

MDC PARKWAYS PROPOSED

0-10

TRANSFER TO MASS HIGHWAYS

5/6/02

Here's a quick, ready summary and analysis of these House budget amendments. Read the full text of these amendments at the bottom of this email:

AMENDMENT 1138 gives MassHighway supremacy in relationships, arrangements, and protocols between MassHighway and MDC staffs, as related to the design, planning, engineering construction, and maintenance of parkways. Should these House amendments fail to become law, the Administration would try to standardize and fix this agenda by a formal interagency service agreement (ISA) between the MDC and MassHighway. Under this amendment, ownership of the MDC parkways passes completely to MassHighway, and the existing Article 97 parkland status of these parkways is permanently erased. Yes, the language does say, "The department shall not widen any parkways previously under the care, custody and control of the metropolitan district commission", but the amendment leaves the door open for MassHighway to relocate whole "parkways" with wider easements.

AMENDMENT 1139 grants MassHighway the power to establish wide easements of MDC parkland as part and parcel to the transfer of MDC parkways to MassHighway. The language says, "the department of highways shall have responsibility for the maintenance of land immediately adjacent to parkways and on all medians between travel lanes.... All land not exclusively used for parkway purposes, shall be owned by the metropolitan district commission. In accordance with article XCVII of the Constitution, all land transfers between the metropolitan district commission and the highway department shall be subject to a two-thirds vote of each branch of the general court." Wide easements and the ability to relocate whole roadways create pre-conditions for bigger highways throughout the Boston metropolitan district and the disposition of MassHighway waterfront properties for private development.

AMENDMENTS 1142 and 1148 provide for the transfer of capital assets, both real and tangible, from the MDC to MassHighway. The MDC construction division and its employees are shifted to MassHighway.

1

amendments. Debate on these budget amendments begins this week.

Thank you,

Sincerely,

Bruce McWhirk
Co-chair
Metropolitan Park Council
781-321-2714
bmcwhirk@yahoo.com

THE FULL TEXT OF HOUSE AMENDMENT RECOMMENDATIONS:

AMENDMENT # 1138

Mr. Marini of Hanson, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Rogeness of Longmeadow and Mr. Lepper of Attleboro move that the bill be further amended by adding at the end thereof the following section:

"SECTION. The department of highways shall perform a comprehensive study of current design, engineering, construction and maintenance standards used by the metropolitan district commission on parkways. The parkway design, engineering, construction and maintenance standards shall conform when deemed so by the commissioner. Until the highway department approves final standards as prescribed in the previous paragraph, the department shall use existing metropolitan district commission standards for the design, engineering, construction and maintenance of parkways. Upon the issuance of the final design, engineering, construction and maintenance standards and the execution of the memorandum of understanding signed by the executive office of transportation and construction, the highway department and the executive office of environmental affairs, but no later than July 1, 2003, the highway department shall assume ownership of state highways, parkways and bridges, including street lighting and related appurtenances, so called curb to curb ownership, previously under the care, custody and control of the metropolitan district commission. Trucks and hazardous cargoes permitted on parkways, boulevards and roadways while under the care, custody and control of the metropolitan district commission shall be permissible once parkways, boulevards and roadways have been transferred to the highway department. The highway department shall not

metropolitan district commission and the highway department shall be subject to a two-thirds vote of each branch of the general court. A director, appointed by the commissioner, shall manage the division of parkways and shall report to the commissioner. The commissioner may remove the director without regard to chapter 31. The commissioner shall assign powers and duties to the director."

AMENDMENT # 1142

Mr. Marini of Hanson, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Rogeness of Longmeadow and Mr. Lepper of Attleboro move that the bill be further amended by adding at the end thereof the following new section:-

"SECTION. Not more than 90 days after the passage of this act the executive office of transportation and construction and the highway department shall enter into an agreement with the executive office of environmental affairs. The memorandum shall include agreement on all property excluding real property, equipment and personnel transfers and the assignment of maintenance responsibilities. Ownership and maintenance responsibilities of pedestrian bridges shall be established in the memorandum of understanding. The memorandum of understanding shall also include any issues not specifically addressed in this act but necessary to carry out its intent. The memorandum of understanding shall identify functions and employees to be transferred from the metropolitan district commission to the highway department. The highway department shall not reduce compensation or civil service classification of transferred employees. The highway department and the metropolitan district commission shall not terminate or otherwise release employees as a result of the transfer of maintenance, construction and operation of state highways, parkways and bridges previously under the care custody and control of the metropolitan district commission. Any reductions in employees may only be achieved through attrition or early retirement incentives. The department of highways shall not privatize maintenance or operations of parkways."

AMENDMENT # 1144

Mr. Marini of Hanson, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Rogeness of Longmeadow and Mr. Lepper of Attleboro move that the bill be further amended in item 6010-1000 in lines 6 to 9, inclusive, striking the following language:

Mr. Marini of Hanson, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Rogeness of Longmeadow and Mr. Lepper of Attleboro move that the bill be amended in section 2, by striking out item 2440-2000.

AMENDMENT # 1150

Mr. Marini of Hanson, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Rogeness of Longmeadow and Mr. Lepper of Attleboro move that the bill be further amended in section 2, in line 3, in item 2410-1000, by striking the words ",construction division, and more that the bill be further amended in item 2410-1000, in lines 12 through 20, inclusive, by striking out the following: provided further, that the commissioner shall be responsible for the maintenance and operation of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the commission, provided further that notwithstanding any general or specific law to the contrary, all offices and positions of the construction division shall be subject to the classification under section 45 to 50, inclusive of chapter 30 of the General Laws.

AMENDMENT # 1151

Mr. Marini of Hanson, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Rogeness of Longmeadow and Mr. Lepper of Attleboro move that the bill be further amended in section 2, in item 2410-1000, by striking out the figures "\$26,178,014" and inserting in place thereof the figures "\$21,309,137."

AMENDMENT # 1152

Mr. Marini of Hanson, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Rogeness of Longmeadow and Mr. Lepper of Attleboro move that the bill be further amended by adding at the end thereof the following section:

"SECTION. Capital expenditures made by the division of parkways within the department of highways shall be included in the total for the statewide road and bridge program."

AMENDMENT # 1153

Mr. Marini of Hanson, Mr. Jones of North Reading, Mr. Peterson of Grafton, Ms. Rogeness of Longmeadow and Mr. Lepper of Attleboro move that the bill be further amended by adding at the end thereof the following new section:

"SECTION. Sections 35, 35A, 36, 49, 50, 51, 52, 69, 80, and

commissioner shall consider any public benefits and the costs of improvements and repairs made by the tenants of their recipients of the properties as part of the consideration of any leases or agreements. All consideration received from the leases or other agreements shall be payable to the General Fund. The recipients of the properties shall bear all costs deemed necessary or appropriate by the commissioner of the division of capital asset management and maintenance for this transaction, including without limitation, all costs for legal work, survey, title, and the preparation of plans and specifications. All facilities shall remain open to the public under the lease of agreement."



City of Cambridge

O-10

IN CITY COUNCIL

May 6, 2002

COUNCILLOR MURPHY
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR MAHER
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

RESOLVED: That the City Council go on record opposing proposed amendments to the State budget that would transfer the Metropolitan District Commission (MDC)(see attached) to the Massachusetts Highway Department; and be it further

RESOLVED: That the City Clerk send a suitably engrossed copy of this resolution to the Cambridge delegation to the State House.

In City Council May 6, 2002.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, reading "D. Margaret Drury", written in dark ink.

D. Margaret Drury
City Clerk

R-734

ORDER #10

Opposing proposed amendments to the
State budget that would transfer the
Metropolitan District Commission
(MDC) to the Massachusetts Highway
Department.

**Councillor Murphy and entire
membership**

In City Council May 6, 2002

ORDER ADOPTED.