



CITY OF CAMBRIDGE

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EXECUTIVE DEPARTMENT
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March 15, 1993

To The Honorable, The City Council:

The Secretary of Environmental Affairs has issued a Scope of Work for the continuation of the environmental process for the Charles River Crossing. That Scope of Work directs the Central Artery Project to evaluate in a Draft Supplemental Environmental Impact Report (SEIR) two designs, a non-river tunnel crossing and a river tunnel crossing known as 8 ld mod 5 (which, you may recall, was the design the Project proposed in September in its Notice of Project Change.) Those two designs are to be evaluated against each other and against Scheme Z. The Draft SEIR will identify a preferred alternative which will be subject to public hearing. Subsequent to the public hearing, a Final SEIR will be produced. The current timing suggests that the Draft SEIR will be produced sometime this summer with the Final SEIR for the late fall.

The inclusion of a non-river tunnel design in the Scope of Work is primarily the result of concerns raised by the Federal Highway Administration and the Army Corps of Engineers.

The Federal Highway concerns relate to the length of the tunnels, primarily the land based tunnels required for 8 ld mod 5, and the impact that driving in those tunnels for long periods of time may have on traffic operations and safety.

The Army Corps of Engineers has raised concerns regarding aquatic impacts within the Charles River Basin because of the river tunnel as well as concerns about the materials disposal problems created by the additional one million cubic yards of excavate from the land based tunnels as well as the river tunnel.

The federal environmental process runs concurrent with the state environmental process. In the federal environmental process, a federal Scope of Work was issued which also requires that the Project address these same issues by evaluating both 8 ld mod 5 and a non-river tunnel alternative.

The City has been actively involved in the environmental process to ensure that the Scope of Work would direct the Project to give all

proper consideration to the river tunnel crossing we have supported. We have recognized, at the same time, that the concerns of the various federal agencies must be addressed.

I know that there are many concerns that the reason for the inclusion at this time of a non-river tunnel alternative reflects either (1) the decision of the current Secretary of Transportation and Construction that a river tunnel crossing is too expensive and must be avoided or (2) the decision to give more priority to concerns on the other side of the River than to concerns in Cambridge. Although we are given assurances that neither of these reasons is so, we have no way of knowing the final outcome at this time.

What we can do is to ensure that the State is required to demonstrate that it has selected the design that is the "least environmentally damaging practical alternative" and that there is "no prudent and feasible alternative" design. This is what we were successfully able to do with respect to Scheme Z. The State was forced to pay attention to our lawsuit because we were able to persuade the State that we had a strong chance of prevailing against them in a challenge to Scheme Z.

I believe that our best course of action now is to evaluate the current concerns of the federal agencies to see if those concerns can be addressed by reasonable refinements to the current proposed tunnel crossing, i.e. revisions to 8 1d mod 5. If they can be, then we will attempt to persuade the State to make those modifications to preserve the proposed tunnel crossing. If we cannot persuade the State, then we can challenge the State's determination when they select their new proposed action if we deem it advisable.

Our agreement with the State requires the State to retain for us a highway design consultant to advise us. To reaffirm their commitment to work cooperatively with us, Peter Zuk, the Project Director, has assured me that the State will quickly retain for us the highway consultant as promised. He has also agreed to retain for us, if we deem it necessary, a geotechnical consultant, who can advise us about the concerns of the Army Corps. I expect shortly to receive written confirmation from Mr. Zuk concerning these issues.

The State has renewed these commitments both to show their good faith and, I suspect, because they believe that they will persuade us of the validity of their current position. That remains to be seen. The State is well aware of our willingness to take legal action as appropriate should we believe that the State has failed to properly evaluate the designs through the environmental process.

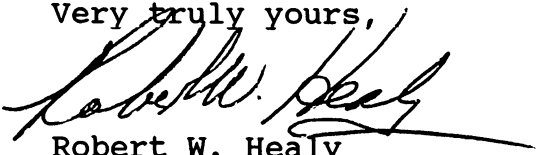
In the meantime, our representatives are and will continue meeting with the project engineers and other staff to press our positions. We will also continue collaborating with other organizations who share our concerns about the importance of procuring the best Charles River Crossing design possible. The State has indicated a desire to avoid continuing the advisory BDRC but the future of that

body has not yet been determined.

It is unfortunate that at this late date we are still operating in great uncertainty about what the Charles River Crossing design will be. Our success in stopping Scheme Z has forced the Project to pay attention to the concerns of the City. We have demonstrated our willingness to take legal action to secure our rights when we feel that the State has not protected them.

I will continue to keep you informed. If you would like a more comprehensive briefing on this subject, I will be happy to arrange one. Because of the pending litigation against the project, it may not be possible to have that discussion in public.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", with a long horizontal flourish extending to the right.

Robert W. Healy

Consent Agenda # 14
Charles River crossing. S-130

In City Council,

March 15, 1993

Placed on file