Jamaica Plain's Arborway Streetcar Service



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In the 1970's, the city of Boston, Massachusetts was facing a major traffic problem. The Central Artery of Interstate 93, an elevated highway installed in the 1950's, was a disastrous tangle of merge lanes, entrances and exits, and right turns. Moreover, it cut off the city's historic North End and Waterfront neighborhoods from the downtown area. Bostonians endured noise and air pollution, the accident rate was four times the national average for interstates, and I93 was among the most congested highways in the country. The Boston Transportation Planning Review proposed moving a 3.5-mile long stretch of I93 underground, an expensive and ambitious project that came to be known as the Central Artery/Tunnel Project (CA/T or the "Big Dig.")

When the Massachusetts Bay Transit Authority (MBTA) began planning for the CA/T project in 1982, a host of environmental and social concerns arose. To addresses them, the Conservation Law Foundation (CLF), the Department of Public Works (DPW), and the Executive Office of Transportation (EOT), agreed to a Memorandum of Understanding on December 19, 1990. The Memorandum required the MBTA to plan several environmental impact mitigation projects along with the interstate improvements. The State Department of Environmental Protection (DEP) mandated these projects by law in 1991 with the State Implementation Plan (SIP). The US Environmental Protection Agency (EPA) affirmed these commitments in 1994 when it approved them as part of the Massachusetts SIP.

One of these mitigation projects was the restoration of the Arborway section of the Green E Line, a trolley running through Jamaica Plain (which Bostonians refer to as "JP") that had been out of service since 1985.⁴ Today in 2007, the MBTA has not yet restored the line. The project has become an environmental justice issue for JP, an economically depressed zone plagued by air pollution and high asthma rates. Over the years, conflict has raged between community groups, non-profits, governmental organizations, and the MBTA. A collaborative process initiated by the MBTA failed after two years of

¹ http://www.masspike.com/bigdig/background/index.html

² 310 CMR 7.36(2)(d): Transit System Improvement Regulation

³ 40 CFR Part 52 [MA-24-1-6557], Federal Register Vol. 59, No. 191 (10/4/94), page 50495

⁴ See Annendix A. MRTA man of Green Line service

work, while intermittent lawsuits spurred the debate onward. In this case study, I identify key supporters and opponents of the project, explore the development of this ongoing controversy, and conclude with an examination of the situation as it is today.

Jamaica Plain and Environmental Justice

Jamaica Plain is a 4.4 square mile neighborhood south of Boston's downtown area with a historically large minority (particularly Hispanic) population. It was among the top ten cities for high asthma rates in the state at the time that the Environmental Impact Statement (EIS) was conducted, and had been economically depressed for years. Since the EIS determined that the CA/T project would exacerbate the problems of air pollution, putting JP at risk of violations of National Ambient Air Quality Standards regulations, many came to regard the pollution as an unfair burden that Boston was imposing on its poorest residents. The Conservation Law Foundation stated, "In the urban core, where the adverse air quality impacts of the CA/T Project itself are felt most profoundly, the failure to provide promised transit projects to mitigate the impacts from the highway project is an environmental injustice." 5

In all the years that debates have been raging over the restoration of the Arborway line, the Number 39 bus has been servicing the route. But there are problems with the existing situation. The 39 is the most heavily used line in the MBTA bus system, accounting for almost 5% of all riders. A community group reports that only 43% of daily service is on time, and the 39 is frequently filled to over 100% capacity. Sixty percent of riders are women, 40% do not own an automobile, 20% report household incomes below \$20,000, and about 10% are elderly. Moreover, the unused metal tracks from the streetcar system have remained in the pavement for over twenty years, making the streets

⁵ Shelly, Peter, Esq., T.F. Scott Darling, Esq., and Carrie Schneider, Esq. *Notice of Intent to Sue Under 42 U.S.C. § 7604*, January 12, 2005.

⁶ http://arborway.org/rationale.html

difficult to navigate in bad weather. ⁷ The rails also make the roads particularly prone to potholes, causing dangerous conditions for both drivers and bikers. ⁸

Proponents of the Arborway streetcar restoration

One of the most vocal supporters of the restoration of the light rail service in JP has been a community group called the Arborway Committee. The group aims to educate the community about the benefits of light rail, providing a website with a detailed history of the conflict, photographs, information about trolleys as compared to busses, and instructions on how community members can get involved with the issue. The group claims that trolley service is more reliable, more comfortable, and less costly than bus service. Because the congested streets make parking spaces scarce, the small business owners in the group believe that the trolley would give more people access to their stores. The committee points to the environmental benefits of light rail, which is cleaner and less noisy than busses. In addition to reducing emissions of non-methane hydrocarbons, carbon monoxide, carbon dioxide, and nitrogen oxides, their speed and reliability would entice people to use public transit rather than their own vehicles. Finally, the JP community members on the Arborway Committee continually point to issues of environmental justice.

Another group that supported the restoration was the Jamaica Plain Neighborhood Council. The council, comprised of elected members who meet monthly to address issues of concern in the area, supported reinstalling the Arborway line in two separate votes. The community stakeholders in both the JP Neighborhood Council and the Arborway Committee were highly invested in each new development as the conflict unfolded over the years.

Many other organizations released public testimonials in support of the restoration, though they did not actively engage in the conflict. These included the Neighborhood Association of the Back Bay, the St. Botolph Neighborhood Association, the Franklin Park Coalition, the Sierra Club, MassPIRG,

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⁷ Park, Madison. "The unused track runs through it: On both sides of trolley debate, rails unloved." *The Boston Globe*, May 15, 2005.

⁸ See Appendix B: Rail Lines and Potholes.

⁹ httn://arhorway.org/rationale.html

WalkBoston, Clean Buses for Boston Coalition, the Association for Public Transportation, the Federation for Public Transportation, the Washington Street Corridor Coalition Medical Area Services Corporation, Wentworth Institute, and the Hyde-Jackson Square Business Association. An environmental justice group called Alternatives for Community and Environment has worked with the On the Move Greater Boston Transportation Justice Coalition to bring the Arborway controversy into a greater debate about general inequities in the transportation system.

Finally, the last stakeholder on the streetcar restoration side of the debate was the Conservation Law Foundation. The mission of the CLF is to address environmental problems affecting New England, and to make sure that government agencies use transparent decision-making processes so that they can be held accountable for the outcomes of their choices. In the initial planning stages for the CA/T project, the CLF fought to make sure that approval would be contingent upon the inclusion of plans for several mitigation projects (including the Arborway line). When a host of construction and contracting problems began to set the Big Dig's budget spiraling out of control, the CLF objected to the MBTA's tendency to allow the public transit commitments from the 1990 legislation fall by the wayside. The CLF embarked on a vigorous battle to hold the MBTA to these projects. The stakes were high for the CLF, because these commitments were essential to its mission as well as for its credibility as an organization.

Opponents of the Arborway restoration

The Massachusetts Department of Public Works (DPW) and the Massachusetts Executive Office of Transportation (EOT) joined the MBTA in opposing restoration of the Arborway streetcar line because of high costs. The agencies claimed that other options would be more cost effective and provide greater environmental and social benefits. In an Impact Report released in 2005, the MBTA contended that streetcars could potentially slow down emergency vehicles, and would have to compete with traffic in JP's narrow streets, where maneuvering around disabled or illegally parked vehicles

¹⁰ http://www.clf.org/programs/cases.asn?id=421

would be difficult. The report pointed out that the MBTA would have to eliminate several parking spaces to create platforms at certain curbs to comply with the Americans with Disabilities Act. In addition to being expensive, these platforms would make for a very narrow (and therefore potentially hazardous) path for bicycles at certain locations. Delivery trucks might not be able to park outside businesses while unloading. Finally, the MBTA considers the retrofitting of existing busses to make them more environmentally friendly an appropriate alternative to reinstating trolley service through the Green E line to Arborway.¹¹

Better Transit Without Trolleys (BTWT), a group of JP residents and local business owners, shares the concerns of the MBTA. In addition, it claims that bus service could be faster than trolley service if there were less stops, signal priority, a quicker fare collection system, and a more direct route to the downtown area. BTWT claims that rail service is more expensive on a per ride (as opposed to a per passenger) basis due to higher maintenance costs. Members of the group believe that the solution to the problem lies in improving the reliability, effectiveness, comfort, and environmental impact of the bus system.¹² One business, The Purple Cactus restaurant, took matters into its own hands and collected 1,100 signatures from people opposed to the trolley because of safety and parking concerns. ¹³

The road to collaboration

To understand the current situation of the conflict, it is necessary to understand its history. From 1903 through 1985, streetcars that were part of the transit system's Green E Line transported passengers into JP. In 1985 the MBTA "temporarily" cancelled this service to accommodate construction of a new road, but never moved to reinstate the trolley after the road's completion. Many residents were unhappy about the line's removal. In 1986, a non-binding referendum on the state ballot favored keeping the line 67% to 33%. State legislators, the City of Boston, and the MBTA agreed to restore the service in 1989. As noted above, the SIP designed in 1990, approved by the DEP in 1991 and reaffirmed by the

¹¹ http://www.arborway.net/lrv/DEPComments205a.pdf

¹² http://www.btwt.org/claims.htm

¹³ http://ksgaccman.harvard.edu/hotc/DisplayPlace.asp?id=11637

¹⁴ http://www.arborway.org/chrono.html

EPA In 1994 mandated the restoration. A 1995 bond bill appropriated funding for it. The Jamaica Plain Neighborhood Council expressed its support for the trolley in 1996 in a 13-1-1 vote.

Still dragging its feet, in 1998 the MBTA asked the DEP to amend the regulations such that it would not have to restore the line.¹⁵ A November 2001 ruling from the Executive Office of Environmental Affairs stated that the line was feasible and must proceed, and in March, 2002, the MBTA announced that a preliminary design would be released in March, 2003.¹⁶ In the meantime, the Jamaica Plain Neighborhood Council again renewed its support for the project in a 14-2 vote.

Formation of the ARRPAC

One of the most interesting aspects of the conflict is that in the midst of the finger-pointing, litigation, and bickering, the MBTA announced in 2002 that it would organize a collaborative group to help inform decision-makers. The Arborway Rail Restoration Project Advisory Committee (ARRPAC) included community members (both pro-trolley and pro-bus), local business owners, community leaders, project planners, technical personnel, and representatives from city and state agencies. Arborway Project Manager and MBTA Design Director Barbara Boylan led the committee, along with expert transportation consultant Bill Lieberman. The group was given the authority to make "recommendations on restoration that will best address the safety, operation, ridership, environmental, and accessibility goals of the project in a way that maximizes its benefits for the Jamaica Plain community." ¹⁷

Twenty five to 30 members sat on the ARRPAC, which used a consensus process for decision-making. Starting in May of 2002, the group met one or two times per month to discuss stop location, project design, eventual operational concerns, and to monitor the general progress of the project. The minutes from these meetings reveal that members were careful in their deliberations, looked to experts and examples from other cities for guidance, and employed non-traditional information-gathering

¹⁵ 310 CFR Part 52 [MA-24-1-6557]

¹⁶ http://ksgaccman.harvard.edu/hotc/DisplayPlace.asp?id=11637

¹⁷ httn://arhorway.org/chrono.html

meeting minutes that the group fully expected the project to be carried through. The minutes give no indications of internal strife or insurmountable conflicts within the group. Then in February 2004, the design team members from the state agencies ceased calling meetings without an explanation. The minutes from the group's last meeting read, "ARRPAC members were not notified again of plans to meet. Calls and e-mails by committee members go unreturned. The T has taken a policy of silence on what it did with the body created to represent the community." 19

The JP community supporters of the Arborway line had doubted the state and city agencies all along, and the disintegration of the ARRPAC cemented their distrust. Kevin Moloney, a lawyer and member of the committee, stated that taking the project off the table was "confirmation of the cynical and deceitful activities of the various state officials involved" and Philip Warburg, president of CLF, called it "sad confirmation that the state can't be trusted to keep its promises."

Why did the initiative fail? Perhaps the most significant stumbling block was that the group was formed by the MBTA itself, and so the MBTA could therefore dissolve it at will. The agency with all of the power in this case was also in charge of the process itself. It was in no way bound to take the suggestions of the committee, and as soon as a "way out" presented itself, the MBTA was able to take it, and this "way out" came through politics.

Initiating collaboration was a convenient tactic for the MBTA back in 2002, when political pressures and the ruling from the Executive Office of Environmental Affairs ordered it to proceed with the Arborway line. At that time, introducing a collaborative committee gave the MBTA the chance to mend relations with community members, save face by seeming amenable to input, and find workable solutions. But as time went on and opposition mounted, the MBTA began conducting studies separately from the ARRPAC that indicated that the project was not feasible. Moreover, saving money by

¹⁸ See Appendix C: ARRPAC tours the Arborway Corridor

¹⁹ http://arborway.org/arrpac.html

²⁰ Daniel, Mac. "State seen readying plans for Green Line extension: Transit project list expected." *The Boston Globe* May 12 2005

scrapping the project was a choice that the MBTA knew had political support. In his campaign for Governor, Republican Mitt Romney had aggressively billed himself as a leader who would bring economic efficiency to the state of Massachusetts. Sworn in on January 2, 2003, Romney set about trying to free the state from a projected \$3 billion deficit, slashing budgets across the board, from education to state aid for cities and towns to transportation. The MBTA had an ever-decreasing incentive to continue in a collaborative process when being able to prove financial impossibility became a viable option.

Another fundamental difficulty was that the question that the ARRPAC was addressing – how to implement the restoration – was not the true problem at hand. Lawsuits and court orders had made it *seem* like restoration was necessary and the conflict that the group needed to address was implementation. But the reality of the situation was that the actual issue was whether the MBTA should and could restore the line at all, given the unexpected funding problems that had occurred since the original 1990 agreement. Broke and plagued by controversy for the roadwork it was doing to put 193 underground, the MBTA could not effectively discuss implementation of a plan that it was convinced it could not afford to carry out in the first place. In the meantime, community members in favor of the line were resting on their laurels to some extent, operating under the false assumption that lawsuits had forced the MBTA's hand, and their remaining task was to make sure that it followed through with the plans. The two sides were aiming for opposite goals.

The aftermath of the failed collaboration

In November 2004, after deadlines for the designs had come and gone, the Conservation Law Foundation released plans to sue the MBTA and Governor Mitt Romney for alleged violations of the Clean Air Act. In response, the MBTA released two studies in February 2005 claiming that the line would be prohibitively expensive to build because of the need to comply with the Americans With

Disabilities Act, and would harm local businesses, increase congestion, and make it difficult for emergency vehicles to pass through the roadways.²¹

The CLF proceeded with its suit, and the parties finally settled on November 29, 2006. The agreement obligated the state to carry out several of the mitigation projects that went with the original CA/T plan package. The Arborway streetcar line, however, was not among them. The issue of transit improvements for the Arborway Corridor was addressed in the settlement by a requirement that the state "commit to and participate in a public process to identify and recommend any agreed upon improvements for the Arborway Corridor."²²

Though the deal was not everything the CLF had hoped for, it represented a victory of sorts. After years of conflict, it is possible that the organization wanted to prove that it was not "all talk and no action," showing Bostonians some success in forcing the MBTA to address public transit issues. It is also possible that the CLF, aware of the MBTA's gross financial difficulties, considered the settlement to be the best package that the MBTA could realistically provide.

In any case, the Arborway Committee was far from satisfied. It filed suit against the state *and* the CLF on February 14, 2007, claiming that despite the CLF settlement, it was unlawful for the MBTA to abandon the Arborway streetcar restoration, as it had been mandated by the original 1990 stipulations that accompanied plans for the CA/T.²³ "The idea of the suit," said Arborway Committee head Franklyn Salimbene, "was to get the new administration [of Gov. Deval Patrick] to sit up and take notice."²⁴

The situation today: a return to collaboration?

As noted above, the CLF settlement required the MBTA to consider transit options in the JP neighborhood through a public process. The process was meant to seek consensus, but did not have to result in an actual project. In July 2007, the Executive Office of Transportation announced its intention

²¹ Flint, Anthony. "Arborway trolleys seen as unfeasible: Studies for MBTA fault restoration plan." *The Boston Globe*, May 17, 2004.

²² Joint Motion to Stay Litigation of Civil Action, No. 05-10487, US District Court for the District of Massachusetts.

²³ Daniel, Mac. "Lawsuit seeks return of Arborway trolley: Activists say state broke promise on transit project." *The Boston Globe*, February 14, 2007.

²⁴ Ruch Iohn "Arborway nublic transit meetings to begin" *Iamaica Plain Gazette* July 20, 2007 Michigan Corpus of Upper-level Student Papers. Version 1.0 Ann Arbor, MI. Copyright (c) 2009 Regents of the University of Michigan

to hold an "invitation only" stakeholders meeting, including pro-trolley and pro-bus JP residents, elected officials, members of the MBTA's Rider Oversight Committee and representatives of the MBTA and the Boston Transportation Department. Larger community meetings were to follow.²⁵ This time. however, the question on the table is how the MBTA can improve transit in the area, and the solution may or may not include the trolley line.

Unfortunately, the first meeting, held on September 10, 2007, did not go well at all. The Jamaica Plain Gazette ran an article titled, *Transit meeting upsets everyone*, which opened by stating, "The state held a meeting last week to seek 'consensus' about transit improvements in the Arborway corridor, and agreement was certainly reached. But it wasn't agreement about whether buses or trolleys are better for the corridor. It was agreement that the meeting itself was deeply flawed and might result only in tiny, cosmetic repairs—or nothing at all."²⁶

Both trolley and bus advocates were upset. The EOT did not provide clear guidelines for the meeting, nor did it give any concrete information about its budget. EOT's lack of transparency about its plans fueled the distrust that the community groups had been harboring. Arborway Committee chairman Salimbene called the meeting "a rather pathetic attempt by the [transportation office] to meet the obligation under the settlement."²⁷ This continued distrust will likely make future meetings more difficult and could discourage frustrated community members from attempting to participate.

The meeting also left key stakeholders out of the process. Jamaica Plain State Representative Jeffrey Sánchez subsequently sent a formal letter of complaint to Secretary Bernard Cohen at the EOT, lamenting the fact that his own office was not invited and claiming that the public should have been informed, as well. He also protested the way that the EOT deliberately took the trolley off of the discussion table, when in fact the "brainstorming" meeting should have let every participant contribute

Ruch, John. "Arborway transit meetings begin." *Jamaica Plain Gazette*, September 7, 2007.
 Ruch, John. "Transit meeting upsets everyone." *Jamaica Plain Gazette*, September 21, 2007.

²⁷ Corcoran, Michael. "Activists say Arborway transit getting short shrift from state." *The Boston Globe*, October

her or her ideas.²⁸ The conflict is so entrenched within the JP community that it is unlikely that it will be solved without a transparent process that involves all of the relevant parties.

The EOT has not run any stakeholders meetings (nor open public meetings) since the September 10 gathering. In the meantime, the current proposal for improvements to the Massachusetts Transit System, which does not include the Arborway line, is up on the Federal Register for comments through December.²⁹ With its suit against the MBTA and the CLF still up in the air, the Arborway Committee has recently taken another tactic, organizing a film screening and non-partisan panel discussion about general transportation issues on September 27.

Though the new collaboration process run through the EOT had a rough start, the prospects are not hopeless. After years of conflict, both the trolley proponents and the bus proponents are increasingly agreeing that the first priority needs to be increased ridership on the public transit systems that service JP. The Arborway Committee's non-partisan film screening suggests that the group may be taking a more flexible stance on the issue than they have in the past, even while hoping that their recent lawsuit could steer the debate once more in the direction of the restoration of the Arborway line as a solution to the transit problems in Jamaica Plain. And it might be the case that the EOT will learn from its failed meeting and prepare a better one for the next time. In his letter to the EOT, Representative Sánchez perhaps best expressed the community's current needs. He stated, "Whether we decide to solve the transit problems with better bus service or trolleys, it is imperative that concrete improvements be made, and that will only occur if the community, elected officials and EOT work together in a visible, transparent manner."

²⁸ Sánchez, Jeffrey. September 26, 2007 letter sent to Secretary Bernard Cohen at the Massachusetts Executive Office of Transportation, reprinted in the *Jamaica Plain Gazette* on October 18, 2007.

²⁹ Federal Register, Vol. 72, No. 213 (11/5/07), page 62422-62427. [DOCID:fr05no07-13]

³⁰ Sánchez, Jeffrey. September 26, 2007 letter sent to Secretary Bernard Cohen at the Massachusetts Executive Office of Transportation, reprinted in the *Iamaica Plain Gazette* on October 18, 2007.
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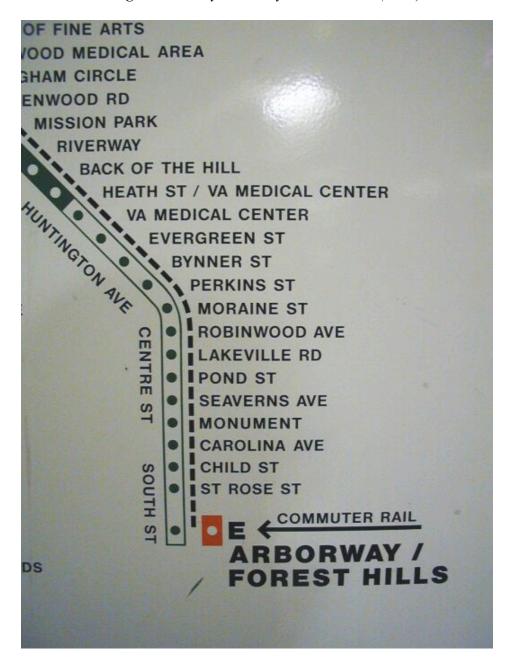
http://www.arborway.info/

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http://members.aol.com/netransit2/arborway/arborway.html#History

Appendix A: MBTA Map of Green Line Service

Today the E line stops at Heath Street / VA Medical Center, but until 1985 it ran through Jamaica Plain, ending at Arborway. Photo by Sean Sullivan (2002)



Appendix B: Rail Lines and Potholes

Embedded rails make street maintenance difficult. This photo shows large potholes in a street previously serviced by the Arborway line. (Photo from Better Transit Without Trolleys website)



Appendix C: ARRPAC tours the Arborway Corridor

MBTA Design Director Barbara Boylan (second from right) discusses the Arborway restoration project with committee members. (Photo from the ARRPAC website)

