



CITIZENS for REGIONAL TRANSIT

617 Main Street, Suite #201, Buffalo, NY 14203
716-691-8528 crtc@citizenstransit.org

2 January 2024

Hon. Kathy Hochul
Governor of New York State
NYS Capital Building
Albany, NY 12224

Marie Therese Dominquez, esq.
Commissioner, NY Department of
Transportation (NYSDOT)
50 Wolf Rd. 6th floor
Albany, NY 12232

Dear Governor Kathy Hochul and Commissioner Dominquez:

I am a member of the East Side Parkways Coalition *and strongly support the Kensington Expressway Project*. This critically important project must be based on sound decision making and done the right way. This major investment decision that will establish WNY transportation policy for decades and must not be rushed. Haste makes waste and more pollution. The project must: (1) have full community support; and (2) meet 21st Century environmental requirements. These are topics are covered separately below.

At every Public Meeting of the Kensington Expressway / NYSDOT Project Managers emphasized the importance to NYSDOT of hearing from the public. It is in that spirit that I am sending this letter.

1. The Project must have Community Support and fully consider community inputs:

Many community groups support the project but oppose tunnel plan. These groups include the *Olmsted Parks Conservancy (OPC)*, *GOBike Buffalo*, *East Side Parkways (ESP) Coalition*, and my own *Citizens for Regional Transit (CRT)*. These groups support the project but favor restoring Olmsted's Humboldt Park and Parkway as a surface street. ESP has generated a petition laying out concerns and recommendations that has received over 15,000 signatures, so far. (<https://actionnetwork.org/letters/humboldt-parkway-restoration-project>).

The community support for the project that was highlighted by NYSDOT and our political leaders at the project plan's public announcement was from the ***Restore Our Community Coalition (ROCC)***. ROCC's support now includes updates and clarifications in response to the NYSDOT Draft Design Report / Environmental Assessment (DDR/EA). Much of ROCC's support aligns with the position of OPC, GOBike, CRT, and ESP. I have attached ROCC's most recent letter (20 October 2023) that that was sent to NYSDOT after reviewing the NYSDOT DDR/EA. I hope you will consider the advice in ROCC's comments along with the e-letter from ESP moving forward. I hope we are finding some community consensus.

Here are some quotes from ROCC's most recent letter to NYSDOT in response to the DDR/EA that I hope will inform plans moving forward.



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- "... (ROCC) supports the Kensington Expressway Project to cover a portion of Route 33, with a preference that the project meet the limits of the Region Central project at Delavan to complete the One Road concept connecting MLK Jr. and Delaware Parks." (See Note #1.)
- "Removing the direct impact of pollution from the Kensington Expressway traffic will be a significant health benefit from said project ..." (See Note #2.)
- "ROCC further supports the full involvement of community stakeholders in the design process and that designers heed the community goal to ensure that the infrastructure designed will lead to a revitalized, walkable, and healthy urban environment..." See Note #3.)
- ROCC further requests: (See Note #4.)
 - o "Historic Land Report be completed as part of the process for adherence to historic cross-sections of the parkway including tree heights with the restored parkway."
 - o "Health impacts Assessment..."
- "The current concept still need some clarification and context including a thorough analysis of environmental impact and related public health concerns..." (See Note #5)
- "A restored Humboldt is essential for a complete renaissance of Buffalo where everyone can participate in the process, and those neighborhoods once scarred can be restored." (See Note #6.)

The above quotes from ROCC’s most recent letter to NYSDOT on this project clearly calls for more evaluation and community involvement to make sure the effort is done right in accordance with the needs of the East Buffalo community who have suffered so much from this expressway.

Table 1. Notes on ROCC’s letter quoted above

Note	Comment
#1	ROCC agrees with OPC, GOBike, CRT, and ESP about the importance of connecting MLK and Delaware Parks. Sadly, the Scajaquada Drain will prevent any subsequent phase (that is affordable) to connect these parks. NYSDOT should be honest about this and reconsider the tunneling plan.
#2	The NYSDOT DDR/EA clearly shows that there will be not appreciable decrease in greenhouse gas pollution (see environmental section of this letter below) and small particle pollution will increase by 6% at the portals. These small particles are among the worse pollution because they absorb other pollutants that are taken directly into the lungs. NYSDOT should conduct a full environmental and health analysis that compares the tunnel plan with other alternatives as ROCC recommends.
#3	ROCC agrees with ESP that full community involvement is desired. A GBNRTC led effort like the Region Central can achieve this.



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#4	ROCC agrees that an evaluation of health effects is needed. Further, ROCC calls for a Historic Land Report that considers adherence to historic cross sections of the parkway including tree height, a clear reference to Olmsted's original park and parkway.
#5	ROCC agrees with ESP that a full environmental analysis with predicted health effects is needed.
#6	ROCC agrees with ESP that everyone should participate in the process moving forward and it is important to get it right.

Please listen to the guidance on the Kensington Expressway Project from OPC, GoBike, CRT, ESP, and ROCC as part of the decision process.

Particularly, please listen to the most recent requests from ROCC that were buried among all the many DDR/EA responses. Slow down. Involve the community. Assess health impacts. Evaluate alternatives. Fully assess the historic land issues. Don't rush this.

2. The Project must comply with climate goals and law.

At Federal, State and local levels, legislation and administrative commitments call for reduction of pollution and greenhouse gas (GHG) generation in an effort to keep global warming below 1.5 degrees Centigrade (2.7 degrees Fahrenheit).

At the County level. Erie County has issued the Erie County Climate Action Plan that provides specific goals and steps for meeting the State Climate Leadership and Community Protection Act (CLCPA) law. It calls for investing in public transit including extending Buffalo Metro and reducing vehicle miles traveled (VMT). The tunnel plan ignores this county plan and runs counter to its recommendations (<https://www3.erie.gov/climateaction/>)

At the State level. The CLCPA law, sponsored by Senator Kennedy and Assembly Member Peoples-Stokes, requires significant CO₂ reductions, and calls for subsequent actions and investments to be focused on disadvantaged communities that have borne the brunt of prior high polluting projects like the Kensington. The NYSDOT Kensington DDR/EA cites the CLCPA 17 times. On Page 148 it says "the Project has been designed and assessed in consideration of the requirements of New York's CLCPA law." But on Page 275 it says the Build Alternative will reduce CO₂ by 0.04% by 2047 and "therefore the Project would be consistent with CLCPA." But the CLCPA calls for CO₂ reductions of 30% by 2030 and 85% by 2050. We believe the Build Alternative violates both the spirit and letter of the CLCPA law. Please follow the CLCPA law and reconsider the tunnel plan.

At the Federal level the Biden Administration has recommitted to meeting the Paris Accord goals and just joined almost 200 other countries at the 2023 UN Climate Change Conference



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reduce GHG generation by reducing fossil fuel use. The Paris Accord calls for 26% to 28% by 2025 and calls for reductions in fossil fuel use. The Biden Administration has also issued the Justice 40 mandate calling for focusing climate mitigation investments in areas where disadvantaged communities have suffered. The Kensington Expressway communities and project are a poster child for this goal.

3. Conclusion

Listen to ROCC. Listen to OPC, GOBike, CRT, ESP, and ROCC. Complete a full environmental and health impact analysis with broad community involvement. Consider all options including fully restoring Olmsted's Humboldt Park and Parkway. Let the community decide, like was done for Region Central. Assign the project to WNY's Metropolitan Planning Organization, the GBNRTC for community-based design. GBNRTC is a community-based organization with professional community planners without the car-focused bias.

Thank you for considering these recommendations. If done right, this project can restore Olmsted's vision and make Buffalo the envy of the country and world as a city in a park!

Sincerely,

Douglas Funke
President, Citizens for Regional Transit

Cc (US mail). Stephanie Barber-Geter (ROCC), Hon. Chuck Schumer (US Senate), Hon. Kirsten Gillibrand (US Senate), Hon. Brian Higgins (US Congress), Hon. Tim Kennedy (NYS Senate), Hon. Crystal Peoples-Stokes (NYS Assembly), Kensington Expressway Project Team, Hon. Byron Brown (Mayor, City of Buffalo), Mr. Michael Finn, PE (Executive Director, GBNRTC), Mark Sommer (Buffalo News).

Cc (email). Pete Buttigieg (US Secretary of Transportation), Brad and Beth Wales (Co-Founders East Side Parks Coalition), Justin Booth (GOBike), Catie Stephenson (Executive Director, Buffalo Olmsted Parks Conservancy), Ms. Stephanie Winkelhake, Chief Engineer, (NYSDOT), Nancy Herter, Division Director, NYS Div. for Historic Preservation, Damaris Santiago, Deputy Division Administrator (HDA-NY), David Clarke, Federal Preservation Officer, (FHWA), Robert Davies, Director of Statewide Engineering (FHWA), Matthew Seymour, Project Oversight Manager (FHWA), Kaylie Kramer, Environmental Specialist (FHWA), Rick Wilder, Deputy Chief Engineer (NYSDOT), Catherine Leslie, Director EIS & Special Projects Bureau (NYSDOT), Jessica Prockup, Environmental Specialist (NYSDOT), Terry Smith, Director (NYSDOT), Frank Cirillo, Regional Director (NYSDOT, Region 5), S. Vaidya, Regional Design Engineer, (NYSDOT, Region 5), Marquis, Rick (FHWA), Cindy Anderson, FHWA.



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Appendix A

**Letter to NYSDOT from Stephanie Barber-Geter
ROCC Chairperson**

20 October 2023



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617 Main Street, Suite #201, Buffalo, NY 14203
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October 20, 2023

NYS Route 33, Kensington Expressway Project Team
NYSDOT Region 5
100 Seneca Street
Buffalo, NY 14203

RE: Public Hearing September 27th, 2023 – NY Route 33 PIN 5512.52

Dear Kensington Expressway Project Team:

The Restore Our Community Coalition (ROCC) supports the Kensington Expressway Project to cover a portion of Route 33, with a preference that the project meet limits of the Region Central project at Delavan to complete the "One Road" concept reconnecting MLK Jr. and Delaware Parks. This project and its initial phase is a vital part of attaining the goal to reconnect a community that has been marginalized for decades and disenfranchised from the current economic resurgence of Buffalo. The construction of Route 33 brought tremendous economic and environmental harm and devastation to the residents and businesses along Humboldt Parkway, Hamlin Park, Trinidad Park and MLK Park neighborhoods and business corridors in the City of Buffalo, especially Fillmore and Jefferson Avenues. Recreating a green space and access across East-West segments of streets disrupted by the expressway will help remediate the physical and psychological barrier to social and economic vitality for residents, businesses, and anchor institutions around Humboldt Parkway. Removing the direct impact of pollution from the Kensington Expressway traffic will be a significant health benefit from said project while maintaining an important transportation link for the regional traffic.

To prevent the original mistake of constructing the Expressway against the interests of the immediate community, the ROCC further supports the full involvement of community stakeholders in the design process, and that the designers heed the community goal to insure that the infrastructure designed will lead to a revitalized, walkable, and healthy urban environment. We further request:

- Historic Land Report be completed as part of the process for adherence to historic cross-sections of the parkway including tree heights with the restored parkway
- Health Impacts Assessment
- Maintenance Sustainability Study including estimated annual budgets and maintenance responsibilities for the concept
- Parking Spaces not be completely eliminated for residents along the parkway
- In-depth examination of the impacts of the pedestrian crossings and movement at the roundabouts

The current concept still need some clarification and context including a thorough analysis of environmental impact and related public health concerns. We are confident that our neighborhood transformation will thrive with reconnecting our community and restoring the greenspace designed by Frederick Law Olmsted as a capstone parkway within the park system. Converting this now decaying bathtub portion of the expressway to a beautiful connector, improving the visual quality and natural environment of Humboldt Parkway will catalyze improvement of property values and assist in the revitalization of business districts along Fillmore and Jefferson Avenues. A restored Humboldt is essential for a complete renaissance of Buffalo where everyone can participate in the progress, and those neighborhoods once scarred can be restored.

Sincerely,


Stephanie Barber-Geter, Chair