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JERROLD NADLER  
8TH DISTRICT, NEW YORK

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July 19, 1995

Mr. Harold Brown  
U.S. Department of Transportation  
Federal Highway Administration  
Region One, New York District  
Leo W. O'Brien Federal Building, Ninth Floor  
Albany, NY 12207

Dear Hal:

As promised, I am providing some additional evidence to bolster my contention that separately studying the proposal to move the Miller Highway, rather than analyzing it as part of a single project, which includes the Riverside South Project, would be improper segmentation.

These documents include both press reports regarding the project and the official Riverside South CEQR Final Environmental Impact Statement, which contains the project applicant's own official description of the purpose and scope of the Riverside South Project.

As you are of course aware, the scoping documents for the Miller Highway Project allege that the primary purpose for moving the highway is to build a waterfront park. The enclosed documents make it clear that this park is part and parcel of the Riverside South Project, that the currently proposed Riverside South configuration which includes the waterfront park was the result of a "deal" between Donald Trump and park advocates, and that the primary motivation for moving the highway is to create this configuration.

I trust that you will now conclude that the Miller Highway/Riverside South Project should be the subject of a single federal EIS review pursuant to NEPA.

Further in that regard, I note for the record that, while the CEQR FEIS belies the claim that Riverside South and the Miller Highway Project are separate projects, the CEQR FEIS's technical accuracy cannot be relied upon for the federal EIS of the Miller Highway/Riverside South Project that you will now be required to prepare. Among the CEQR FEIS's deficiencies are the fact that no toxicological studies have been conducted regarding the site's soil since 1990, there has been insufficient attention paid to overcrowding at the 72nd Street subway station, there has been insufficient attention paid to financing (such as who will be

paying to build Riverside Drive over the Miller Highway if it is moved, who will pay for placement of infrastructure within the envelope created thereby, and who will be responsible for venting this envelope), there has been insufficient attention paid to the technical question of whether the park can be constructed as has heretofore been proposed (using new fill on top of the existing fill) or whether expensive decking would be required, the matter of whether loadings at the North River Sewage Treatment Plant would exceed its capacity has not been resolved, etc.

Furthermore, because the CEQR FEIS was issued nearly three years ago, each of the studies undertaken therein is no longer relevant. For example, because of other housing developments that have been completed in the study area, traffic flows are considerably different from when the CEQR FEIS was issued. Consequently, the traffic studies, air quality analysis, and noise studies would all have to be redone.

Additionally, there are several impacts that were not sufficiently addressed in the CEQR review process, but which NEPA requires be analyzed. For example, sociological impacts were not adequately addressed.

Finally, although the New York courts have interpreted the CEQR requirement for an analysis of alternatives to the project to require only the most rudimentary such consideration of alternatives, the federal courts have been much more demanding in this regard. The NEPA EIS will require an analysis of alternatives that the applicant did not design to consider in his CEQR EIS.

My staff and I would be happy to meet with you in helping to prepare a proper scope for the new EIS which you will be developing for the Miller Highway/Riverside South project.

Sincerely,



JERROLD NADLER  
Member of Congress