

## Article 19: SPECIAL LEGISLATION/REPEAL MBTA PROHIBITION

Presented by Paul Schlichtman, Town Meeting Member, Precinct 9

To see if the town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation to repeal Chapter 439 of the Acts of 1976, "An Act Prohibiting the Massachusetts Bay Transportation Authority from locating a mass transportation facility within a certain distance of the Arlington Catholic High School," or take any action related thereto.

**Why should we do this?** This law is a remnant of the fight against extending the Red Line through Arlington. While this law reflected the opinions of Red Line opponents in 1976, this law survives as the current legal position of the town. Repealing this 46-year-old legal obstruction will allow current and future residents to consider Arlington's transit needs, and our relationship with the MBTA, without this law dominating the discussion.

### History

When the MBTA proposed construction of a Red Line extension in the Town of Arlington, State Representative John Cusack was a leading opponent of this project. As part of his strategy to block the Red Line, he introduced legislation to prohibit the placement of a transit facility within 150 yards of Arlington Catholic High School.

The Board of Selectmen and the Redevelopment Board opposed the 150-yard restriction, which was hotly debated at a September 28, 1976 hearing of the legislature's Joint Committee on Transportation. Representative Cusack said he wanted the legislation to prevent construction of a parking garage at Russell Common. Planning Director Alan McClennen told the (September 30, 1976) Arlington Advocate that the initial plan for a parking garage was not included in the Capital Grant Application filed with Washington, which "makes it clear that the parking garage has been removed and that architects and engineers have been engaged to reanalyze the situation."

After a compromise that reduced the distance to 75 yards, Chapter 439 of the Acts of 1976, was enacted on October 20, 1976.

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**Chap. 439.** AN ACT PROHIBITING THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY FROM LOCATING A MASS TRANSPORTATION FACILITY WITHIN A CERTAIN DISTANCE OF THE ARLINGTON CATHOLIC HIGH SCHOOL.

*Be it enacted, etc., as follows:*

Notwithstanding the provisions of paragraphs (g) and (k) of section three of chapter one hundred and sixty-one A of the General Laws, or any other general or special law to the contrary, the Massachusetts Bay Transportation Authority shall not construct any mass transportation facility, including but not limited to a rapid transit station and parking garage, on any land located within seventy-five yards of Arlington Catholic High School.

*Approved October 20, 1976.*

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When Representative Cusack was running for re-election in 1984, he reflected back on his work to enact this prohibition. The Arlington Advocate (September 13, 1984) reported:

Cusack, in response to what he considered the most important issue that he has faced as Arlington's representative, said, "without a doubt, the stopping of the Red Line from terminating in Arlington Center. One only has to look at the chaotic conditions surrounding the Alewife terminus, to realize that a termination directly behind St. Agnes Church, would have destroyed our town. House Bill No. 5278 which I sponsored, prohibited the MBTA from locating a mass transportation facility in Arlington Center, achieving this goal."

Stopping the Red Line at Alewife is the second-most consequential event in the history of the Town of Arlington. When we examine some of the reasons articulated by Representative Cusack (Arlington Advocate, April 1, 1976), it is likely his arguments would not be shared by a majority of our residents in 2023:

- Representative Cusack feels that the Arlington Center station, for example, will probably add to auto congestion in the area. He also questions if there won't be an increase in the amount of vandalism to the station itself and local neighborhoods.
- Cusack noted that although the MBTA can argue that the project is federally funded, that "whether it's federal or state money that's used, it's still OUR money."
- Cusack said that his main hesitancy with the project lies in the fact that the subway will go past several major public fields in Arlington, including Linwood, Summer Street, and Reservoir Beach – all public recreation areas. "I just can't buy it," he said.

**Arlington deserves the opportunity to re-examine our relationship with the MBTA. Chapter 439 of the Acts of 1976 exists today as a remnant of Arlington's effort to obstruct to the Red Line. Our current residents should have the opportunity to consider our transit needs without this law dominating the discussion.**

### **The 1977 Referendum**

While much of the discussion of Arlington's rejection of the Red Line focuses on the 1977 referendum, the law that blocked the Red Line was enacted a few months earlier.

The referendum was criticized for presenting multiple options that generated conflicting results. One measure that illustrates how Arlington has changed since 1977 occurred in the same election, when former Massachusetts GOP chairman James Lyons was elected to the Arlington School Committee. (Note that Mr. Lyons was Executive Director of Fidelity House, and he testified in favor of Rep. Cusack's legislation at the September 1976 public hearing.)

The most unpopular choice on the 1977 ballot (based on the number of NO votes recorded) was the option we are living with today: a Red Line terminus at Alewife. Here are the results of the 1977 ballot questions:

1. Do you support the extension of the Red Line/rapid transit through the Town of Arlington completely underground and ultimately to Route 128 with stations at Alewife Brook Parkway, Arlington Center, and Arlington Heights/East Lexington?  
YES: 5143      NO: 8206      BLANKS: 436
  
2. If the above (question number one) has to be done in phases, which of the following would you support:
  - a. The Red Line/rapid transit extension into Arlington completely underground to a station at Arlington Center and continuing underground to a station at Arlington Heights/East Lexington with a temporary terminus at that point.  
YES: 4657      NO: 7578      BLANKS: 1550
  
  - b. The Red Line/rapid transit extension into Arlington as far as Arlington Center completely underground with a temporary terminus at that point.  
YES: 1064      NO: 9708      BLANKS: 3013
  
3. Do you support ending the Red Line/rapid transit at Alewife Brook Parkway with a permanent terminus at that point.  
YES: 2195      NO: 9841      BLANKS: 1749

The Arlington Advocate published the following op-ed by Msgr. John. J. Linnehan, Chairman, St. Agnes Task Force, on March 3, 1977:

We thank the Arlington Board of Selectmen for introducing a group of Red Line referendum questions in the March 5 ballot. However, these particular questions are worded in a highly confusing and unfortunate manner. All of them ask Arlington voters to express their support for the Red Line Extension under a variety of unacceptable and unrealistic alternatives.

We urge Arlington voters who wish to oppose these specific alternatives to vote "NO" on all questions. By bunching all of these questions at the support end of the spectrum, our Selectmen have effectively precluded stronger statements of opposition to the MBTA and have lost an important and much needed opportunity to understand the depth of community concern over the Red Line threat to the quality of life in Arlington.

Robert Kiley, Chairman of the MBTA, is quoted in the Feb. 13 issue of the Boston Globe (p.2) on the question: Ultimately, how far should the MBTA geographically extend itself? Mr. Kiley's answer was in part: "That's a judgment that must be made constantly by the people who support the system in eastern Massachusetts. It's not one for me to make. Certainly (state Secretary of Transportation, Fred) Salvucci or whoever is secretary of transportation, would be helping with that judgment. The original master plan had the vision of rapid transit out to Route 128, around the circumference of the system. That remains, I suppose, and ideal, a goal, but I don't see that it will be met in the near term, so, for example, the extension of the Red Line is likely to have a temporary terminal somewhere in the Arlington area. I don't see funding available to extend the Red Line to 128 in the immediate future. We're going to try to get it, and we're certainly going ahead with the planning process, but it's not going to be an immediate prospect."

The St. Agnes Task Force is determined that the Oct. 5, 1976, Town of Arlington Red Line Policy shall prevail – a totally underground configuration, completely through the Town to Route 128, with no temporary or permanent terminus anywhere, under any circumstance, in Arlington.

We are not opposed to the concept of sound mass transportation planning on a regional basis, but we cannot allow the MBTA to compromise the quality of life in Arlington at an unbearable cost to taxpayers and destruction of community values.

Our Task Force’s response to the MBTA Referendum Question is:

1. Do you support the extension of the Red Line-Rapid Transit through the Town of Arlington completely underground and ultimately to Route 128 with stations at Alewife Brook Parkway, Arlington Center, and Arlington Heights-East Lexington?

NO: Arlington Heights-East Lexington is entirely imaginary. Lexington will reject East Lexington and force Arlington Heights to become the “temporary” (10-20 years) terminus. We are unanimously opposed to any Red Line terminus in Arlington – temporary or permanent.

2. If the above cannot be funded as one project would you support the following?
  - a. The Red Line-Rapid Transit extension to Alewife Brook Parkway not to enter Arlington and with a permanent terminus at that point?

NO: Residents of East Arlington have made clear their strong opposition to Alewife as a temporary or permanent terminus – for environmental reasons. Until and unless more becomes known about the environmental effects of a terminus at Alewife, we strongly support East Arlington residents in opposing the Alewife terminus.

- b. The Red Line-Rapid Transit extension into the Arlington as far as Arlington Center completely underground with a temporary terminus at that point.

NO: We are unanimously opposed to any Red Line terminus in Arlington – temporary or permanent. Stations designed for local access are acceptable. A terminus is not. We are determined to use every proper means to prevent the MBTA from terminating the Red Line in Arlington Center. We believe a shortfall in federal or state funding of the MBTA proposal or cost escalation will result in a terminus at Arlington Center.

- c. The Red Line-Rapid Transit extension into Arlington completely underground to a station at Arlington Center and continuing underground to a station at Arlington Heights-East Lexington which would be a temporary terminus.

NO: Arlington Heights-East Lexington is entirely imaginary. Lexington will reject East Lexington and force Arlington Heights to become the “temporary” (10-20 years) terminus. We are unanimously opposed to any Red Line terminus in Arlington – temporary or permanent. The Arlington Heights-East Lexington terminus idea is an optical illusion.

We thank The Arlington Advocate for the opportunity to express these concerns.