environmental report for the \$5 billion Central Artery-Third Harbor Tunnel project:

"I strongly recommend that the DPW continue to review modifications and options to Scheme Z, which might reduce the environmental and aesthetic impacts of the crossing, and to embark on a public process to better inform the public about the crossing.

"I do not intend for this to stop or impede this project in any way ... but it would be wise to acknowledge the high degree of public concern and opposition to certain aspects of this crossing. Some of this opposition is based on self-serving motives, some of it is well motivated, and much of it, especially for the general public, is based on sheer confusion."

"As often happens with large, complex projects, several aspects of the project have become extremely controversial ... The attention focused on these issues should not be allowed to detract from the essential purpose of this project: to fix a woefully inad-

equate highway."

...
"The 27 acres created in downtown Boston by the depression of the Central Artery that will reconnect the Harbor to its City, the City to its boulevards and its people to both, is an urban dream come true."

...
"The construction period may feel like open-heart surgery but it will work like plastic surgery and when it is completed the city of Boston will have a bright new look ... This project must move forward."

...
"A tree-lined boulevard divided by wide swaths of parks and open space - a Commonwealth Avenue of tomorrow - will replace what is now a steel-shrouded strip of macadam, a no-man's land of noise, dirt and concrete ... The new crossing of the Charles River will lead to vastly improved public access to the riverbanks and the long-hoped-for extension of the Esplanade, making it possible to walk or bike continuously from Brighton to the Back Bay and around the waterfront to the shores of Charlestown and Dorchester."

the state." Dukakis said he thought DeVillars' handling of Scheme Z was "logical and sensible. There does come a point in this world where you have to proceed. You have to at some point come to a conclusion."

Governor-elect William Weld, who takes office today, said he wants to review Scheme Z. "I know from talking with Richard Taylor, the secretary-designate of transportation and construction, that he feels an obligation to get out into the community in Charlestown and Cambridge, in the affected areas ... So it's not as though a portcullis is going to clang down and nobody can ever look at the artery-tunnel project again."

Regarding Scheme Z and the controversy over building a Charles River crossing for the Central Artery, DeVillars wrote in his ruling, "Unless the traffic is to be directed west of Hopkinton, the headwaters of the Charles River, any solution will necessitate crossing the river."

"The challenge we face as a com-

munity is to arrive at a solution that provides the greatest possible protection to the environment while meeting the transportation and economic needs of the region. The best solution will have to involve some compromise on all fronts," DeVillars wrote. He said an all-tunnel alternative to Scheme Z was "impracticable."

Also, DeVillars said, his ruling "locks in legally" virtually all of the \$1 billion-plus in public-transit improvements and measures to discourage more automobile use that state Transportation Secretary Frederick Salvucci committed to in an agreement with the Conservation Law Foundation.

DeVillars did not exactly make the CLF agreement a legally binding part of his approval. He cited the pact and said he was approving the project because the measures contained in it were "substantially contained" in the artery impact report.

Referring to transit extensions

and air-pollution measures required in the CLF agreement, DeVillars said, "I in no way intend to bind other agencies or require them to take steps to meet these conditions."

At one point in his remarks during a State House press conference, DeVillars became choked up with emotion as he sought to defend Salvucci, who has taken criticism for pushing Scheme Z and pressuring DeVillars to approve the artery-tunnel before both leave office.

"No one should lose sight of Fred Salvucci's incredible contributions to serving the public good," DeVillars said, recalling Salvucci's early career in government fighting plans for an Inner Belt highway and other expressways through Boston neighborhoods and his overseeing since 1975 the revitalization of the Massachusetts Bay Transportation Authority. *M.E. Malone of the Globe staff and contributing reporter Tina Cassidy assisted in the preparation of this article.*

Debate dogs Artery pact

11/7/91

By Peter J. Howe
GLOBE STAFF

An agreement forged two weeks ago by the Conservation Law Foundation, hailed as a historic environmental breakthrough ensuring that the \$5 billion Central Artery-Third Harbor Tunnel project will not lead to an explosion in automobile traffic, has produced more confusion than commitments.

Transportation officials, some environmentalists, and foundation leaders said the agreement would require the state - in return for permission to build the massive project - to spend up to \$2 billion on public-transit improvements and to push other policies to curb traffic.

However, a debate has erupted among officials, project critics and lawyers about what the pact really does and does not commit the artery-tunnel project and the state to do.

In the view of some people following the project, former Environmental Affairs Secretary John DeVillars further scrambled the issue with his approval of the artery project Wednesday. DeVillars said his approval "legally locked in" most of the CLF agreement and ensured that the artery-tunnel "is not just a highway project but an environmental project and a transit project, too."

However, the ruling said the CLF pact was legally binding in some ways and not in others. DeVillars wrote that his approval of the project was "based on my finding that the [CLF measures] are substantially contained" in the artery's environmental documentation and "are required ... to avoid or minimize adverse impacts on traffic volumes and air quality." But he also wrote: "I in no way intend to bind

Debate dogs Artery agreement; some question 'enforceability'

■ ARTERY

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other agencies [besides the DPW] or require them to take steps to meet these conditions."

In interviews, several sources with extensive experience in state environmental law suggested that DeVillars had either overstated the effects of his ruling or overstepped his authority by taking steps only other officials have the legal authority to take.

"There are serious problems with the enforceability of the CLF agreement," said Thomas Bracken, an environmental attorney representing the Sierra Club, which opposes the artery-tunnel project. In the DeVillars certificate, Bracken said, "the language is very fuzzy. For a lawyer, there are so many weasel words."

One source who has had extensive experience interpreting the Massachusetts Environmental Policy Act said it is "somewhere between true and not true" that DeVillars' ruling made the CLF pact binding, while another such source said: "The emperor has no clothes."

The executive director of CLF, Douglas I. Foy, responded: "I don't think there are any other better ways to tie the state down. DeVillars is essentially saying that they have to do this. If they can't deliver every specific measure, they have to come up with adequate substitutes that accomplish the same transit and traffic mitigation effects or they have to pull the project and redesign it and redo their environmental analysis."

Artery project spokeswoman Claire Barrett said project officials believe DeVillars' ruling took several longstanding environmental and transit plans and "essentially attached them to the Central Artery project. Our legal obligation is to do whatever we can to make them happen, and if it can't happen or doesn't happen or is in the purview of another agency, we'd have to do something of an equivalent nature" to reduce traffic and air pollution.

Referring to his successor as environmental affairs secretary, DeVillars said: "None of it can be undone by Sue Tierney unless the project proponent suggests it be undone, [and if the DPW did] I think they would be vulnerable to a successful legal challenge" by CLF or others.

Gov. Weld, who supports the artery-tunnel project, expressed concern that, as a result of the CLF deal, appointees of ex-Gov. Dukakis may have committed the state to

spending billions of dollars on mass transit - money the state sorely lacks - and to pursuing environmental policies Weld does not like.

"We are investigating whether the agreement is legally binding on the new administration, and we do not yet have a conclusion on that," Weld spokeswoman Liz Lattimore said Friday.

The Massachusetts Bay Transportation Authority Advisory Board, which controls the MBTA's budget, last month filed a lawsuit claiming that the CLF pact usurped MBTA authority by committing the transit authority to policies and projects in connection with artery-tunnel construction. Although that suit is still pending, it led to a promise from DeVillars that he could not force the MBTA to approve anything.

The debate over the CLF deal has far-reaching implications.

The central question is: Will there be legally binding measures guaranteeing Boston's widened, underground Central Artery and cross-harbor tunnel will lessen traffic congestion and improve the environment and will not - as so many new highways do - become as jammed as existing expressways are now?

Also, the effectiveness of the CLF pact could affect CLF's reputation as a savvy, powerful lobby and the reputation of DeVillars, a longtime Dukakis aide who, some political insiders believe, hopes to run for office as a tough defender of the environment.

The CLF agreement contains commitments, made by former Transportation Secretary Frederick P. Salvucci and former Public Works Commissioner Jane F. Garvey, that

the artery project will guarantee, among other things:

- Completion by certain deadlines of several commuter-rail extensions and construction of new parking lots at suburban transit facilities at an estimated total cost of \$1 billion to \$2 billion.

- Implementation of tougher parking controls in Boston, Cambridge and Revere to discourage more automobile use.

- That artery project officials will seek to guarantee that MBTA fares rise no faster than inflation.

Another major unresolved problem with the CLF agreement is that the Federal Highway Administration must also approve the artery-tunnel plans before construction can begin. To be fully binding, the contents of the CLF agreement must be included in the federal agency's approval.

The head of the highway administration's Massachusetts office, Anthony J. Fusco, last week expressed deep reservations about the CLF agreement.

"I don't want to approve a document that commits us to dates we have no control over. That's a lousy way to do business," Fusco said. The day the initial CLF-state agreement was reported in the newspaper, Fusco said, his boss in Albany, N.Y., called and asked, "Tony, what the hell is this thing?"

"We're just trying to digest it now. It's a hard thing to figure out what it means. We're not a party to this decision," Fusco said. "Before I got off the first page I got a few pains in the chest. But maybe before it's all over we'll be comfortable with it."

Agency: Artery pact

By Peter J. Howe
GLOBE STAFF

Massachusetts taxpayers may be obligated to spend \$216 million a year for the next two decades on mass transit improvements included in environmental agreements mandated for the Central Artery/Third Harbor Tunnel project, a state planning group said yesterday.

The Metropolitan Area Planning Council, a state agency representing 101 Boston-area cities and towns, calculated that it would cost \$4.337 billion between now and 2010 to pay for all the mass transit projects included in two legal documents: an agreement between state transportation officials and the Conservation Law Foundation and in the conditions of the state approval for the Artery/tunnel project issued last week.

These approvals were intended to require that state transportation officials complete mass transit projects and other measures to discourage automobile use as conditions of winning permission to undertake the \$5 billion, 10-year Artery/tunnel construction.

"Our bottom line is that we want to see the Central Artery project go forward, [but] let's understand the agreements that have been made and have a full public discussion," said David Soule, executive direction of the planning group. "It's fair to say we all should be concerned about how this is going to be paid for."

John DeVillars, the former secretary of environmental affairs, said his approval of the Artery/tunnel project Jan. 2 "legally locked in" many public transportation extensions - including those in the CLF

will cost \$4b

pact - and other environmental measures.

While some officials and legal specialists have questioned whether DeVillars' ruling was as binding as he contended, Soule said the planning council believes "it appears that these now have to be built as a result of the secretary's decision."

The council said the components of the CLF pact would cost \$1.996 billion, including \$561 million for the restoration of the Old Colony commuter railroad, \$427 million for a trackless trolley to the South Boston waterfront and \$240 million for accommodating six-car trains on the Blue Line.

The council also said DeVillars' approval of the Artery project was based on environmental documentation that projects \$2.3 billion in Massachusetts Bay Transportation

Authority projects being completed by 2010, including the purchase of hundreds of subway cars, rail coaches, trolleys and buses.

The CLF executive director, Douglas I. Foy, said the council's analysis was "terrific. I think it's important that people understand how much this package costs, and that if it doesn't happen you're going to have to wait on the Artery."

Artery project spokeswoman Claire Barrett said she was not familiar with how the council calculated the extra \$2.3 billion, but said that "there will be ample public process" for officials and taxpayers to discuss all the transit projects.

The Federal Highway Administration is still weighing environmental approvals of the Artery/tunnel, and must agree to include the CLF agreement in its ruling to make it fully binding.

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OR

Scheme afoot

Rumors were rampant last week that new Transportation Secretary Richard Taylor — once he wraps up his IRS and Registry of Motor Vehicle woes — will rename the proposed new Central Artery's gargantuan, 11-story interchange, currently called Scheme Z.

It is perhaps the most sinisterly named government project in American history.

"It's a public relations disaster," says Scheme Z opponent K. Dun Gifford. "We want to thank the name gremlins."

"It's not a good name to promote the thing," says Paul DiNatale of the Massachusetts Water Resources Authority. "And I do mean 'thing.'"

Says City Councilor Dapper O'Neil, "The guys doing this — they're schemers all right." Says political consultant Michael Shea, trying to warm us

to rename artery interchange



MARGERY
EAGAN

to the project. "The opponents are the true schemers here. They're not *really* worried about shadows on the Charles."

Says Fred Langone of the North End, "All they'll have to do is put lights on it and you'll think you're back at Paragon Park on the big steel roller coaster." Adds DiNatale, "It's like something I used to do with my erector set."

It is hard to know which is the more unfortunate choice of words. The "scheme?" Or the "Z?"

"Scheme" sounds tragically similar to scam. It implies secret deals, conspiracies, whispers, raised eyebrows and unsavory characters smoking smelly cigars. It says "Things aren't quite right. The pols are shafting us again."

Then there's "Z," which means just what you think it does: that there were 25 failed schemes before it, Scheme A through Scheme Y. Says political consultant Michael Goldman, "If you could choose a name that sounds like a last-ditch effort, this is it. And from Fred (Salvucci, Dukakis' outgoing Central Artery czar), of all people, usually a master at this."

Now, it would seem to me, with the entire state clinging to

a slippery financial pole, this is not the time to get people even more suspicious than they already are. This is the time we need public relations experts, or "P.R. spinmeisters," as they are more aptly called, to come up with soothing bromides.

What happened?

"I shouldn't admit this to you, but it's a mistake. It was something I should have recognized," said an extraordinarily forthright Claire Barrett, PR director of the whole central artery project. "What can I tell you? Mea culpa."

But let's not blame Claire, since she was so forthright. Let's blame Fred Salvucci, who has, says consultant Shea, "devoted his life to improving the landscape, to depressing the Orange Line ... to depressing the artery." He should know better.

"We were gonna' call it Scheme Fred," says Dan King, Charlestown activist and Scheme Z opponent. "That kind of sums it all up."

Or why not just, "The Scheme Artery?"

Proponents are trying hard to relate Scheme Z to the heroic Little Cat Z in Dr. Seuss' children's tale, "The Cat in the Hat." Remember? Little Cat Z cleaned up the disaster created by Little Cats A through Y. But it's a bit of a stretch.

"I've been lobbying for three weeks to call it Plan A," said Bill Coughlin, executive director of the artery business committee. "And therefore turn the

tables." It's the rose-by-another-name theory.

"But then roadway systems are always described in various forms of bodily functions," says consultant Dan Payne. "Central artery, canals, channels."

Says the Department of Public Works' John McDermott, "That's right. Transportation isn't always pretty."

"But why not name it after one of its product benefits," says public relations whiz Sally Jackson, "like 'The Park Walk to the Sea?'"

Or perhaps the "Rainbow Highway." Or "The River Crossing," like something in Nantucket. We *have* picked decent names before. The Mystic Tobin Bridge had a certain romantic, foggy air about it — until Chuck Stuart jumped from it and ruined everything.

Some say if this thing is ever built, it will be renamed to honor a dead politician. No living ones want to get close to it now. On the other hand, why wait until it's built?

The MWRA's DiNatale, who specializes in convincing our citizens that a sludge dump down the street would be just dandy, has come up with the best idea yet for Taylor and Fred and all those trying to shove this concrete monstrosity down our throats. "All they have to do is rename it the Richard Cardinal Cushing Interchange," he says. "I predict the opposition will dissipate rapidly." ■

Federal funding decision hurts local CA/T plans

8001 1/16/91 Sun Transcript

EAST BOSTON — A letter from Anthony Fusco, Division Administrator of the Federal Highway Administration (FHA) to Jane Garvey, Commissioner of the Department of Public Works, confirms something that many East Boston residents already knew.

Many plums of the Central Artery/Third Harbor Tunnel project are not going to be funded by the FHA, according to the 1991 FHA "Interstate Cost Estimate (ICE)."

According to Fusco, his office's review "reveals that the estimate contains costs for work which is not eligible for Interstate construction funding. These are associated with substantive changes in design concepts, locations and features from the 1985 FEIS alignment."

Fusco goes on to describe any omissions "because the work is beyond limits of Interstate construction funding responsibilities, not essential and therefore not eligible in accordance with the limitations of the 1991 Federal-aid Highway Act, or has not been shown to be justified for

Interstate construction funding."

As outlined in the ICE, renovations in the area of the East Boston Stadium are not entitled to federal funds.

"We have consistently held the position that the I-90 design concept in the 1985 FEIS terminated at the existing roadway network at Logan Airport and IC funds cannot be used for upgrading Rte. 1A or ingress/egress traffic conditions is not an IC fund responsibility. The IC funds are limited to work necessary to meet existing (or masterplan) roadways, not to provide an entire new road network. The impacts of the ingress roadway on the neighborhood and stadium exist today without I-90. The correction of these impacts is not an Interstate responsibility. The extensive work on Rte. 1A is also cited since it is beyond normal

(Continued on page 2)

• Fusco letter

from page 1

Interstate touchdown limits," summarized Fusco.

The need to pay for such things as the additional 7.5 acres of stadium parkland now will come under the jurisdiction of the state and its beleaguered budget. The parkland would only be possible by reconfiguring of ramps and roadways.

Also in jeopardy would be the East Boston Environmental Rights Committee (EBERC) requested 4f parkland, which would be protected under article 97.

WEDNESDAY
FEB 20 1991

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ALEX BEAM

8081
It's all we've got

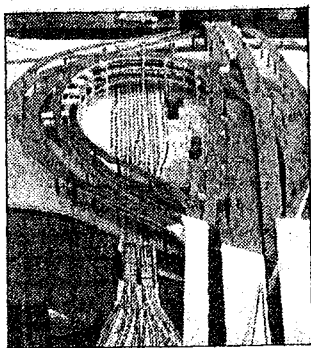
WOULD'N'T YOU LOVE TO have been a fly on the wall when the Department of Transportation drones were pitching names for the 26th design variant of the Central Artery?

Drone 1: Maybe the Final Solution would be appropriate . . .

Drone 2: How about Scud? That's in the news.

Drone 3: No, no. I've got a better idea. How about Scheme Z?

Eureka! Although one has to admit that Scheme Z improves upon the project's original name - "Mitigated Z Modified" or "ZZZ" to initiates - the monicker and the monstrosity for which it stands have become the city's No. 1 public relations/public policy disaster. The problem with Z isn't just the name, it's the look, as if Zeus barfed up a plateful of asphalt spaghetti on the Charlestown side of the harbor. Every time we helpfully print a picture of the architects' model (see below) another



10,000 readers volunteer their services to one of almost a dozen anti-Z pressure groups.

Z-bashing is the order of the day. A Boston city councilor said the 11-story, 16-lane inter-

change looks like "something out of the Jetsons." Cambridge and Charlestown activists have called it "a concrete monster," a "travesty," a "horror show" - and those are just the printable epithets. Former Artery czar Frederick Salvucci said the design "could go on a postcard," although he failed to mention that the card would be postmarked Beirut.

The problem is so bad that the planners have literally gone back to the drawing boards. A newly formed design review committee, packed with pro- and anti-Z-sters, is expected to cough out an alternative plan by May 30. Undersecretary of Transportation Matthew Coogan explains that the review committee was created in response to what bureaucrats politely call community pressure. "Boston hated it, Cambridge hated it, Charlestown hated it and Somerville hated it," Coogan says. "We realized we had a problem."

Now the primary problem will be to devise a credible alternative. Scheme 5A (Modified) calls for filling in part of the Charles River to add a fourth ugly bridge to the project, as if three weren't enough. 5A also reinstitutes a dangerous traffic "weave" for westbound travelers, who will have to cut across five lanes of Interstate 93 to reach the Callahan Tunnel within just a few hundred yards. "Weave" problems - "a bunch of guys in the left who want to get over to the right and vice versa" is how one expert defines them - are a tradition in Boston, where the odds of reaching Malden without being sideswiped on the Tobin Bridge interchange are about 3-1.

Another option, Scheme S, resembles Scheme 5A (Modified), minus a tunnel option. Scheme T adds a tunnel but doesn't solve the weave problem. Tunnels sound like a nice idea until you learn that much of the soil underneath the Charles River is contaminated with toxic waste "inappropriate for ocean dumping." Which brings us back to square Z.

Granted, Z is an eyesore. But compared to what? The present-day I-93 traffic bridge isn't exactly easy on the eyes, especially when you're sitting on it for 50 minutes each way during rush hour. And while Z isn't likely to win any urban beautification grants, who really cares about a 90-acre plot of littoral wasteland that looks like Baghdad's central freight depot, post-Jan. 16? Suffice it to say that the cops have selected a neighboring parcel as the future site of the state police morgue. Harvard Square it ain't.

Nonetheless, environmentalists opposing Scheme Z have suddenly discovered a lost Eden on the proposed cloverleaf site, now largely covered by commuter rail tracks. Who would have thought of preserving Miller's River, a fetid ooze of untreated industrial tailings, before the Scheme Z flap hit the headlines a few months ago? And of those who have spoken out against the "massing of highway elements" across the river from North Station, I wonder how many have ever suggested to their Significant Other: "Gosh, I wish they'd create a nature walk down there by Boston Sand and Gravel. There's so much wildlife flocking around the commuter rail lines at this time of the year."

Scheme Z. Catchy name. Kind of grows on you . . .

Move Massachusetts 2000 coalition supports Central Artery/Third Harbor Tunnel project

The coalition Move Massachusetts 2000 was formed late in 1990, in a reaction against the steady stream of opposition to the \$5 billion Central Artery/Third Harbor Tunnel project. Members of Move Massachusetts 2000 include the 35,000 member Boston Building Trades Council, District Council of Carpenters, Boston Shipping Association, 1,000 Friends of Massachusetts, Boston Society of Architects, Artery Business Committee, Construction Industries of Massachusetts, Conservation-Law Foundation and Save the Harbor/Save the Bay.

"Here is an incredibly broad group of people saying, 'Let's get on with this project- this is good for the city,'" said Mark Primack, director of the Boston Greenspace Alliance and acting chairman of the group. "This project has been getting slammed all over the place and we're trying to say there is an

awful lot of good here."

Primack said Move Massachusetts 2000 will press for certain improvements, such as an alternative to the controversial Scheme Z interchange over the Charles River, a 16 lane-wide structure covering an area the size of Boston Common.

But Primack said group members agree with former transportation secretary, Frederick P. Salvucci's view that state and federal environmental officials should give full approval for the Artery project to get it started while controversial elements such as Scheme Z are reviewed.

Move Massachusetts 2000 will compete with the Committee for Regional Transportation, an anti-Artery group that formed last year and includes public transportation advocates, environmentalists

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(COALITION - continued from page 11)

and owners of businesses threatened by construction of the project. The formation of Move Massachusetts 2000 comes as opposition to Scheme Z has intensified, with Cambridge officials planning a lawsuit to stop it and the Boston City Council declaring its opposition.

The project includes creating 27 acres of new open space downtown by replacing the Central Artery with a wider underground expressway. Salvucci and business supporters of the project have said they fear that the last ditch flurry of opposition could kill it entirely.

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NEW ENGLAND NEWSCLIP AGENCY, INC.

MBTA advisory panel won't honor artery mass transit agreement

By Alexander Reid
GLOBE STAFF

The Massachusetts Bay Transportation Authority advisory board says it will not honor an agreement made between the Dukakis administration and a leading environmental group that called for almost \$2 billion in mass transit improvements as a part of the Central Artery/Third Harbor Tunnel project.

In a letter to the Federal Highway Administration, the advisory board said it was not bound to comply with terms of an agreement — a memorandum of understanding — reached Dec. 19, 1990, between former Secretary of Transportation Frederick Salvucci, former Secretary of Environmental Affairs John DeVillars, former Commissioner of Public Works Jane Garvey and the Conservation Law Foundation.

The board also said that it expected the federal government to pay for the improvements if they are made a condition for the approval of the artery-tunnel project.

"This was an agreement made behind closed doors with a private interest group away from the regular public process," said board member Ed Tarallo of Malden.

"The process by which they reached this agreement did not in-

volve us. We have a statutory right to be involved in the process," he said.

Earlier this year, the Metropolitan Area Planning Council, a state agency that represents 101 Boston-area cities and towns, estimated that improvements would cost \$1.996 billion between now and 2010.

"I don't think this CLF thing will bog us down," said Anthony J. Fusco, head of the Federal Highway Administration's Massachusetts office. "The secretary of transportation's office is already doing some things and have other projects in the pipeline."

Ernie Corrigan, spokesman for Secretary of Transportation Richard Taylor, said several of the capital projects contained in the agreement, including the completion of the Old Colony and Newburyport commuter rail extensions, are already under way and will be paid for with funds already obtained by the state.

Federal officials said the board's action is not likely to affect approval of the project.

The agreement includes expansion of expressways within Route 128, parking freezes, the addition of 20,000 parking spaces at suburban rail stations and completion of several commuter rail extensions. Dead-

lines for the total package fall between 1991 and 2010.

Anne M. Lerner, the advisory board's executive director, said, "All these things are fine and good, however, we are not in a position to go along with something we were never a party to, especially if it commits us to paying for it. They are talking about a lot of money."

Earlier this week, CLF representatives criticized federal highway officials for not forcing the state to make the improvements.

Douglas I. Foy, the executive director of the foundation, said the improvements are essential if the tunnel-artery project is to be completed.

"If they conclude that they don't want to go ahead with these transit measures, then basically the artery project can't go forward," said Foy, adding, "the measures are indispensable to making the artery work environmentally."

Besides the costs, officials said they were concerned that the agreement did not involve input from the advisory board. The panel represents the 78 communities who pay taxes to support the MBTA system. It controls the agency's budget and is empowered to review capital projects like the ones included in the CLF agreement.

PATRIOT LEDGER

QUINCY, MA
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U.S. official: Big Dig environmental requests 'beyond scope of project'

By Michael J. Garry
The Patriot Ledger

The federal highway official overseeing Boston's Big Dig said mass transit improvements sought by environmentalists have no place in the \$5 billion road-building project.

Anthony J. Fusco, the Federal Highway Administration chief for Massachusetts, said subway and commuter rail extensions, downtown parking freezes and limits on MBTA fares "are simply beyond the scope of the project."

Fusco was responding to comments this week by the Conservation Law Foundation, an environmental group, and the U.S. Environmental Protection Agency on the proposed Central Artery/Third Harbor Tunnel project.

The environmentalists urged the highway administration to insist on a package of transit improvements as a legally binding piece of the massive highway project.

But Fusco said his administration is "still reluctant to do that. Why should we be bogged down with all these peripheral items?" he said.

The Conservation Law Foundation negotiated the package of transit improvements with the state in an effort to make sure the new Central Artery improves traffic flow and regional air quality.

But Fusco, while saying compromise is possible, said his agency is not obliged to pay for mass transit projects or to oversee a program of transit construction negotiated privately by CLF and state officials.

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A mass transit bargain

Julie Belaga, regional director of the Environmental Protection Agency, deserves praise for her steadfast advocacy of the state plan to link mass transit improvements with the depression of the Central Artery. She understands that the artery project is only one aspect of an integrated plan that will provide for the transportation needs of the Boston area well into the 21st century while protecting the environment.

The plan is in the form of an agreement with the private Conservation Law Foundation. It commits the state to \$1 billion in mass transit improvements over the next decade as the artery is depressed and the third harbor tunnel is built.

That figure only sounds expensive. When stretched over 30 or 40 years of bond repayments, it will be quite affordable. And as a way to control pollution from commuters' cars, it is a bargain.

Many of the improvements, such as the extension of rail service to the South Shore, have been in the works for years. The provision to continue

the ban on highway construction within Route 128, except for the artery-tunnel, will save the state money. The section that limits MBTA fare increases to the inflation rate is needed to keep fares competitive with the cost of driving a car.

Belaga is asking the Federal Highway Administration to endorse the agreement and make it a condition for the release of federal funds. This step makes sense if the state is to continue its commitment to mass transit during the next decade as governors and legislators come and go.

A generation ago, when the expressway system was built around Boston, commuters and state government abandoned mass transit for the convenience of the automobile. It has taken a decade of improvements to restore mass transit to a position where it can compete with the automobile again.

Mass transit needs to be strongly supported to safeguard the environment and to make sure that the underground artery does not become as over-used as the outmoded highway it will replace.

A rebuff in OK for artery

US ignores accord on environment

5/12/91
By Peter J. Howe
GLOBE STAFF

Federal highway officials, in giving the last important approval needed by Boston's Central Artery/Third Harbor Tunnel project, have rebuffed environmentalists' efforts to force the state to undertake wide-ranging antipollution and mass-transit projects as a condition of building the new highways.

The move raises serious doubts, according to observers, about whether the highly touted Conservation Law Foundation agreement negotiated last year will ensure that the depressed Central Artery and new cross-harbor tunnel do not, after \$5 billion and 10 years under construction, wind up as jammed with traffic as existing highways are now.

In its so-called record of decision giving final approval to the project, the Federal Highway Administration is explicitly rejecting any responsibility to make binding the CLF agreement on the project, negotiated with the Dukakis administration late last year.

State officials are planning to announce the receipt of federal approval at a ceremony tomorrow, and have declined to comment on the approval until then.

As long as a half-dozen lawsuits are unsuccessful, the approval means the awarding of construction contracts on the epic project can finally begin. The artery-tunnel pro-

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Environmentalists rebuffed in federal OK of

■ ARTERY

Continued from Page 25

ject, which will transform Boston's downtown landscape and double its expressway capacity, has been under environmental review and extensive redesign since 1983, with costs doubling in the meantime.

Beyond the project's scope

The regional head of the US Environmental Protection Agency, Julie Belaga, last month had urged the highway agency to make the CLF agreement binding, saying the project is "only environmentally acceptable" if it is. Foundation director Douglas I. Foy had repeatedly

warned it would sue to stop the artery-tunnel if the agreement were not binding.

However, Anthony J. Fusco, head of the highway administration's Massachusetts office, said in an interview yesterday, "We essentially are not going to honor those commitments. We didn't say, 'Go to hell,' but we told them in the nicest way it was beyond our responsibility and beyond our financial capability. I'm sure they're not going to be happy, but that's the way it's going to be."

Fusco said agency officials feared the CLF agreement would commit them to getting involved with, and possibly having to pay for "all sorts

'We essentially are not going to honor those commitments.'

ANTHONY J. FUSCO, *Federal Highway Administration*

of things" the agency thinks are far beyond the scope of the project.

The CLF agreement, according to its supporters, requires the state, as a condition of regulatory approvals for the artery-tunnel, to undertake \$4 billion in transit extensions and implement controversial measures to discourage traffic growth, such as toughened caps on parking availability in metropolitan Boston.

At its announcement in December, Foy called the plan "the most comprehensive and innovative mitigation package ever imposed on a highway project in America."

Transit advocates disappointed

However, it is disputed whether state officials' approval of the project in January incorporated the CLF agreement as binding. The federal

Artery-tunnel plan

agency's refusal to accept it does not necessarily prevent the use of other legal means to force state transportation officials to comply with its requirements.

CLF and other environmentalists have said that making the agreement part of the federal highway officials' approval was one of the most critical and effective ways of giving it legal teeth.

"People like us who support mass transit have been concerned from the beginning that the CLF agreement was a paper tiger," said K. Dun Gifford, president of the Boston-based Committee for Regional Transportation, one of the groups that has a lawsuit pending to stop the project because of environmental concerns. "We've been worried all along that the agreement was all bark and no bite."

Foy has repeatedly warned that his group would sue the highway administration if it did not include the CLF agreement in its approval, saying last month, "If they conclude that they don't want to go ahead with these transit measures, then basically the artery project can't go forward. The measures are indispensable to making the artery work environmentally."

Foy takes conciliatory stance

Interviewed yesterday, Foy downplayed the federal officials' decision and backed off from earlier threats to sue them, saying that making the CLF agreement part of federal approval was "only one way of doing it. . . . I don't care too strongly where it goes as long as it's reasonably secure." Foy expressed hope that the agreement could be made part of the state's Clean Air Act compliance program.

"I wouldn't say it's troubling to us," Foy said. "Federal Highway has typically been very negative on anything but building highways. It's too bad the feds are not more thoughtful."

Fusco said the record of decision is "a pretty significant step for the artery-tunnel project, if we don't get held up in court."

Besides Gifford's group, the Sierra Club, the city of Cambridge and the owners of Park 'N Fly in East Boston have all filed suits over various aspects of the project, with the most legal controversy involving the project's proposed Scheme Z interchange and Charles River crossing, a 70-acre, 16-lane-wide, 11-story high structure.

Cambridge Mayor Alice K. Wolf said that although city officials are "somewhat optimistic" about the progress made by a Weld administration panel formed to redesign Scheme Z, "It is our very clear intention to come to an agreement that is good for the city but to go ahead with the lawsuit if we can't."

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Environmental pact for artery plan OK'd

By Dolly Smith
CONTRIBUTING REPORTER

The state yesterday signed an agreement with several environmental groups that commits it to implementing air quality, mass transit and open space measures as part of the artery-tunnel project.

Richard L. Taylor, state transportation secretary, and Susan F. Tierney, environmental affairs secretary, signed the pact with 1000 Friends of Massachusetts, Move Massachusetts 2000, and the Green-space Alliance at a news conference at South Station.

The agreement sets up a schedule for a state plan to lower the city's pollution levels and provides for an independent oversight committee to report to Taylor and Tierney on the state's progress on environmental improvements during the \$5 billion project.

The state will also prepare a plan containing a list of the air quality, traffic management, mass transit, and open space commitments that have been made, including deadlines and who is responsible for their completion.

In addition, the transportation office will recommend that the state consider the open space developments along the artery corridor and elsewhere as part of the artery-tunnel project, even if the federal government does not.

The Dukakis administration signed an agreement to improve mass transit and fulfill other environmental demands with the Conservation Law Foundation. Until yesterday's agreement, environmental groups had worried that the Weld administration might not uphold the commitments, although Tierney had said that it would.

Katharine Preston, executive director of 1000 Friends of Massachusetts, said all previous understandings that the state has gone through boiled down to one thing — enforceability of the state's promises.

"Today the Weld administration is saying — we mean to deliver on the promise," Preston said.

Yesterday's agreement could possibly deflect threatened lawsuits seeking to stop construction if traffic and air quality concerns are not included in the project plans.

A week ago, the foundation filed intent to sue the federal and state governments to stop the tunnel project, which received final federal approval last month. The foundation argued that the lack of enforceable mass-transit and traffic-reduction commitments would make the project "an environmental catastrophe."

The foundation has successfully pursued hundreds of environmental lawsuits, including one that helped force the \$6 billion cleanup of Boston Harbor.

An environment-friendly artery

6/10/91

The Weld administration has committed itself to mass transit improvement and environmental protection as part of the Central Artery project. This decision ensures that the huge project will contain environmental safeguards despite the refusal of the Federal Highway Administration to endorse the proposals.

MOVE Massachusetts 2000, the Boston Greenspace Alliance, and 1000 Friends of Massachusetts, three public-spirited organizations, deserve credit for persuading the administration to support the agreement. Transportation Secretary Richard Taylor and Environmental Affairs Secretary Susan Tierney signed the document Friday to demonstrate that both offices would work to make the project environmentally sound.

For all the uproar over the federal refusal, it was always clear that state government was the key to ensuring that improvements were made.

The continued reliability of the MBTA will de-

pend on state decisions that have nothing to do with depression of the artery. Once the highway goes underground, only state action will guarantee that most of the recovered land will be devoted to parks and other open space.

The initiative by Move Massachusetts 2000, the Greenspace Alliance and 1000 Friends is in happy contrast to the decisions by some environmental groups to go to court to stop the project or compel federal officials to accept the guarantees.

Many of the improvements, such as special lanes for high-occupancy vehicles, are impossible with the present decrepit roadway. Lawsuits could delay construction of the new highway.

Taylor said some of the improvements depend on the details of a federal transportation-aid package being debated in Washington. Groups seeking to make the artery environment-friendly ought to stay out of court and devote their energy to influencing Congress instead.

State outlines agreement with environmentalists on Big Dig

8081 Weld 6/8/91
By LAURA BROWN

State officials yesterday outlined a six-point agreement with three environmental groups reaffirming transit, air quality, traffic management and open space plans for the Big Dig.

The Conservation Law Foundation — which has threatened to file a lawsuit blocking the Central Artery-Third Harbor Tunnel project unless officials legally lock in a series of transit and traffic control measures — called yesterday's agreement "a step in the right direction."

But CLF Executive Director Douglas Foy said "it's too early to tell" whether his organization will drop its threatened suit. The notice of intent to sue, filed May 29, gave CLF 60 days to decide on legal action.

CLF has argued the \$5 billion project will worsen air pollution and congestion in the Boston area if the state fails to follow through on a series of ambitious transit improvements to complement the highway work.

The Federal Highway Administration balked at requiring the transit and traffic control measures as part of its final environmental approval for the Big Dig — even though the state relied on the measures to bolster its air quality claims.

In announcing CLF's possible lawsuit, Foy said the state might avoid legal action if it locked in the transit measures through formal changes in a state air quality plan that is monitored and approved by federal environmental officials.

The state agreement announced yesterday included a three-and-a-half month timetable for filing changes in the air quality document — officially known as the "state implementation plan."

"This is a road map that will assure the public that we are building a future as well as a highway," said Transportation Secretary Richard L. Taylor.

Taylor said he hoped CLF and other groups that are considering suing to stop the artery-tunnel project would drop

their lawsuits plans.

The agreement was signed by Taylor and Environmental Affairs Secretary Susan F. Tierney, as well as representatives of the Boston GreenSpace Alliance, 1000 Friends of Massachusetts and Move Massachusetts 2000.

The six points commit the two sides to:

- Follow the three-and-a-half month timetable for changes in the state air quality plan.

- Work for quick state and federal processing of the plan.

- Incorporate transit and trip reduction requirements in permitting requirements for Big Dig ventilation stacks.

- Draw up a monitoring plan for completion of all the transit-related commitments.

- Recommend that Big Dig parkland development opportunities be made priorities.

- Appoint an independent oversight committee to report on compliance with the commitments, starting Sept. 1, 1991.

Big Dig gets environmental

by Peter J. Howe
GLOBE STAFF

11/91

State environmental protection officials have given approval to the Central Artery-Third Harbor Tunnel project that they say will allow them to shut down construction unless the state completes mass-transit improvements by certain deadlines.

The ruling by the Department of Environmental Protection, announced yesterday, is intended to respond to widespread concerns that the \$5 billion highway project, due to start next year, will only become clogged with increased traffic unless state transportation officials extend rapid transit and commuter rail service and take other measures to cut down automobile use.

In the ruling, the department officially accepted artery-tunnel project officials' pledges that the expanded highways will improve air quality in metropolitan Boston, but on condition that several extensions of commuter rail and subway lines and increased parking at mass-transit stations will be accomplished. The measure makes no reference to how the billions of dollars in projects will be financed.

Environmental Affairs Secretary Susan F. Tierney said in a prepared statement, "The air quality improvements required by this decision ensure that the Central Artery and third harbor tunnel will be an envi-

ronmental program as well as a transportation project."

"This is an enforceable document," said deputy commissioner Thomas Powers. The agency will have the power to suspend construction on the \$5 billion artery-tunnel if transportation officials have failed to meet deadlines in the approval, or could conceivably even shut down the completed highways if air-quality goals are not being met.

The Conservation Law Foundation last December signed an agreement with the Dukakis administra-

tion stating that several mass-transit and antitraffic measures are legally required because the artery-tunnel's projection of its environmental benefits is based on them happening. Many, but not all, of the foundation measures are included in the environmental department measure.

However, the foundation is planning a lawsuit in federal court to force the federal government to make the measures legally binding. Foundation staff attorney Stephen Burrington said of the DEP ruling, "it's good as far as it goes and state

OK with built-in mandates

officials deserve credit but it's not clear what it all amounts to in the end. It's not quite clear what level of assurance it gives the public that these things will actually be done."

Among the many specific requirements in the environmental department approval - many of which are already in the works - are:

- The Interstate 93 carpool lane be extended northward toward Route 128 by December.

- The Washington Street trackless trolley line replacing the Orange Line be completed before 1995.

- A transit line to the Fan Piers area of South Boston be completed before 1999.

- At least 15,000 parking spaces be added at suburban transit stations before 1996.

- The Blue Line must be expanded for six-car service and extended from Bowdoin to the Red Line at Charles station before 2001.

- The Old Colony commuter railroad to Scituate, Kingston and Middleborough, be restored in full before 1996 and the Ipswich rail line extended to Newburyport before

1994.

- The bus terminal at South Station be completed before 1993.

- A subsidized commuter boat service linking Lovejoy Wharf near North Station with Logan Airport, South Boston and Charlestown be established before 1994.

- Other transit extensions be studied, including extension of commuter rail to Worcester, a North Station-South Station rail link, a winter shuttle from Boston to the North Shore and extension of carpool lanes along existing highways.

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JUL 11 1991

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OR

Big Dig vent plan tied to transit improvements

By LAURA BROWN

A state environmental agency yesterday tied transit improvements for the Big Dig to its approval of the project's air pollution venting plan.

The Department of Environmental Protection ruled the \$5 billion Central Artery-Third Harbor Tunnel project's venting systems will not increase smog-causing vehicle emissions or air pollution in the Boston area.

But the agency required a series of transit and other

transportation improvements like those that have appeared in other environmental documents for the project.

The requirements include: completion of the first phase of the Old Colony Rail line on the South Shore; commuter rail extensions to Worcester and Newburyport; the construction of 15,000 to 40,000 new satellite parking spaces; and connections between commuter boat docking facilities around Boston Harbor.

The Sierra Club has sued the state in federal court over its Big Dig venting plan, argu-

ing the air pollution improvement claims are based on misleading or outdated data.

Executive Director Priscilla Chapman yesterday called the DEP's certification of the venting plan "an end-run of the laws already on the books," and said her organization is waiting for a court ruling on its lawsuit.

New tunnel venting regulations adopted by the DEP will require recertification of the Big Dig vent system after the underground artery is completed, and an updated air quality analysis after one year of full operation.

MBTA plans alternates for roadway disruption

By Andy Dabilis
GLOBE STAFF

While Boston's Central Artery is being put underground and a third harbor tunnel being built at a cost of nearly \$5 billion, officials of the Massachusetts Bay Transportation Authority are planning to get suburban commuters out of their cars and onto public transportation.

The Big Dig gets under way next month with site preparation for the tunnel in South Boston and East Boston. Links to the Massachusetts Turnpike and Logan Airport and the depression of a 3-mile stretch of the Central Artery will proceed later. The construction could take until 1998, which has

made officials and businesses anxious about the effect on commuters coming into Boston and nearby communities.

While 470,000 commute daily by car, and approximately 340,000 now use public transportation, MBTA officials hope to persuade people not to drive with extended subway platforms, more subway cars, additional suburban park-and-ride facilities, double-decked train cars, new bus and commuter rail stations, extra parking at present locations, possible restoration of the Old Colony train line to the south suburbs and a new subway line from Boylston Street near downtown to the World Trade Center in South Boston.

"We're going to have a very major investment on the highway side, but we want MBTA PLANS, Page WEST 9

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MBTA PLANS

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to develop, collaterally, a number of [public] transportation improvements," said Joseph Aiello, assistant director of construction for the MBTA team working with the state Department of Public Works and transportation officials on the artery-tunnel project.

The Big Dig provides the MBTA with an opportunity to do extensive construction on adjacent subway stations. The Airport station, for example, will be improved with buses picking up and dropping off passengers at subway level instead of requiring them to climb stairs, luggage in tow. "When all this is done, you'll have a much better Blue Line into Boston," Aiello said.

Aiello and Joseph Feiner, director of operations for the MBTA, sit on a state transportation committee that meets monthly and report to new MBTA general manager John Haley, who is overseeing the public transportation improvements. MBTA officials are anxious that the Big Dig not disrupt their service, noting that the tunnel work will come within two feet of the Red Line ceiling near the South Station stop.

The MBTA will have the right to dictate when construction can occur near its facilities. Access to ramps and street detours will be restricted to keep buses running. And there will be connecting ramps exclusively for buses near the beginning of the new tunnel and around the artery work.

Some of the work was designed to meet standards pushed by the Conservation Law Foundation and Metropolitan Area Planning Council, which said public transportation should be enhanced while the artery project was being done. "We're working with the DPW to understand at what point [in the work]

they may be losing roadway capacity to understand what markets we should be orienting our services toward," said Aiello.

Daniel Fortier, an MAPC transportation specialist said the MBTA has "taken the view that if they can't come up with the money at the state level, they will ask the feds. ... They'd like to be able to do it all, but they don't have the money." And budget cuts approved last week by the MBTA board's budget subcommittee might further threaten expansion of T services.

While Gov. Weld in May signed a \$1 billion capital improvements bond to fund mass transit work, the money has yet to be released. Some T officials say uncertainty about the budget may jeopardize supplemental services during the dig.

In addition to the more ambitious measures, the MBTA also plans to expand a corporate pass program to more businesses, including those outside the city, to reach the majority of commuters who live in the suburbs.

The MBTA's spokeswoman, Nancy Sterling, said the T is pushing the passes because "once you buy a pass, you're committed to using the service as your main mode of transportation."

While some municipal officials are concerned there will be gridlock or chaos, "we don't want to give in to the scare factor that it's going to be awful because we don't anticipate it will be," Sterling said, because the work will be staggered and T officials are confident more people will use public transportation.

"We are going to have to make ourselves as attractive as possible to riders during the Central Artery project," Sterling said.

While residents of communities north, northwest and west of Boston have the benefit of commuter rail

lines, commuters in the south suburbs hope the Old Colony line can be restored, since they will run into the bulk of the artery-depression work near High Street and South Station in Boston.

"One thing we're pressing forward on is restoration of commuter rail," said state Rep. Frank M. Hynes (D-Marshfield), a longtime advocate of train service. "The Weld administration and the new director of the MBTA realize that that needs to be there as an alternative means

of transportation when the Big Dig begins."

Fancher said the state has not come through with the same kind of subsidies for alternate methods of transportation, such as ferries and van pools, that were provided during reconstruction of an 8.3-mile stretch of the Southeast Expressway. "It's got to start kicking in pretty soon or none of those mitigation measures will be there to get people off the roads," he said.

Lawsuit may aid rail plan

PAGE ONE

BOSTON - A lawsuit by an environmental group over the Central Artery-third harbor tunnel project may result in a push for the completion of the stalled Newburyport commuter rail extension.

The Conservation Law Foundation is suing agencies overseeing the project to ensure that promises of mass-transit extensions and environmental improvements are kept.

The foundation charges that planners of the \$5 billion, 10-year undertaking already have missed deadlines to improve air quality and reduce traffic congestion.

Project officials called the complaints grandstanding.

"This is a gratuitous slap from an aggressive plaintiff on the eve of the trial of their longstanding lawsuit to stop the Central Artery/third harbor tunnel," said Patrick J. Moynihan, chief of staff to Highway Commissioner James J. Kerasiotes.

A hearing on the lawsuit is scheduled for U.S. District Court in Boston next month.

"A lot of people ought to be furious," said Stephen H. Burrington, attorney for the Conservation Law Foundation. "It speaks to a certain amount of disrespect for the law and for environmental agencies."

While the deadline for the Newburyport project is apparently not yet in danger, Burrington said the foundation wants to make sure it is not pushed even further back.

"Clearly, if the state is not honoring commitments at this early stage, we ought to be very, very concerned about the commitments to do things in later years," he said.

The Massachusetts Bay Transportation Authority has not yet approved final design and construction of the Newburyport rail project, despite the Legislature's authorization of \$32 million for it. An MBTA official said earlier this month the authority is reviewing all its construction projects in an effort to hold down borrowing costs.

The deadlines were imposed last summer, at the same time the Department of Environmental Protection gave a critical air quality certification to the 10-year project to rebuild the Central Artery underground and dig a tunnel to the airport.

Included in the air quality plan, based on a December 1990 agreement between the foundation and the

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state, is the stipulation that the Newburyport rail extension be completed by the end of 1993 and open to the public by the end of 1994.

Burrington said the foundation is not getting any clear indication from the state that its commuter rail program is moving forward at full speed.

"It's important to keep track of projects all the way along. If there are problems (with the Newburyport project) in 1993, it'll be too late to get it back on schedule," he said.

Artery planners missed a Dec. 31 deadline for lengthening the Interstate 93 car pool lane, establishing standards for new car pool and bus lanes on other highways and lobbying for parking freezes in Boston and Cambridge to discourage motorists from driving.

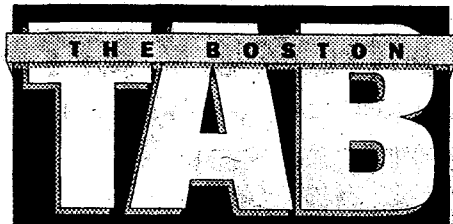
"They are late. There's no doubt about it," said Linda M. Murphy, a senior air quality official for the U.S. Environmental Protection Agency.

Artery planners said the I-93 car pool lane was actually shut down last March while the elevated double-deck section of the road is rein-

forced on orders from the Federal Highway Administration. The lanes are scheduled to reopen in August.

They said other work is proceeding as planned.

The agreement between the project and environmental agencies also requires the construction of a new bus terminal at South Station by 1993, a trackless trolley line on Washington Street by 1995, another 15,000 parking spaces at suburban train stations by 1996, a transit line to Fan Pier by 1999 and a Blue Line extension to Charles Street by 2001.



EDITORIAL

Big Dig mischief

Unless state transportation officials fulfill their pledges, depressing the Central Artery is likely to make Boston a depressing place to live.

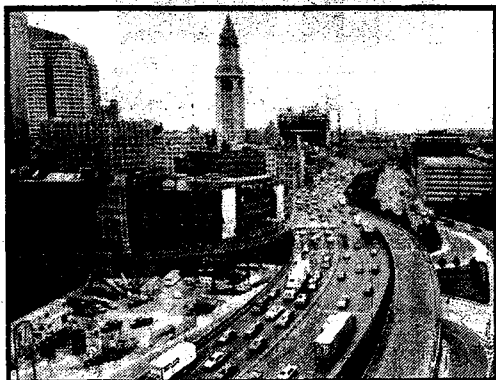


PHOTO BY ADAM DESHANE

When the depression of the Central Artery was first proposed by the Dukakis administration a decade ago, Gov. Dukakis and his underlings made one very important promise. The artery project would go forward, they pledged, only if the state Department of Transportation was able to prove to the federal government and the state Department of Environmental Protection that the process of depressing the artery would not adversely affect the environment of the city of Boston and its immediate surroundings.

Now it appears that someone, or several someones, overpromised to get approval to go ahead with the project.

It came to light last week, for example, that state transportation and highway officials failed to meet several Dec. 31, 1991 deadlines that they pledged last July they would meet. Were these missed deadlines simple errors of omission, they could probably be excused or attributed to heavy workloads and frantic government schedules that don't leave room for 80 hours worth of work to be done in 40 hours.

But government bureaucracy doesn't work that way. What we have here is plain and simple foot dragging that may be a sign of how state transportation and highway officials intend to treat requirements and regulations governing air pollution, traffic density, public transportation and other areas that determine that elusive thing known as "quality of life" in Greater Boston.

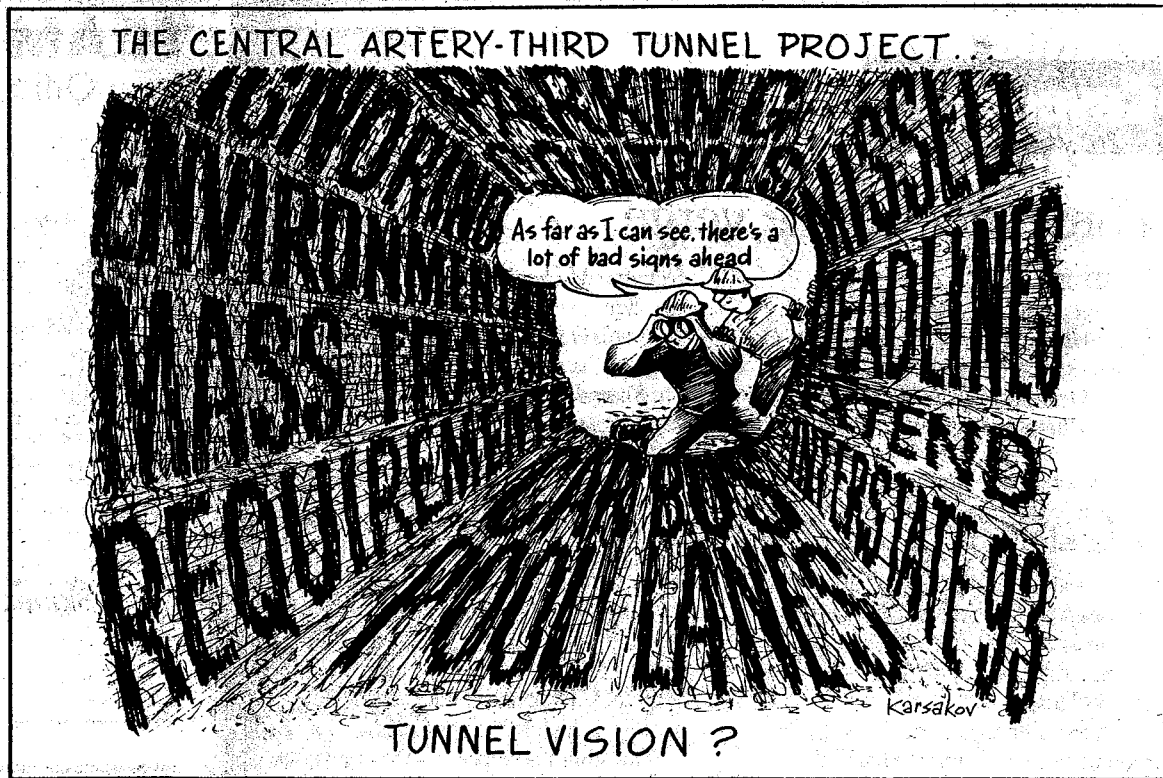
For instance, highway officials failed to meet a Dec. 31 DEP deadline to extend the car-pool lane on Interstate 93 "to the northernmost point appropriate to maximize the use of the lane." These officials also failed to meet a DEP requirement to "establish standards" for adding car pooling and bus lanes on other highways leading in and out of the city. Further, state highway officials appear to have missed a 1991 DEP deadline that they "promote legally enforceable parking control measures" in Boston and Cambridge to discourage increased automobile traffic in those cities.

These missed deadlines are important — and disturbing — because they appear to indicate that state highway and transportation officials are on a course toward making Boston a city more, not less, dependent on automobiles. And Boston cannot afford to become another Detroit.

If these officials are foot dragging on parking spaces and car-pool lanes, what is to keep them from dragging their feet on adding 15,000 additional parking spaces at suburban T stations by 1996? What is to keep them from not building a trackless trolley line on Washington Street between now and 1995? Likewise, what's to keep these officials from stalling on a plan to expand the Blue Line to six car service and extend the line itself from Bowdoin station to Charles Street station on the Red Line.

Boston needs greater attention to public transportation as the Big Dig goes forward — and city officials must hound state highway and transportation officials to keep up their end of a bargain sealed last year or face the consequences of seeing their city turn into an overcongested collection of smog-filled streets with little charm and no appeal. □

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NEW ENGLAND NEWSCLIP AGENCY, INC.

Environment Groups Settle Suit Over Boston Freeway

By a WALL STREET JOURNAL Staff Reporter

BOSTON — Four environmental groups who sought to block a major highway project here settled a lawsuit against state transportation officials and the Federal Highway Administration.

The lawsuit, filed in May by the Conservation Law Foundation, based in Boston, charged that the \$5 billion project to rebuild the city's central freeway would violate the federal Clean Air Act and other laws because it didn't include traffic-cutting measures. Without such measures, the group said, the new freeway would soon be overloaded with traffic, worsening air pollution and traffic congestion.

State transportation officials said earlier that they supported traffic-cutting measures, and included some in their plans, but didn't have the funds or authority to guarantee the costly package sought by the foundation.

Under terms of the settlement, filed in federal court, state transportation agencies committed to implement major extensions of commuter rail and subway lines, new park-and-ride spaces at transit stations, bus and car-pool lanes on interstate routes and other such measures. The measures had been promised verbally before the lawsuit was filed.

Kerasiotes is seen as a favorite for roads chief

10/21/92

By Frank Phillips and Peter J. Howe
GLOBE STAFF

Gov. Weld is leaning toward appointing his highway commissioner, James J. Kerasiotes, secretary of transportation, a prospect that thrills most top Weld aides, but is alarming key environmental supporters of the governor.

Administration sources said yesterday that Weld will move quickly in the next few days to determine whether Kerasiotes should get the job being vacated by Richard L. Taylor on Dec. 1.

Most insiders believe that Weld, who has a high opinion of his highway commissioner, is ready to appoint Kerasiotes to the \$70,000-a-year job, but wants to study his options before making a final decision.

While Kerasiotes is lobbying hard for the appointment and getting allies to call the governor and his aides, his major stumbling block is that Weld will lose the administration's highest profile black when Taylor, who has recently moved into the governor's inner circles, leaves, sources said.

Those sources said that if Kerasiotes is the choice, the announcement will be made quickly. But if the transportation aide is passed over for the job he has long coveted, Weld will take weeks before choosing a successor.

Kerasiotes earned his stripes with Weld and his aides because of his highly-publicized - and controversial - way of cleaning house at the Department of Public Works, renamed the Highway Department in April, and his moves to bring in

Kerasiotes reported favored for roads chief

■ KERASIOTES

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private contractors and state prisoners for highway maintenance.

Conservative hawks in Weld's inner circle delighted in Kerasiotes' mass firings of Gov. Dukakis appointees and his relentless confrontations with organized labor. In the view of top Weld aides, Kerasiotes has stood virtually alone among Weld appointees in carrying out the bureaucracy-busting promises the governor made during his 1990 campaign.

But Kerasiotes is widely opposed by state environmental leaders - key Weld supporters - because he has repeatedly sought to get the Highway Department exempted from state environmental laws and because he is seen as a 1950s-style roadbuilder, contemptuous of mass transit and ecological concerns.

Some environmentalists say the prospect of Kerasiotes controlling the multibillion-dollar empire of state transportation agencies is so alarming it has generated the beginnings of an "anybody-but-Kerasiotes" movement.

"I can't say that Commissioner Kerasiotes has been an environmental ally," said lobbyist Paul D. Wingle of the Massachusetts Audubon Society, citing Kerasiotes' efforts to get the Highway Department exempted from laws protecting wetlands, rivers and hazardous-waste sites.

Kerasiotes has also been seen as reluctant to scale back the artery-

tunnel project's sprawling Scheme Z interchange and Charles River Crossing and has resisted efforts to force the artery-tunnel project to include mass transit measures.

Other groups whose leaders are said by sources to be alarmed by the prospect of Kerasiotes as transportation secretary include the Conservation Law Foundation, 1,000 Friends of Massachusetts and the Sierra Club.

But Kerasiotes has often argued that he gets inadequate recognition for his environmental efforts, and aides yesterday cited several measures he has taken, including cancelling the Pittsfield bypass and Cape Cod Route 6A widening projects over ecological concerns and issuing directives requiring that two trees be planted for every tree felled during highway work.

Kerasiotes' chief aide, Patrick J. Moynihan, said that in cases where Kerasiotes has sought legal exemptions it was only to free the department from needless red tape.

"He has a get-it-done personality, but that certainly doesn't stop him from being environmentally responsible," Moynihan said. "It's something he feels strongly about. If he finds that there is something that is environmentally unsound, then he has the courage to stop it."

In weighing whether to pick Kerasiotes, administration officials said that Weld is facing several factors, including a desire to have a minority in a senior administration job.

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Big Dig Takes A Legal Breather

*How the artery
project has avoided
'mega-litigation'*

BY DICK DAHL



Photo By Richard W. Young

JOHN T. MONTGOMERY

"(I)t was critical that we not falter on the shoals of litigation."

Boston's Big Dig has only just begun and new questions are being raised about how the massive transportation project ultimately will be paid for, but lawyers who have shepherded the deal to date are saying, "So far, so good."

Robert J. Baum, undersecretary and general counsel of the state transportation department, recalls two years ago, when he was tapped by his old friend, Transportation Secretary Richard L. Taylor, to take a job that appeared to be most daunting.

"We anticipated the initiations of very large environmental litigation efforts," he says. "But the notion of mega-litigation seemed very challenging to me."

Baum left his job as a litigation partner with Bradley, Barry & Tarlow in Boston to join the transportation department and the effort to get the \$6-billion project to sink the Central Artery and submerge a third harbor tunnel out of the starting blocks.

At the time, the litigants were lined up to sue, and within a two-week period in January 1991, that's exactly what they did. Meanwhile, as Baum recalls, substantial federal highway money hung in the balance as Congress watched warily, fearful that Boston's project would become another Westway, a New York highway project calling for a substantial federal highway allocation that was hamstrung by lawsuits.

"We knew that if there was a successful injunction, others would follow," he says.

Thus, a decision was made to go all out to meet the lawsuits head on and avoid injunctions that could bring the project to a halt. To that end, state officials created a task force that included the transportation department, the attorney general's office and the governor's office.

The task force, Baum says, resolved to "determine what litigants' objectives might be, what their motives might be, and how to meet them."

John T. Montgomery, a Ropes & Gray partner who had just been named by Attorney General Scott Harshbarger as his first assistant, recalls that the creation of that group was one of the first projects he was involved in as part of his new job.

"I think it was the second day we were in office that I met with Bob Cordy (Gov. Weld's chief counsel) and we agreed that we had to have some kind of targeted, coordinated group," he says. "Within a week, we each had the key people together in a series of organized meetings."

Baum, he said, "ran the show for the governor's side," while the AG's presence on the task force included Dwight Golann, the chief of the government bureau, and assistant AGs Pierce O. Cray and William L. Pardee.

"My version of the charge was that the commonwealth needed to view itself as a plaintiff and prepare aggressively in advance on a number of parallel fronts to enable us to both minimize the prospects of litigation and, to the extent it was necessary, to prevail in that litigation," says Montgomery, who returned to private practice at Ropes & Gray six months ago.

"The attitude everyone had was that this is the largest and most important infrastructure construction project in Massachusetts in decades, if not in history, and that given the state of the economy at the beginning of 1991, it was critical that we not falter on the



JOHN E. RATTIGAN JR.
Represented Cambridge, one of the project's "greatest threats."

shoals of litigation."

Among the first litigants to pose a challenge to the project were the city of Cambridge and the Charles River Watershed, who opposed the transportation department's proposed "Scheme Z" crossing of the Charles River. In that scheme, I-93 divided into a massive, six-tiered arrangement on the Cambridge side of the river in its linkage with Route 1, before crossing into Boston and going underground. Both those suits subsequently became consolidated in Middlesex Superior Court.

After filing its suit, Cambridge turned to the Boston firm of Palmer & Dodge and real-estate partner John E. Rattigan Jr. Palmer & Dodge provides frequent outside counsel to Cambridge, and Rattigan already was grounded in the artery project from another lawsuit—the so-called "Park 'n' Fly" litigation. Rattigan represented Massport in a suit that came to be settled in June 1991, with a three-way land swap.

When Cambridge called Rattigan, they told him precisely what they wanted him to do.

"My role was exclusively to settle the case," Rattigan recalls.

Essentially, the central issue was this: Cambridge and other anti-Scheme Z litigants sought to reduce the size of the structure on their side of the river. However, the alternative of moving the complex roadway splits to the Boston side and underground would add significantly to the project's pricetag.

Big Dig Takes A

(Continued from page 29)

"The city of Cambridge was clearly one of the greatest threats to the project because it focused on one of its weakest links," Rattigan says.

Realizing that was true, Weld appointed a "Bridge Design Review Committee," which, at least in effect, was another group effort to stave off a dreaded injunction. The committee's role in the settlement discussions, according to Rattigan, was to provide its physical point of discussion.

"The negotiations with Cambridge were in the context of the design drawn by that committee," he says. "The prime effect of the settlement was, in effect, to bless what the Bridge Design Review Committee had done."

The result, for his client and the project, is a river crossing that now will be but one ramp in East Cambridge, and a bridge that will be supported from above, by cable stays, instead of from below by a massive steel structure.

"One of Baum and company's challenges was to get everyone on board," Rattigan says. "And they did that. We believe that the present design is acceptable to all of the various neighborhoods."

The new plan, he says, is "more expen-

sive and more complex, but it's much more responsive to the concerns of the parties involved and it's more responsible from an environmental point of view."

On Sept. 11, Cambridge signed documents apparently putting the river-crossing challenge to rest. Rattigan said Cambridge and the watershed district agreed to drop its lawsuit if the construction indeed follows the revised plan.

"The Bridge Design Review Committee and the work that went into it was really an achievement," Rattigan said. "They negotiated a settlement with the city, and then built consensus around the settlement."

Returning the favor, Baum says, "I give a lot of credit to the city of Cambridge and the Charles River watershed for not turning up the burner early in the process. Our commitment was to bring good faith to the table."

A second major threat to the artery project, Baum says, was posed by the Conservation Law Foundation, which sought greater mass-transit measures tied to the project in order to reduce traffic and improve air quality.

That suit was settled in March, but al-

Legal Breather

Mass. L. weekly
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lows the CLF to press ahead with its lawsuit if specific points of the settlement are not met. Those points include restoration of the Old Colony commuter rail line, an extension of commuter rail service to Worcester and Newburyport, added carpool lanes on expressways, new transportation hubs at both North Station and South Station, expanded commuter-boat service, a new transit line to the South Boston waterfront and thousands of additional parking spaces at suburban rail stations.

Those improvements won't come cheap. On Oct. 24, the chairmen of the legislature's Transportation Committee told the Boston Globe they believe that the mass-transit requirements required of the project could total \$3 billion. Sen. Robert A. Havern 3rd (D-Arlington) and Rep. Stephen J. Karol (D-Attleboro) told the Globe they agreed with Massachusetts Bay Transportation Authority general manager John J. Haley Jr., who earlier had said the MBTA needs a legislative bailout to fund the projects, which are now legally required.

They also criticized Weld for failing to deal with the issue. That pressure means a political problem for a governor who has built his reputation largely on fiscal re-

straint and means that the artery could loom as a political problem in 1994 if its pricetag continues to escalate.

As far as Baum is concerned, the legal evolution of the project to date has brought his staff to a period of calm between the time of large environmental actions and those relating directly to the construction of the project. The Sierra Club is appealing a September dismissal of their federal lawsuit against the artery by District Judge Edward F. Harrington—the gist of that decision, Baum says, is that Harrington ruled that vent stacks are not pollution sources—and the National Association of Railroad Passengers is pursuing a federal suit which seeks to link North Station and South Station by a transit line as part of the artery project.

Now, he says, as workers in South Boston are readying iron tubes the length of football fields for submergence in Boston Harbor and the creation of the third tunnel to the airport, his concern is turning toward the more mundane matters of potential construction litigation. His contact with the legal staff of the quasi-public Central Artery/Third Harbor Tunnel offices of the Bechtel Corp., which is managing the project

Mitigation plans spawn power fights

3/26/95
Old, new Massport teams sparring; so are Serra, Salvucci

By Michael Kenney
GLOBE STAFF

On both sides, there is talk of a power fight — between allies of former Gov. Michael Dukakis at the Massachusetts Port Authority and the new team of Gov. Weld, and between two longtime political figures in East Boston, state Rep. Emanuel Serra and former state Transportation Secretary Frederick Salvucci.

The fighting is over rival mitigation agreements between Massport and the East Boston community intended to compensate it for the impact of the \$1.2 billion airport expansion known as "Logan 2000."

And underlying the simmering dispute between supporters of the rival agreements is the question of what kind of a deal was worth \$1.5 million a year to Weld's Massport — in payments to a coalition of East Boston community groups — when Dukakis' Massport thought it had cut a similar deal for \$300,000.

Adoption of the new agreement — known as "the Tocco agreement" by the Weld-appointed executive director of Massport, Stephen Tocco — has been held up while two community groups ask a Suffolk Superior Court judge to order implementation of the original agreement — known as "the Raine agreement" for the Dukakis appointee, Alden Raine.

But Tocco said last week he hoped the court decision — however it goes — would "provide leverage for negotiations to continue." Massport's aim is an agreement that keeps the always contentious East Boston community groups from holding up the Logan project and does not bind future Massport boards to unrealistic and fiscally unsound commitments.

But, said Tocco, "we have to go forward," noting that the first phase of Logan 2000 is underway — with him kicking it off by sledge-hammering a wall to allow expansion of Logan's international terminal.

Tocco argues that the agreement

he negotiated provides a better environmental package for the community — plus five times as much money — acknowledging that in return Massport gets a process with East Boston community groups to get issues raised and dealt with through consensus. "That leaves me to wonder whether the dispute is around substantive issues or whether it's a question of control."

"The reality," said Salvucci, "is that Gus Serra is a strong factor and Massport realizes that." But, countered Serra, "the issue isn't power, but loss of power — the loss of power for a former transportation secretary who isn't willing to relinquish power to get a better agreement."

A "side-by-side" analysis of the two agreements prepared for a Massport consultant suggests that an underlying goal was to ensure smooth sailing for the Logan project without constant threats of law suits. The community groups, the analysis states, "agree to abide by the environmental review process and not to engage Massport in litigation."

The Raine agreement was pushed through the Massport board in May 1993 at the last meeting controlled by Dukakis-appointed members. Salvucci said the agreement had been worked out with the knowledge of the Weld appointees who were on the board by then and that timing of the board's vote was dictated by a deadline for applying for federal funding.

But of nine community groups, only three signed on to the agreement (and one subsequently took its name off). To one of the signers, Jean Riesman of Airport Impact Relief (AirInc), the signing of the Raine agreement by people who had been battling Massport since the bulldozing days of Edward J. King was to some extent a case of "trusting the devil you knew" — people, she said, like Salvucci with whom they had "a shared history."

To the question of why the other groups had not signed on, Serra said, "It is simple. It was insulting."

The groups holding out for the Tocco agreement include the East Boston Chamber of Commerce, the Pers Project Advisory Committee, Lind Use Council and Environmen-

The fighting is over rival mitigation agreements between Massport and the East Boston community intended to compensate the latter for the impact of the \$1.2 billion airport expansion known as "Logan 2000."

tal Rights Committee and neighborhood groups in Eagle Hill and Jeffries Point.

It was not just a matter of the money for them, Serra said. "Considering that this was a billion-dollar project that would double the capacity of Logan, it did not provide enough protection for the community."

Salvucci contends that the Raine agreement was a good one. "If they wanted to modify it," he said, "they should have sat down and negotiated changes."

But that is where the politics came in.

Serra, said Salvucci, "had inserted himself into the process. He wanted money for a community stabilization fund, which he would control or he would disrupt board meetings." Raine, he said, "tried to buy Gus off with \$300,000 but [Serra] figured he could get a better deal out of Tocco" — who was named director after Weld took control of the Massport board in the summer of 1993.

And Massport says that Serra — and the community groups that refused to sign the Raine agreement — did get a better deal from Tocco.

The internal analysis prepared by attorney Martin Healy for Massport consultants Rachman and Sawyer argues that the Tocco agreement is better because it sets lower air and noise levels to be used as "base-lines" for future reductions, commits to a \$25 million soundproofing program, and "broadens community participation."

But an analysis prepared by attorney Peter Koff who is representing the signatories to the Raine agreement takes issues with several of the Healy claims (including the

"baseline" figures) and finds the Tocco agreement "weaker" in that it does not support free shuttle service from South Station to Logan, drops agreements about a proposed Runway 14/32, and scales back on a commitment to new parks — especially to a "linear park" that could link the East Boston piers with Belle Isle Marsh.

And Koff argues that the "broader community participation" cited by Massport comes at the expense of the community groups' right to sue Massport if the agency does not live up to the agreement. "The right to sue," said Koff, "is probably the most important thing [the Tocco agreement] gives up."

It is an indication of how contentious the mitigation dispute has become that attorney Neal Glick who represents the seven community groups who are holding out for the Tocco agreement argues that even the Raine agreement placed limitations on the right to sue. And besides, Glick said, individuals can still sue, even if they have signed the agreement on behalf of their organization.

The dispute has spilled over into other Massport activities. A long-sought agreement between Massport and the city of Boston that would increase Massport's payments in lieu of taxes (PILOT) to the city — from \$6 million a year to \$10 million — was held up for a month because the remaining Dukakis appointees on the board sensed that Tocco's need to secure their votes on the PILOT agreement gave them some leverage over the Logan mitigation agreement. It didn't, but the delay did not sit well at either Massport or City Hall.

MBTA could face a lawsuit over uncompleted work

7/2/98

By Peter J. Howe
GLOBE STAFF

Saying the MBTA is not keeping its promises, the Conservation Law Foundation yesterday gave notice it intends to force the T to build up to \$1 billion worth of improved subway and streetcar lines.

In a legally required 60-day warning before filing a lawsuit, the foundation charged that state officials are violating federal Clean Air Act measures requiring on-deadline completion of projects such as a \$450 million Blue Line overhaul, a new Washington Street transit line and the purchase of hundreds of new buses and subway cars.

"What the state transportation agencies are doing is essentially red-lining and declaring an indefinite moratorium on transit projects in the Boston core. It's illegal," senior foundation litigator Stephen Burrington said. "They are neglecting the urban core, areas with large minority populations."

The T's deputy general manager Philip Puccia vigorously denied the charges, saying recent T improvements have taken more than 25,000 cars a day off the roads and saying he was "appalled" by charges the T is shortchanging urban minority areas.

"CLF spends its time writing press releases and filing lawsuits, but when it comes time to do the real work of building an improved transit system, they are nowhere to be found," Puccia said.

Added James Kerasiotes, the Turnpike Authority chairman and former state transportation secretary: "Our record speaks for itself. We welcome judicial review."

The foundation brought the federal suit that forced the \$4 billion cleanup of the Boston Harbor project. In 1990 and 1992, it made a deal not to oppose the \$8 billion Central Artery-Ted Williams Tunnel's environmental approvals in exchange for promises the state would pursue a battery of mass transit measures and parking-space freezes to discourage automobile use.

In its new case, the group is not backing away from that deal or trying to stop Big Dig construction. Rather, it alleges that the state is violating its federal Clean Air Act

'What the state transportation agencies are doing is essentially red-lining and declaring an indefinite moratorium on transit projects in the Boston core. It's illegal.'

STEPHEN BURRINGTON
Conservation Law Foundation

being involved in advocating for these projects, just simply complaining about them not being done."

T officials also argue their recent record shows a clear commitment to urban transit, including the creation of 10,000 commuter rail parking spaces, the new \$120 million South Station bus terminal, commuter rail extensions to Worcester, Plymouth and Middleborough and a new \$500 million transit line to the South Boston waterfront under way.

But Burrington and activists from several neighborhood groups contend that under the Republican administrations of former governor William F. Weld and Acting Governor Paul Cellucci, the state has made a political choice to abandon or delay urban transit improvements and steer money toward suburban highways and commuter rail lines.

The new 20-year transportation improvement plan adopted last year, for example, contains more than \$550 million for projects such as adding lanes to Route 128 and Route 3, and \$850 million for commuter rail extensions to New Bedford and Boston suburbs.

But it lists no proposed funding for the "urban ring" transit line through Roxbury and Dorchester or a long-advocated extension of the new South Boston transit line from South Station through Chinatown to Dudley Square, Burrington said.