



May 12, 2021

Via Email

The Honorable Elizabeth Warren
309 Hart Senate Office Building

The Honorable James McGovern
408 Cannon House Office Building

The Honorable Edward J. Markey
255 Dirksen Senate Office Building

The Honorable Seth Moulton
1127 Longworth House Office Building

The Honorable Jake Auchincloss
1524 Longworth House Office Building

The Honorable Richard Neal
2309 Rayburn House Office Building

The Honorable Katherine Clark
2448 Rayburn House Office Building

The Honorable Ayanna Pressley
1108 Longworth House Office Building

The Honorable Stephen Lynch
2109 Rayburn House Office Building

The Honorable Lori Trahan
1616 Longworth House Office Building

The Honorable William Keating
2351 Rayburn House Office Building

Re: I-90 Allston Multimodal Project

Dear Senator Warren, Senator Markey, Congressman Auchincloss, Congresswoman Clark, Congressman Lynch, Congressman Keating, Congressman McGovern, Congressman Moulton, Congressman Neal, Congresswoman Pressley, and Congresswoman Trahan:

On behalf of Charles River Watershed Association (“CRWA”), we write in regards to the I-90 Allston Multimodal Project. As one of the country’s oldest watershed organizations, CRWA protects, preserves, and enhances the Charles River and its watershed through science, advocacy, and the law. Our initiatives over the last five decades have dramatically improved the quality of water in the watershed, fundamentally changed approaches to water resource management, and protected the Charles River as a public resource for current and future generations.

CRWA has been an active member of the I-90 project Task Force since 2014. We are eager to see a final project that meets the region’s evolving transportation needs, is climate resilient, and protects and restores the Charles River.

While we agree with many of the points it raised, we did not sign onto the recent letter you received from a coalition of advocacy groups and local residents, and wanted to clarify our position. Like our allies, we support an at-grade design. However, the *specific* at-grade alternative currently under consideration by MassDOT is fatally flawed because it requires filling in part of the Charles River. Not only is this harmful to the river, but it also faces significant legal challenges.

As Massachusetts Energy and Environmental Affairs Secretary Theoharides said in a June 2020 letter, “any alternative that contains impacts on the Charles River, even temporary, is not only difficult to permit, but should be discounted in favor of alternatives with no temporary or permanent impact.”

Specifically, adding fill to waterways like the Charles River is regulated under federal, state, and local environmental laws, including:

- the federal Clean Water Act;
- the Massachusetts Wetlands Protection Act;
- the Massachusetts Public Waterfront Act (Chapter 91); and
- the Boston Ordinance Protecting Local Wetlands and Promoting Climate Change Adaptation.

These laws either prohibit fill (except in exceptional circumstances) or require projects to avoid fill where possible and minimize the amount of fill if it cannot be avoided. Importantly, if viable alternatives exist that do not require fill—as is the case here—any alternatives that require fill are generally precluded.

A Better Alternative

CRWA has continually urged MassDOT to consider an at-grade design for the I-90 project that **reduces the overall number of traffic lanes** in the problematic “throat” area. This approach would allow all of the benefits sought by stakeholders to be realized while avoiding detrimental—and likely illegal—intrusion into the river. Benefits of building less roadway include creating enough space along the river for cyclists and pedestrians, river bank restoration, climate resilience measures, reducing harmful emissions and heat island effect, and improving connectivity between the neighborhood and the river.

We agree with the Metropolitan Area Planning Council (“MAPC”), who wrote in August 2020 that “[t]he significant capital costs involved in this project should give us pause to evaluate whether spending potentially over a billion dollars reconstructing an eight-lane Turnpike and a four-lane parkway along the Charles River and through an urban neighborhood is the best investment for the region” and that “the best solution to the ‘throat’ is to permanently reduce space for cars and make up that transportation capacity by investing in more commuter rail and associated public transit service.”

Reducing the number of traffic lanes is also **supported by the data**. Pre-pandemic traffic patterns only justified 4 lanes on the eastbound side of I-90 during the 1.5 hours of morning rush hour. And now the pandemic has changed the way we work, and many of those changes will be permanent. MassDOT’s own analysis shows that due to increases in telecommuting, the number of commuters during the morning rush hour is expected to be significantly lower than pre-pandemic numbers for at least four years. **The number of lanes on I-90 will also be reduced for years during construction** of this project, necessitating alternatives to accommodate commuters sooner rather than later. **It simply does not make sense to increase**

the number of highway lanes after commuters are accustomed to fewer lanes during years of project construction.

We cannot afford to overbuild roadways in the 21st century. Money is wasted on construction and maintenance, cars are prioritized to the detriment of pedestrians and cyclists, flooding and heat islands are exacerbated, and we end up further away from our emissions reduction targets. Let's use this opportunity to build a truly multimodal project that invests in clean transportation while protecting and restoring the Charles River.

Sincerely,



Emily Norton
Executive Director



Heather Miller, Esq.
General Counsel & Policy Director