

Mobilizing the Region

A Weekly Bulletin from the Tri-State Transportation Campaign

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NEWS

Retaliating for Lawsuit, NJDOT Flirts with Constitutional Issues

In response to a lawsuit filed last month, lawyers for New Jersey have informed the Campaign and environmental, taxpayer, and cycling co-plaintiff groups they will be **removed from eight advisory groups** during the litigation.

NJ DOT wants to bar the Campaign and allies from: The Route 1 Collaborative, the Sustainable Transportation Advisory Group, Design Flexibility Study, Congestion Buster Task Force, Central Jersey Transportation Forum, NJ Bike Advisory Council, Pedestrian Task Force and the Penn's Neck Area EIS Partner's Roundtable.

The Campaign in fact suggested the Route 1 collaborative to DOT in 1994, and Campaign advocacy led to the formation of several of the others. None of the committees were formed to discuss issues related to the pending lawsuit.

New Jersey's letter warned that, "members of plaintiff organizations **will not be allowed direct contact** with any official or employee of the Dept. of Transportation. Any contact, even for matters ostensibly unrelated to the...litigation, shall be solely through legal counsel."

The Campaign's attorneys replied in writing, telling the state it has no legal authority to issue such edicts. The reply letter says the state's actions "**significantly infringe constitutional liberties** so plain as to warrant only cursory mention here, i.e., the First Amendment and associational rights of individuals." The letter warned that plaintiffs will turn to the courts if the state attempts to enforce their unlawful order.

The Campaign's lawsuit argues that the Department of Transportation is violating spending mandates for road and bridge repair and construction of cycle ways in the 2000 Transportation Trust Fund Reauthorization Act (MTR #320).

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MTA's Big Bond Deal on Hold

In the face of pending vetoes, the Metropolitan Transportation Authority last Thursday withdrew bond resolutions it had put before the MTA Capital Program Review Board. The bonds in question represent the MTA's \$14 billion debt refinancing plan (MTR #'s 264, 266).

The review board represents Governor Pataki, Mayor Giuliani, and the Assembly and Senate.

The MTA bond resolution faced an **unprecedented triple veto**, due to concerns and complaints by New York City, the Assembly and the Senate.

According to the *Bond Buyer*, NYC was prepared to object to the "commingling" of commuter rail and NYC bonds. The refinancing plan consolidates 13 credits into four, mixing city transit and commuter rail funds. Advocates have pointed out that the MTA's 5-year plan shifts spending in favor of the suburbs, and worry that blurring city and suburban debt may herald further shifts toward the suburbs.

The Assembly says it is concerned about the MTA program's overall financing, and whether heavy borrowing should proceed with gaps remaining in the capital budget. The **Legislature approved the debt refinancing last year**, but the failure of NY's transportation bond act last fall created a \$1.6 billion MTA budget hole. The Assembly has also been the prime recipient of calls for help by groups incensed over issues like the severing of the G line and the disruption of Chinatown subway service.

The Senate appears to be using the approval as leverage to get state budget talks moving in Albany.

At the moment, the consequence of delay is not that funding for ongoing projects will dry up. Instead, it seems more in the problem that the MTA could miss favorable bond market conditions, and thus the opportunity to close up to \$1 billion of its capital budget gap. California is apparently preparing a huge set of utility restructuring bonds for issue in the early fall. Some sources believe that if the MTA is unable to get its bonds out before the California issue, the market for its debt will be significantly worse.

Pitfalls of the MTA's D.C. Strategy

Since taking New York's top transit position, MTA Chair Peter Kalikow has described the issue of funding big system expansion projects as one of lobbying

for federal dollars. But the U.S. House's Transportation Appropriations Subcommittee voted last Thursday to allocate **only \$10 million for the Long Island Railroad-Grand Central connection** and allocated **no money to the Second Avenue Subway** in the 2002 federal budget, according to the *Daily News*. The MTA has said it hoped to pull in about \$150 million for LIRR-Grand Central and \$20 million for the Second Avenue line from the feds next year.

Spokespersons for several NYC Representatives didn't give the projects much hope of garnering more funds in the House as the budget works its way to a full House vote. That would put the spotlight on **New York Senators Schumer and Clinton** to help boost federal funding for the projects for 2002.

The projects' best prospect for federal cash is to win a "full funding agreement" through the Federal Transit Administration's "**new starts**" program. FTA recent commentary on MTA projects has raised the lack of an approved, funded MTA capital program (see article on previous page) as an obstacle to such an agreement. Still, even a full funding agreement is likely to provide only 50% of the cost of projects as large as Second Ave. or LIRR-GCT. The rest will have to come from Albany.

Real-World Takes on Toll Removal

In separate forums last week, New Jersey's business community and Wall Street bond rating services registered concerns over proposals to remove tolls from the Garden State Parkway.

In a *Bond Buyer* article, a representative of Moody's Investors Services noted that any plan to eliminate tolls must be accompanied by steps to shift responsibility for servicing the Parkway's \$622 million debt, most likely to the state. A Standard & Poor representative told the financial newspaper that it would be "**pretty irresponsible**" for the state to end tolls before retiring outstanding Parkway bonds.

A report on Parkway toll removal released by the NJ Alliance for Action, a business group, similarly concludes that without defined replacement revenue — like an increased gas tax — the only acceptable substitute for Parkway bonds would be state general obligation bonds. The group estimates the state's principal and interest costs in taking over the bonds would equal almost \$1 billion. The report says **the transfer would be expensive** and could incite lawsuits by bondholders. "The real cost of building, improving, maintaining, and staffing the Parkway will remain whether its riders pay a toll or not," said economist Donald Scarry, the report's author. Scarry also points out toll removal's only savings — roughly \$50 million a year in staffing and administration costs — will be entirely offset by the loss of toll revenue from out-of-state drivers, who make up 20-25% of Parkway users.

Lawmaker Holds Bills in Fix-it-First Dispute

NJ Assembly Appropriations chairman Richard Bagger (Westfield) has refused to post two bills that would **authorize NJDOT to spend more money** until the dispute over the Transportation Trust Fund reauthorization law is resolved.

Bagger chairs the committee that inserted the "fix it first" mandate in the Trust Fund renewal bill last year. It requires DOT to reduce backlogs of structurally deficient bridge and pavement projects by half in five years; DOT has refused and allocated just \$22 million (of \$561 million) to bridges and \$71 million to road preservation in its fiscal 2002 program. Assemblyman Bagger announced his position on the spending bills at a Sierra Club meeting last week.

The first bill would authorize DOT to spend \$145 million remaining from the 1999 Bridge Bond issue. The other is a proposal for a **2001 bond** that would authorize **\$250 million in new state debt** to repair local bridges. If approved, the new bond resolution would present voters with a **ballot question for more DOT funding for a third straight year**.

Given the controversy over DOT's failure to abide the roadway repair priorities set by the Legislature last year and championed by the Tri-State Campaign and other groups, placement of another bridge bond on the ballot this fall seems badly timed. The Campaign has announced it will **oppose new bonding** until DOT produces a more responsible budget.

The Campaign has asked the Legislature to put an additional \$45 million from the Transportation Trust Fund into the bridge and road preservation in the fiscal 2002 capital program now being debated. Even if NJ DOT shifts these funds, it won't be because of an internal change in policy priorities. The shift will be the result of legislators using their leverage to follow up on the mandate they established last year with courageous actions like Assemblyman Bagger's.

Congressional Reps Rap NJ Bridge Budget

In a letter to Governor Donald DiFrancesco and NJ Transportation Commissioner James Weinstein, three Democratic members of New Jersey's Congressional delegation called last week on NJ DOT to **comply with bridge and road preservation spending goals** set in last year's Transportation Trust Fund law.

Representatives **Bill Pascrell** (8th District), **Robert Menendez** (13th), and **Steven Rothman** (9th) wrote that they were concerned "with the NJDOT not placing the goal of fixing our structurally deficient bridges and road pavement surfaces at a much higher priority than it is now. We would like to see significant funds added to these categories in NJ DOT's annual spending program."

Remarking that new federal omnibus transportation legislation will be debated in 2003, the Congress-

men noted, "In Congress, we lobby for more federal funds. However, we want to ensure that New Jersey also **devotes appropriate state sums** to fixing these

News to Mayoral Hopefuls: Get Moving

In a June 11 editorial, the *Daily News* endorsed the recent call by five former city transportation commissioners and a coalition of business, civic and other groups for the **next mayor** to make transportation improvements a top priority (MTR #321).

The groups' "**Unclogging NY**" platform calls for a strong city role in completing transit expansion projects, more subway and bus service, traffic relief for neighborhoods and parks, congestion pricing and a more pro-transit attitude by city government.

"Most of these ideas have been roundly ignored," wrote the *News*. "Instead of knifing through traffic in a chauffeured car with sirens blazing, **[politicians] should try sitting in a bus in traffic** or negotiating a subway transfer at 5 p.m."

see www.straphangers.org

Chinatown Subway Debate Continues

NY State Assembly Speaker **Sheldon Silver** recently convened a meeting between MTA Chair **Peter Kalikow**, NYC transportation chief **Iris Weinshall** and **Chinatown community activists** who have pushed for a less disruptive plan for subway service during the next phase of Manhattan Bridge work.

It is unclear whether the agencies will implement requests like extending a subway shuttle from Chinatown to W. 4th St., adding M-train service or implementing a Manhattan Bridge bus lane, but the officials said they would "consider" such improvements.



Transport Workers Union Local 100 president Roger Toussaint leads press conference with elected officials, candidates, civic and advocacy groups to launch the "Keep the Booths Open" coalition. The groups are fighting a NYC Transit plan to eliminate 235 peak period token booth worker positions. They argue that a less-staffed subway system will be less safe.

bridges." All three hold positions that give them direct influence over federal transportation grants. Pascrell and Menendez are members of the House Transportation and Infrastructure Committee, while Rothman is on the Appropriations Committee.

The letter concludes, "The renewal of the State Transportation Trust Fund last year included a **clear five-year 'fix-it-first' mandate**. We request that NJ-DOT commit to follow this legislative language."

MTA Refines LaGuardia Rail Options

Last week, the MTA reviewed progress on its LaGuardia Airport Subway Access study. The MTA has honed its options down to variations on **extending the N subway to the airport**, strategies to build a "**people mover**" **between the airport and the N train's terminus**, and an option for a guided busway along the Grand Central Parkway and over the Queensborough Bridge.

The MTA's "scoring" process showed that three of the four highest rated options extend the N train, while one uses the people mover. The MTA has budgeted \$50 million for environmental review and engineering. In 2004, it is scheduled to spend \$585 million on construction.

The MTA eliminated other options because they did not provide a one-seat ride to Lower Manhattan or because tracks were fully used by existing subway or railroad service. Nonetheless, the Queens Civic Congress feels that a **spur from the LIRR Port Washington Branch** should be studied further.

Paper Takes Page from CT Coalition

In a June 13th editorial, the *New Haven Register* called on Connecticut's leaders to address regional causes of roadway congestion and called on local officials to make the **connection between "intelligent master plans and local zoning laws."** In making both points, the newspaper referred to *Transportation Choices for Connecticut*, a policy paper released earlier this year by the Transportation Choices Coalition. Coalition members include the Connecticut Fund for the Environment, the Sierra Club, the CT Bicycle Coalition, the CT Rail Commuters Council, the Tri-State Campaign and others.

In particular, the editorial urged Connecticut leaders to involve themselves in discussions regarding large-scale **expansion plans at the Port of New York & New Jersey** and develop complementary projects to **reduce numbers of trucks flooding Connecticut highways**. One such effort would be a proposed coastal barge facility in Bridgeport. The paper also urged the state to give localities power to reject permits for traffic generating developments.

Transportation Choices paper: www.tstc.org/ct_pap/

Bronx Park on Hold Over Sheridan EIS

For more than 20 years, citizens and community leaders have worked to develop a greenway along the **Bronx River**, spanning the borough from north to south. Since early 2001, more than \$33 million has been allocated by Governor Pataki, Mayor Giuliani and Congressman Serrano for the effort.

A key site in the project is an abandoned section of **Edgewater Road** between Westchester Avenue and the Bruckner Expressway. Last year, the NYC Parks Dept. began negotiations with NYC DOT **to acquire the land**. It was to begin design workshops for the new park connection in May.

However, as the *Daily News* recently reported, the NY State DOT has asked the Parks Department to cancel those meetings. One of the State DOT's plans for reworking the **Bruckner-Sheridan interchange** might require the southwestern portion of the site. The agency says it cannot rule out using the land until it finishes an EIS for the highway project.

Public interest groups have been calling for the EIS to get going **for more than three years** in order to show the environmental benefits of getting rid of the Sheridan Expressway (MTR #180). At a meeting last week hosted by Borough President Ferrer, attended by Congressman Serrano's office, the NYS DOT, NYC EDC, NYC Parks, community boards and community and environmental groups, everyone agreed that the EIS should move forward.

Congressman Serrano's aide stated that the Congressman has put on hold money he had originally allocated for redeveloping Edgewater as a road. The Borough President's representative also indicated that he **wanted the Edgewater property turned over** as quickly as possible and was unhappy holding the greenway hostage to an EIS process which has already slipped for more than three years.

At the meeting, the NYS DOT said that it intends to sign a contract with consultants to conduct the Sheridan EIS soon. The study will only look at the redevelopment of the Bruckner-Sheridan interchange, leaving aside proposals for work on the interchange with the Cross Bronx Expressway and a controversial plan to build a new elevated connector to the Bronx River Parkway. DOT says the study is due to start in the winter and require four years to complete.

TRI-STATE TRANSPORTATION CAMPAIGN



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CALENDAR

June 18, & 21, 4-8pm NJ DOT and NJTransit public meetings on state-wide long-range transportation plan: Egg Harbor, & Newark, see www.njchoices.com for locations and information

June 19, 2pm NYC Dept. of City Planning Review of NYC Draft Transportation Improvement Plan (TIP), 22 Reade St., Spector Hall, 212-720-3300.

June 20, 4pm Mid-Hudson South TCC Public Meeting on Draft Transportation Improvement Plan listings, 148 Martine Avenue, Rm 527, White Plains, 845-431-7930.

June 20, 7:30pm Monthly meeting of the CT Metro-North Shore Line East Rail Commuter Council, SACIA, 1 Landmark Square, Stamford. www.trainweb.org/ct, 203-655-0138.

June 25, 26, & 27, 7-9pm NYMTC Public Planning workshops for 2002 Regional Transportation Plan: Upper Manhattan, The Bronx, and Queens/Brooklyn border, for locations & info: www.nymtc.org/calendar.html, 212-938-3319.

June 26, 8-9:30am Crain's NY breakfast with new Port Authority Executive Director Neil Levin, \$. pre-reg, <http://www.crainsny.com/calendar.cms>

June 26, 6-8pm Auto-Free NY meeting, "Closing and Recycling Berlin's Tegel Airport," Philipp Rode, Berlin Technical Univ., 104 Washington St. (near Rector St.), Manhattan. 212-475-3394

June 28, 10am South Western Regional Planning Agency, Transportation Technical Advisory Group meeting, 888 Washington Boulevard, 3rd Floor, Stamford, CT, 203-316-5190, www.swrpa.org.

June 28, 8:30am-10:30am NYU Wagner School breakfast discussion, "Growth, Planning, and the 2nd Ave. Subway," w/ Beverly Dolinsky, Richard Ravitch, Iris Weinshall. The Salmagundi Club, 47 5th Ave. Manhattan, RSVP 212-998-7546 or wagner.events@nyu.edu

June 29, 9:30am-noon University Transportation Research Center Visiting Scholars Seminar, "Using Archived ITS Data to Improve Transit Operations," Steve Callas, Tri-Met Transportation Planning, 1 World Trade Center, 43rd Fl, Manhattan. registration, www.utrc2.org

July 24, 6-8pm Auto-Free NY meeting, "Unclogging New York - the role of transportation in the Mayoral Race," Steve Weber, Regional Plan Association. 104 Washington St. (near Rector St.), Manhattan. 212-475-3394.

See additional calendar items at www.tstc.org