

# Driscoll Files Amicus Brief at SJC

Recently, Driscoll took action aimed at ensuring that Milton is being treated fairly and consistently under the law. He filed a Brief of *Amici Curiae* with the Massachusetts Supreme Court in response to the Attorney General's lawsuit against the Town of Milton regarding the implementation of the MBTA Communities Act.

Thank you Milton resident, Tom Dougherty, for your extraordinary and diligent work on the brief and for your partnership in filing it. The brief is complementary to the Town's official filings and provides information to the SJC in support of reclassification.

AUGUST 16, 2024

Recently, **Representative Bill Driscoll Jr. (D-Milton)** joined Milton resident, Tom Dougherty in filing a Brief of *Amici Curiae* in response to the Attorney General's lawsuit against the Town of Milton's noncompliance with the MBTA Communities Act. This type of brief is to provide expertise or context to a court on a given situation in hopes to inform their ultimate decision. The Driscoll/Dougherty brief is meant to compliment the Town of Milton's own Amicus Brief filing.

The primary objective of the brief is to evaluate Section 3A of the MBTA Communities Act and how it applies to Milton. Specifically, the brief lays out the following information:

- Milton has no subway station in or near the town as the Mattapan Trolley line is not a subway station within the meaning of the statutory language. Legislative history supports the conclusion that the trolley stops are not subway stations under the meaning of the law, and thus not covered by the statute;
- As Milton does not have a subway station or a Silver Line Stop, it does not fit the Executive Office of Housing and Livable Communities' (EOHLC) criteria for a "rapid transit" community, and the application of the guidelines to Milton is improper. Instead, Milton should be reclassified to an "adjacent community," reducing but not eliminating their zoning obligations, and also extending the timeline for compliance with the law;
- EOHLC has misapplied their own guidelines in classifying Milton. Under the final guidelines, Milton should be classified as an adjacent community, giving the town until December 31, 2024, to comply with the law; and
- EOHLC is not authorized to create new penalties under the law – the cancellation of the Seaport Grant goes beyond the scope of punishments defined by the law for non-complaint communities. Even if the Seaport Grant was within the scope of punishments, the Town, reclassified properly as an adjacent community, would have until the end of the year to comply with the deadlines.

Driscoll was grateful for Dougherty's expertise throughout this process. A Milton resident for nearly 40 years, Dougherty is a lawyer and former Managing Editor of the Harvard Law School Journal on Legislation. He also previously served as a former law clerk for the Hon. Stephen G Breyer.

It is the hope of both parties that this brief will inform the courts so that a decision is made that appropriately supports and is fair to both the intentions of the MBTA Communities Act and the Town of Milton.

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