



# WESTCHESTER COUNTY BOARD OF LEGISLATORS

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March 28, 2008

Michael P. Anderson, P.E., Project Director  
New York State Department of Transportation  
Tappan Zee Bridge/I-287 Environmental Review  
660 White Plains Road, #340  
Tarrytown, NY 10591

VIA EMAIL AND US MAIL

Re: Tappan Zee Bridge/I-287 Corridor Scoping Update Packet, February 2008

Dear Mr. Anderson:

We are writing to express our grave concern regarding the current structure for the Tappan Zee Bridge/I-287 Corridor Project (the "Project") Environmental Review process and its potential environmental, economic and social implications for the communities of Rockland and Westchester Counties, and the Hudson River. In particular, we are concerned that the planning process for this enormous and expensive Project, which has been redesigned to include multiple "tiers" of analyses of major decisions and evaluations, in conjunction with the shortened Statute of Limitations period<sup>i</sup> has the practical and possibly illegal effect of hindering full public review and participation, and precluding a properly informed decision by the agencies, as required under the National Environmental Policy Act ("NEPA")<sup>ii</sup> and the State Environmental Quality Review Act ("SEQRA")<sup>iii</sup>.

Although the Scoping Document ostensibly indicates that the tiered analysis will be conducted in two phases<sup>iv</sup>, a careful review of the Scoping Document reveals that, in fact, a "subsequent NEPA action", i.e., an additional, third Tier, will be performed after the initial Environmental Impact Statement ("EIS") and Records of Decision ("RODs") are issued for the Tier 1 and Tier 2 decisions in 2010.<sup>v</sup> This subsequent Tier 3 analysis, which will address **station locations, vehicle types, storage facilities, site specific impacts and mitigation measures**, is the very one which will most directly affect the communities and physical environment along the Project Corridor.

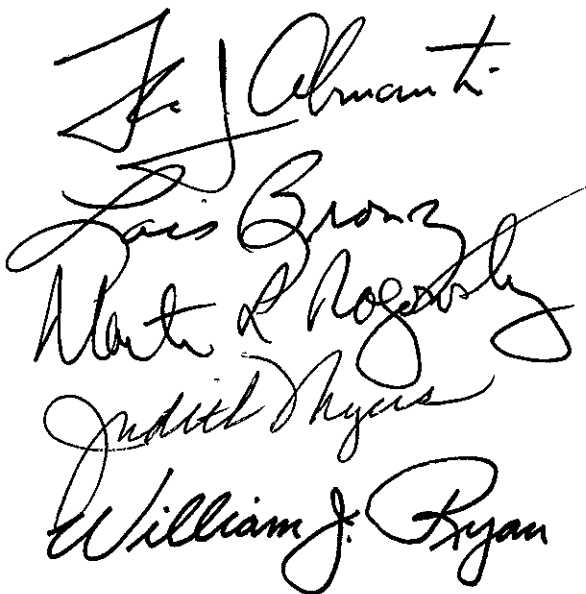
Contrary to the mandates of NEPA and SEQRA, this Tier 3 analysis of direct impacts will not be used in the Tier 1 and Tier 2 EIS decisions, resulting in illegal segmentation. Moreover, because of a shortened 180-day deadline to appeal (previously 6-years<sup>vi</sup>), the time

period for appealing the Tier 1 and Tier 2 decisions will expire well before the actual Tier 3 analysis of direct impacts to the communities and appropriate mitigation measures is completed, or perhaps even begun. This segmentation, in conjunction with the shortened Statute of Limitations period, will result in the public being precluded from having the right to appeal the completed, final decision (encompassing Tiers 1, 2, and 3) at the conclusion of the Environmental Review Process.

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Our communities deserve a full analysis of the regional and site-specific social, economic and environmental impacts during the decision making process and the right to challenge all agency final decisions at a meaningful time. We urge you to revise the environmental review process in accord with both state and federal law.

Respectfully submitted,



Hon. Thomas J. Abinanti  
Chair, Committee on Environment & Energy

Hon. Lois Bronz  
Chair, Committee on Community Services

Hon. Martin L. Rogowsky  
Majority Leader

Hon. Judith Myers  
Majority Whip

Hon. William J. Ryan  
Chairman, Westchester County Board  
of Legislators

<sup>i</sup> Section 6002 of The Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA-LU") sets forth a shortened 180-day Statute of Limitations Period. See 23 U.S.C. § 139.

<sup>ii</sup> 42 U.S.C. §§4321-4327.

<sup>iii</sup> E.C.L. § 8-0101, et seq.

<sup>iv</sup> Scoping Document at p. 38. See also p. 60, and pps. 7 - 10.

<sup>v</sup> Scoping Document at p 8. See also pps. 9 and 10.

<sup>vi</sup> 28 U.S.C. § 2401(a).