



Article: 30

Warrant Article Title:

HOME RULE LEGISLATION / REPEAL MBTA PROHIBITION

Warrant Article Text:

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 504, Section 16 of the Acts of 1980, in which “the Massachusetts Bay Transportation Authority is hereby prohibited from further planning or construction of the red line northwest rapid transit extension beyond a point on the so-called Lexington Branch railroad right of way located six hundred feet more or less northwesterly of Route 2 unless specifically authorized to do so by law”; or take any action related thereto.

Requested By:

Paul Schlichtman and ten registered voters

Report Excerpt:

Vote and comment to Town Meeting - No Action (4-0)
Mr. Helmuth recused himself.

The Board voted unanimously, 4-0 (with Mr. Helmuth recusing himself), to recommend that no action be taken on this article seeking to authorize the filing of home rule legislation to delete Section 16 of Chapter 504 of the Acts of 1980.

Chapter 504 was a special act of the legislature that allowed the MBTA to take easements and other interests in real property for the completion of the red line extension to Alewife Station. Section 16 contained a limited restriction prohibiting the MBTA from further planning or construction of the “northwest rapid

transit extension” beyond a point 600 feet northwest of Route 2 unless specifically authorized to do so by a future enacted law. Section 16’s limited restriction ended upon completion of the Northwest Extension in 1985.

Had the legislature desired that this restriction be permanent, it would not have identified the Northwest Extension specifically and it would have inserted language making clear that it would apply notwithstanding any special act or general law to the contrary. Alternatively, the legislature could have made the restriction permanent by amending the MBTA’s Enabling Act contained in G.L., c. 161A (the “Enabling Act”), specifically Section 3, paragraphs (g) and (k), which gives the MBTA broad authority to plan and construct transportation facilities within its territory. The Board notes that the proponent cited as precedent here actions taken by Town Meeting in calendar year 2023 to repeal Chapter 439 of the Acts of 1976, which prohibited the construction of a “mass transit facility” within 75 yards of Arlington Catholic High School. Among other differences with Chapter 504, Chapter 439 applied to a specific location in Arlington and did not limit the restriction to a facility constructed as part of the Northwest Extension. Further, Chapter 439 contained the following preamble: “Notwithstanding the provisions of paragraphs (g) and (k) of section three of [the Enabling Act], or any other general or special law to the contrary.” There is no similar language in Chapter 504.

The Board is also aware that in current practice, the MBTA does not view Chapter 504 as a limitation on its planning functions. In its most recent capital planning report for FY 2026-2030, the MBTA reported that it received at least five requests to explore a red line extension to Arlington. In response, the MBTA stated it had identified other priorities for the approximately \$440 million dedicated to red line improvements and observed that the capital plan did not include funding for any heavy rail expansion projects.

Finally, the Board recognizes the burden that home rule legislation places upon the town's legislative delegation. The recommended vote reflects the Board's position that there are several home rule petitions (i.e. FGARs and SGARs restrictions, real estate transfer fee, increasing the number of all alcohol licenses for restaurants, elimination of Chapter 61B recreational land classification) the Town has pending or will have pending with the legislature that are of more immediate significance than the repeal of Chapter 504.

Vote Language:

That no action be taken on Article 30.

[Select Board Report](#)