



Public Comment submission for NY Route 33 Reconnecting Humboldt Parkway

July 7, 2023

Executive Summary

One year ago, Citizens for Regional Transit (CRT) submitted comments on the NY33 Kensington expressway project. We concluded, “Let’s restore Humboldt Parkway to a modern version of the vision of Olmsted and Vaux plan while healing the community.”

NYS DOT has refined their proposal and made some changes to it. Our comments today are based on the information presented at the June 20, 2023 public meeting held at the Buffalo Museum of Science.

CRT believes that a project with this scope and environmental impact demands community involvement and public support. NYS DOT has done all it can to avoid meaningful public engagement, and therefore its proposals lack legitimacy. CRT believes that NYS DOT should restore the cap alternative option #10 to fill-in the trench and restore Humboldt Parkway and its linear park. CRT believes this is a preferable alternative if augmented with Light Rail Rapid Transit (LRRT) to handle commuter capacity concerns while minimizing pollution, avoiding congestion, and providing improved downtown access.

Meaningful Public Engagement

According to the FTA (Administration, What do we mean by “meaningful public engagement”?, 2023), meaningful public engagement “eliminates participation barriers and engages minority and low-income populations in transportation decision making.” One cannot have two hand-picked organization speak for the whole community for a project of this magnitude. To CRT, meaningful engagement means a process is in place where community engagement determines the outcome of the project, rather than a process where public engagement is managed to support a predetermined outcome.

Introduction

Buffalo is once again at a crossroad. In 1870 it had to decide whether to adopt Olmsted's plan for a city in a park. Adopting the Olmsted plan was a bold move. Today, the beneficial value of the Olmsted plan can be measured in dollars and satisfaction. Property on or near Olmsted's undisturbed parks and parkways sells for a premium. Property on or near NY-33 Kensington expressway sells for less than 25% of the price for comparable properties on undisturbed Olmsted parkways.

In the 1960's, planners abandoned Olmsted's vision and replaced Humboldt Parkway's Park with polluting cars, which had recently replaced all-electric non-polluting streetcar technology. The 1960's goal was to alleviate congestion caused by the inefficiency of the personal cars that replaced streetcars. Climate change, pollution from every aspect of car production and ownership, and waste were not on anyone's mind at the time. Cars were the latest gadgets of yesteryear.

The NY-33 Kensington Expressway project affords an opportunity to look at planning from an urbanist/strong city perspective and decide what the future should be. Buffalo can transition away from pollution, climate change, global warming, and congestion by switching to the proven technology of all-electric, non-polluting Light Rail Rapid Transit (LRRT). Alternatively, Buffalo can perpetuate the mistake made in the 1960's and cover it up with a cap or lid.

The subtitle of Olmsted's Elmwood (Brown, 2022) "The Rise, Decline and Renewal of Buffalo's Parkway Neighborhood, A Model for America's Cities" could also apply to Olmsted's Humboldt Parkway, which was built concurrently with his Elmwood Avenue, Bidwell, Chapin and Lincoln Parkways. Humboldt is part and parcel to the same park system. Except Humboldt Parkway is waiting for its well-deserved, long-delayed renewal. The NYS DOT Kensington Expressway NY33 Expressway Project (hereafter referred to in this document as *The Project*) is the roadblock preventing Humboldt Parkway from being renewed.

Planning Process

NYS DOT is a member agency of the local Metropolitan Planning Organization (MPO), the Greater Buffalo Niagara Regional Transportation Council (GBNRTC). As a member organization, NYS DOT could have engaged the GBNRTC to plan this project in conjunction with or using the same exemplary planning methods used by the GBNRTC for the Region Central project. CRT urged for this to happen a year ago in last year's comments. CRT continues to believe it is crucial for NYS DOT to provide meaningful stakeholder engagement as required by the Federal Transit Administration (FTA).

The NYS DOT planning process lacks meaningful public engagement from community stakeholders. See "Replace NYSDOT as the lead agency on the Kensington Expressway project" (Funke, 2023), "NYSDOT Proposes Band-Aid Fix for Kensington Expressway" (Puma, 2019), and especially see the three-part series "Our Way – AND – The Highway," (Marriott). There is an opportunity to do this project right but not if we continue on NYS DOT's "our way or the highway" approach.

Transportation Planning

The Project plan does not mention nor consider goals set forth in transportation planning goals of the MPO 2050 Long Range Transportation Plan, the Erie County Climate Action Plan, or NY State Climate Scoping Plan. Included in these planning goals are climate considerations, especially a mandate of reducing vehicle miles traveled by car (VMT) and to encourage lower polluting travel alternatives.

The most efficient transportation technology widely available today is high speed, all-electric Light Rail Rapid Transit (LRRT). Buffalo's LRRT produces no greenhouse gas emissions, requires no batteries, and uses zero rubber tires resulting in drastic reductions in hazardous microplastics and landfill waste.

The Project plan does not consider LRRT as an alternative transportation option to repairing the Expressway, yet the proposal to do so has been around for as long as the expressway has existed. Indeed, before car-crazed planners in the 1940's and 1950's demolished our passenger rail system, Buffalo had what we currently need to move large numbers of people at the lowest possible cost in both money and environmental consequences. In certain transportation corridors, there is an obvious need to switch from cars to rail. The East Buffalo/Airport corridor is one such corridor.

With about 112,000 cars daily going east and west on NY33 at Grider Street according to NYS DOT 2019 traffic counts, there is ample justification for LRRT capacity and speed to the eastern parts of metropolitan Buffalo to supplement the highway and offer a viable alternative to both fossil-fuel and electric cars.

People could be directed to rail stations instead of the current practice of funneling cars to urban highways promoting car-centric transportation that does not meet climate goals.

Lack of Power of Community

NYS DOT has not conducted a public forum or established a process whereby community stakeholders can interact with each other and discuss The Project. CRT and other stakeholders including OneBuffalo, The Olmsted Conservancy, GoBike, Colored Girls Bike Too, LISC, The East Side Bike Club, The Buffalo History Museum, Buffalo Place, Fruit Belt Community Land Trust, FruitBelt Coalition, Fillmore Forward, Preservation Buffalo Niagara, Friends of the Broadway Market Community, The University at Buffalo Regional Institute, The Town of Cheektowaga, Buffalo Preservation Board, Buffalo Common Council, Coalition for Economic Justice, Our Cheektowaga Community, and many others have not been afforded the opportunity to participate in open discussions. NYS DOT has not reached out to these organizations and communities nor offered public participation instead opting to engage exclusively with Restoring Our Community Coalition and the Black Chamber of Commerce, supporters of the cap option.

Unless and until NYDOT offers option #10 of expressway removal to stakeholders and asks their preference for cap versus removal and restoration of Olmsted's park and parkway, NYS DOT can not reasonably claim to have conducted public engagement.

NYS DOT did not undertake a study to determine how 70,000 cars use the corridor daily. No study was done to see how the adjacent Region Central plan will affect car travel. No study was done to account for Light Rail Rapid Transit as an alternative to car travel. With so much money and the future of East Buffalo and the larger region at stake, it is irresponsible for NYS DOT to rush decisions based on incomplete data and without collaborative input.

Project scope

CRT continues to recommend that The Project scope be expanded to integrate with the Region Central plan for Humboldt Parkway at East Delavan Avenue. Having a two-block gap between NY 198 Region Central project and NY 33 Kensington Expressway project is short-sighted. The NY33 project should seamlessly connect with the Region Central project at East Delavan Avenue. These are both NYS DOT projects on the same parkway. Planning for both projects is concurrent yet disjointed. Having a gap between these two projects is unacceptable.

CRT recommends that NYS DOT should adopt the same surface cross-section for its Kensington Expressway project that was settled upon for the Region Central portion of Humboldt Parkway east of Main Street to East Delavan Ave.

CRT understands why NYS DOT does not want to include the small stretch of Humboldt Parkway between Sidney Street and East Delavan Avenue within The Project scope. It is because if this segment were included, NYSDOT would be required to consider the environmental impact of the project on the Scajaquada Creek watershed, which flows beneath the Kensington Expressway there. Yet, if NYS DOT gets their way, there will be blasting dynamite within yards of this

watershed, as if somehow this watershed won't be affected if it isn't included it in the project scope.

Wealth Destroyed

In the 1960's about 60 upper middle class mostly African American occupied homes were blasted to smithereens with dynamite and their residents were displaced to make way for the Kensington Expressway. The park within Humboldt Parkway was dynamited into oblivion. It had taken generations for Humboldt Parkway to develop into one of the most affluent neighborhoods in the city. More than 500 additional residential properties were demolished, and more than 1,000 residents were displaced to make way for the expressway. The promise of an economic boom from the expressway became a wealth destroying bust that is a cancer keeping property values depressed, stealing generational wealth, and starving the city and county of property tax revenue needed to maintain the neighborhoods. The expressway caused property values on Humboldt Parkway and the immediate vicinity to fall by more than 75%.

The displaced families largely left the City of Buffalo altogether, feeding a cycle of economic wealth destruction that resulted in the ruination of East Buffalo.

The primary reason for connecting the Elm/Oak arterial through Humboldt Parkway to I-90 and the airport was congestion relief. At the time, Buffalo's population was about 30% larger than it is today. The plan worked too well. Traffic was induced or enticed from city streets leaving them with anemic traffic counts, empty store fronts, and destroyed livable, walkable neighborhoods. Main Street and other streets were devastated.

Using 2019 NYS DOT pre-COVID traffic counts, it is obvious corridors parallel to the expressway are starved for traffic. Station 534374-Genesee St from Jefferson Ave to Fillmore Ave traffic daily count of cars is 6,273. Station 534826-Sycamore St from Jefferson Ave to Herman St count is 3,493. Similar low counts are encountered on almost all city streets parallel to the expressway. Healthy city streets have traffic counts around 20,000 cars daily.

NYS DOT design funneled traffic from North Buffalo into Humboldt Parkway via NY 198 into Humboldt Parkway causing congestion. Enticing people into cars siphoned ridership from bus routes causing bus service to be diminished on Route #11 and discontinuation of the Parker Ave bus route.

Wealth Restoration

Parks are valued assets. To achieve maximum wealth restoration the linear park within Humboldt Parkway needs to be restored with large full-canopy trees in the median. We know that residential property values on Humboldt Parkway are depressed by about ½ million dollars each compared with Olmsted's Bidwell Parkway, which has comparable properties.

Humboldt Parkway properties lost value instantly from the construction of the Kensington Expressway. There's been 60 years of neglect for most of these properties. Most need lead water pipe removal, lead-based paint abatement, roofing, kitchen & bath remodeling, landscaping, sidewalk, electrical and plumbing upgrades to bring Humboldt properties up to par with Bidwell properties.

Filling in the expressway (not a cap or lid) and restoring a quiet residential neighborhood, reconnecting Delaware Park with MLK Park, restoring the linear park within Humboldt Parkway, rebuilding new upper middle-class homes to replace the homes blasted to smithereens, and preparing the neighborhood for an all-electric future offers the possibility of restoration of community wealth and providing skilled trade jobs to residents.

Filling in the expressway and restoring the entire Olmsted Humboldt Parkway allows for restoring Fruit Belt connections with Cherry Street. It allows for reconnecting the Belt Line corridor. It allows new mixed-use and affordable housing to be constructed in areas where more than 500 properties were destroyed. This is much more in keeping with the intent of the Reconnecting the Communities program than the NYS DOT plans for The Project.

It takes 50 years to get saplings to grow into the beautiful canopy that Humboldt Parkway was famous for. Humboldt Parkway restoration would not cause instant wealth, but with the current state-wide housing shortage of more than 70,000 units, restoration of generational wealth is likely to occur quickly after full restoration of Humboldt Parkway and hardwood forest saplings are planted in the median.

Full parkway restoration means expressway traffic would melt away as it has in many other similar expressway removal projects. Significant increase to traffic counts on parallel streets is likely, which is good for Black owned businesses and for wealth.

Installation of LRRT through East Buffalo to the airport via Larkinville, the Central Terminal and Galleria Mall to the airport and Transit Road would mitigate undesirable effects from highway closure and would likely stimulate equitable Transit Oriented Development.

Research (Warren, 2013) shows a degree of increased wealth and neighborhood reconnection is possible with a cap. A cap would prevent complete equity, and social justice. If the expressway were to be removed and Humboldt Parkway be restored, then there is opportunity for recapturing lost wealth and equity. Restoration (not a cap or lid) brings with it equity, social justice, sustainable workforce development, restoration of nearby small and disadvantaged businesses, and leverages the \$180 million dollars NYS is spending on East Side Avenues Initiative to rebuild business districts and corridors, Broadway Fillmore Downtown Revitalization Initiative, Jefferson Avenue Streetscape Improvements (Buffalo, Jefferson Avenue Streetscape Improvements, 2021), and the GBNRTC's NFTA's Bailey Avenue Corridor Improvement Study (Bus Rapid Transit) (Buffalo, 2021). It does not make sense to CRT for the Kensington Expressway to continue to take traffic away from minority owned businesses. (Development, 2022)

Filling-in expressway will increase traffic along Fillmore and Jefferson Avenues, along with Genesee Street. More traffic will allow for those business districts to grow, making the neighborhoods more walkable, providing for more local employment and services, and adding opportunity to truly create generation wealth for the community. CRT is perplexed that NYS can fund a \$1.1 Billion dollar cap for .75 mile while investing heavily in redevelopment and strengthening the East Buffalo business districts. Making traffic bypass East Buffalo business districts for another 50 years is counter-productive to the goals of the State and community.

Living on an Olmsted parkway adds value. Living on a former Olmsted parkway that was blasted into oblivion and then rebuilt with a park-like replica of its former self as a consolation prize just isn't as good.

Gentrification

Erie County in general, and especially the City of Buffalo are experiencing a period of growth. Just last week Erie County welcomed 125 immigrants, with promises of hundreds more to come (Tan, 2023). While the area has capacity for many thousands more, growth has resulted in high demand for housing at all price points.

Steps need to be taken to ensure current residents in the project area are not priced out of the market or displaced by The Project, whatever option is ultimately chosen. Low or no-interest financing could be provided to tenants who want to become owner-occupants to buy their homes at current 2023 prices and rehabilitate them. Current homeowners could be offered low or no-interest rehabilitation loans for roofing, plumbing, electrical, concrete, foundation, and other upgrades to catch up to the properties on Bidwell Parkway.

Justice40

Transportation Insecurity:

The NYS DOT Kensington Expressway proposal traverses a portion of Buffalo where more than 30% of households do not own cars and rely on walking and public transportation. Insecurity runs deep in this community. CRT asked supporters and organizers of the cap movement, "If NYS DOT were to offer to fill in the expressway and restore Humboldt Parkway as a park as it was before the expressway, would you prefer that option to capping the expressway?" The reply was consistent. Yes, they would prefer that option, but it is not possible because of a belief that white commuters from the suburbs would never let it happen.

These Black residents are so insecure that they won't even ask for what they want out of fear. ROCC is settling for a less desirable "solution" in the name of expediency while other community groups have not been given an opportunity to share their voices in public. It's the DOT's objectives of: "Maintain the vehicular capacity of the existing transportation corridor" (DOT, n.d.) and "Address identified geometric and infrastructure deficiencies within the transportation corridor"¹,

not ROCC's objectives that limit the options presented as "feasible" to the community. (Coalition, n.d.)

NYS DOT has never offered the community surrounding The Project an option to fill in the expressway instead of capping it. Indeed, it took ROCC decades just to convince NYS DOT to even consider the cap option.

Climate and Disaster Risk Burden:

The NYS DOT proposal ensures car-dependency and supremacy for the next 50 or more years. The current air-quality disaster is often attributed to global warming. The NYS DOT proposal promotes increasing VMT, pollution, and global warming. There is also a disaster risk from construction blasting operations with the adjacent Scajaquada Creek watershed.

Health Vulnerability:

The latest proposal from NYS DOT calls for fans to draw air through the car tunnel to protect motorists from the dangers of polluted air in the tunnel. While the fans are a far better solution to this problem than the prior fake houses proposal, there is a significant risk that blowing contaminated exhaust air from the tunnel into neighboring houses at either end of the tunnel could render those houses uninhabitable, causing them to be deserted and displacing their residents. The current solution doesn't meet ROCC's Environmental Remediation Objective. (Coalition, The Reason, n.d.)

Social Vulnerability:

Olmsted envisaged and built a linear park accessible to residents on Humboldt Parkway and neighbors within easy walking distance. 60 Years ago, NYS DPW exploded the park. Since then, the idea of a city in a park has been denied to Humboldt Parkway residents and neighbors. The idea of reconnecting the neighborhood is as foreign to today's Humboldt Parkway residents as was the idea of a parkway in the 1800's when Olmsted proposed it, and the City of Buffalo bravely implemented the Olmsted vision.

CRT conducted a non-scientific informal survey of visitors to our table at the 2023 Buffalo Juneteenth celebration just 1,200 feet from Humboldt Parkway. The survey result was heavily lopsided in favor of expressway removal, but there were some in favor of the cap.

Reconnecting Communities Program

The Federal Transit Administration will provide \$55 million federal dollars for the purpose of reconnecting the Humboldt Parkway community. According to the FTA, "U.S. Housing and Urban Development is providing complementary technical assistance as part of the Thriving Communities program to improve the coordination of housing and transportation planning to advance residents' access to opportunity and increase housing supply." (Administration, 2022)

This suggests to CRT that the FTA would prefer the fill-it-in option because it provides opportunity to rebuild homes directly on Humboldt Parkway as well as restore hundreds more. The NYS DOT

proposal does not include rebuilding any of the homes lost to the expressway. NYS DOT has not mentioned HUD as having any involvement whatsoever.

When pressed for answers at the June 20, 2023 public poster session, NYS DOT representatives would not describe exactly how the \$55 million would be spent. When asked whether this money would simply be mixed in with other project money, NYS DOT answered in the affirmative. CRT found this to be disturbing.

Who Will Pay?

Usually, NYS DOT likes to brag about how much “new” Federal money will be brought in for highway projects. Typically, the Federal share for highway projects is at least 80% and often more than that. Yet for this project, NYS DOT is mute about funding sources. “The Governor of New York has agreed to commit up to \$1 billion of state money for this project,” says NYS DOT.

At the June 20, 2023 public promotional event, NYS DOT would not provide details about the funding plans. When pressed about the Federal percentage, all they would say is they plan to ask for federal money.

CRT is very concerned about this aspect of The Project. \$55 million is in the ball-park to completely cover the costs of filling in the expressway with no additional funding required from either the state or the Federal government. \$1 billion of state transportation dollars could be used to obtain dollar-for-dollar Federal matching funds to pay for LRRT through East Buffalo to the Airport enabling equitable transit-oriented development. The money is enough to also pay for LRRT to the new Buffalo Bill’s stadium in Orchard Park, NY. \$1 billion buys two extensions totaling about 20 miles of LRRT.

When CRT asked our NY State Transportation Committee chair, Tim Kennedy, he indicated that funds for LRRT are not at risk due to the Kensington Expressway project. We wish we could get a firm commitment. Getting funds for a study on the East Buffalo/Airport extension would be reassuring, but so far, we have seen nothing.

Another aspect of the cap is who will pay for and be responsible for cap maintenance? Seattle offers a lesson as to why it is important to know up front who the responsible parties are. (Kroman, 2023)

Who should take care of these lids?

WSDOT and four Eastside cities still can’t agree on who should care for three lids over Highway 520, nearly a decade after they opened.



Is the Expressway project worth it?

\$1 billion is a lot of money for 12 city block's worth of asphalt. Blasting the trench an additional 13 feet deeper runs a high risk of damage to property and to the Scajaquada Creek watershed. Is the expressway worth this much money to repair? Where is the cost/benefit study? What are the opportunity costs? When all is said and done, will Buffalo have anything more than an expensive faux-park and the same old expressway? NYS DOT should have engaged the MPO to answer these questions instead of dragging the roll-out of The Project over decades.

Conclusion

Today we have an opportunity to do it right this time using twenty-first century priorities, which include addressing climate change, implementing a complete streets philosophy, and truly multi-modal transportation solutions. Instead of spending \$1 billion to do it the wrong way again, let's do it right this time. Let's restore Humboldt Parkway and supplement Buffalo's roads and streets with viable, high-speed, high-capacity East Side LRRT on its own alignment using publicly owned railroad rights-of-way, not on Humboldt Parkway. Let's restore Humboldt Parkway to a modern version of the vision of Olmsted and Vaux while healing the community and meeting ROCC's foundational objectives.

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