

RESOLUTION

Sponsors: Mr. Golombek, Jr.

Date: January 7, 2014

Subject: Request investigation by the White House Council on Environmental Quality and the U.S. Environmental Protection Agency into the Environmental Review Processes Undertaken for Peace Bridge Related Projects Since January 1, 2012- Pursuant to the National Environmental Policy Act of 1969, as amended; Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Title VI of the Civil Rights Act of 1964

Whereas: The U.S. Federal Highway Administration and the New York State Department of Transportation are conducting an Environmental Impact Statement for the NY Gateway Connections Improvement Project to the U.S. Peace Bridge Plaza pursuant to the National Environmental Policy Act of 1969, as amended; and

Whereas: Significant public controversy surrounds the NY Gateway Connections Improvement Project, as many citizens of Buffalo and prominent community environmental organizations have criticized the merits of the project and its impact on the health and welfare of the children and adults living nearest the project site; and

Whereas: Of the 15,000 residents who live within a one-mile radius of the project site, 69% are minority, 47% live below the poverty line, and 10% have no English or Spanish language proficiency, but speak one of over 40 other languages; and

Whereas: Despite the language barrier, the U.S. Federal Highway Administration and the New York State Department of Transportation have only issued project materials in English and Spanish, excluding 10% of the entire population from accessing project materials; and

Whereas: For projects in other communities with fewer minorities and persons living below the poverty line, the U.S. Federal Highway Administration and the New York State Department of Transportation have conducted more thorough and inclusive environmental review processes pursuant to the National Environmental Policy Act of 1969, as amended; and

Whereas: The asthma rate among children and adults living nearest the project site is four times the national average, which multiple peer reviewed university medical research studies attribute to commercial truck traffic accessing the Peace Bridge international border crossing; and

Whereas: The original purpose of the NY Gateway Connections Improvement Project, as stated in official project documents and press releases, included the broad goals of improving air quality and reducing the use of local streets by interstate traffic. However, the goal to improve air quality is no longer included in the project's stated purpose; and

Whereas: Recent media investigations into the NY Gateway Connections Improvement Project have exposed significant inconsistencies that challenge the integrity of the environmental review processes being administered by the U.S. Federal Highway Administration and the New York State Department of Transportation for the project; and

Whereas: Recent media investigations into a Peace Bridge neighborhood air quality study released by the New York State Department of Environmental Conservation on October 9, 2013 exposed that the study includes misleading, inaccurate, and incomplete information. The findings of the study were relied upon for the air quality analysis included in the 2,083-page Draft Environmental Impact Statement for the NY Gateway Connections Improvement Project, and preliminary findings were used by the U.S. General

Services Administration for the air quality analysis included in their 35-page Categorical Exclusion document for the Renovations and Addition to the Commercial Building, Peace Bridge Plaza Project released on November 15, 2012; and

Whereas: The National Environmental Policy Act of 1969, as amended, requires that federal agencies “rigorously explore and objectively evaluate all reasonable alternatives... [and] include reasonable alternatives not within the jurisdiction of the Lead Agency.” There are multiple projects that are underway or planned for the Peace Bridge, adjacent properties, and other nearby international border crossings. Of the environmental reviews completed in the last two years pursuant to the National Environmental Policy Act of 1969, as amended, none have adequately examined cumulative impacts, and in several instances, the public announcement of projects has been staggered, thereby obscuring the government’s responsibility to conduct a cumulative impacts analyses; and

Whereas: Pursuant to the National Environmental Policy Act of 1969, as amended, the White House Council on Environmental Quality is responsible for ensuring that federal agencies meet their obligations under the Act; and

Whereas: Pursuant to Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), federal agencies must identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations and provide minority and low-income communities access to public information and public participation; and

Whereas: Pursuant to Title VI of the Civil Rights Act of 1964, discrimination is prohibited on the basis of race, color, and national origin for programs and activities receiving federal financial assistance; and

Now, Therefore, Be It Resolved: That the Common Council of the City of Buffalo formally requests that the White House Council on Environmental Quality and U.S. Environmental Protection Agency investigate the environmental review processes underway or completed since January 1, 2012 by federal agencies for projects associated with the Peace Bridge international border crossing pursuant to the National Environmental Policy Act of 1969, as amended, for total compliance with the Act, as well as with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) and Title VI of the Civil Rights Act of 1964.

Be it Further Resolved: That the Common Council of the City of Buffalo formally requests that the U.S. Federal Highway Administration and New York State Department of Transportation suspend the Environmental Impact Statement process of the NY Gateway Connections Improvement Project until the White House Council on Environmental Quality and U.S. Environmental Protection Agency complete the above-requested investigation.

Be it Finally Resolved: That a copy of this resolution be forwarded to Associate Director for NEPA Oversight Horst G. Greczmiel of the White House Council on Environmental Quality; Region II Administrator Judith A. Enck of the U.S. Environmental Protection Agency; Administrator Victor M. Mendez of the U.S. Federal Highway Administration; Commissioner Joan McDonald of the New York State Department of Transportation; and Daniel Street, Robert Davies, and Maria Lehman of the of the New York State Department of Transportation.



Joseph Golombek, Jr.
North District Councilmember