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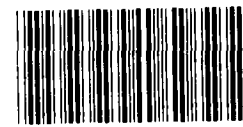
Comptroller General

OF THE UNITED STATES

Tri-State Regional Planning Commission's Approval Of The Westway Highway Project In New York City

The Tri-State Regional Planning Commission approved Westway, a \$1.8 billion Interstate highway project in New York City, in its 1975 transportation plan and has endorsed it annually since then. Tri-State, a Federal/State-funded agency, reviewed the Westway project in 1977 and concluded that it was consistent with transportation goals and objectives. However, officials could not demonstrate how Westway became listed in the transportation plan and could not document the scope or depth of the clearinghouse review. Accordingly, GAO was unable to determine the basis for Tri-State's initial approval of Westway and the extent to which it carried out its clearinghouse responsibilities.

Alternative proposals to Westway have suggested withdrawing its Interstate designation and seeking an equal amount of Federal funds to build a less expensive highway and to improve New York City's mass transit system. One such alternative was presented by Tri-State staff members in staff analyses in 1978 and 1980. The Tri-State commissioners did not request a detailed study of the alternative basically because Westway was already a product of the planning process and the State and city had already examined similar alternatives and rejected them.



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The Honorable John L. Burton, Chairman
Subcommittee on Government Activities
and Transportation
Committee on Government Operations
House of Representatives

The Honorable Ted Weiss
House of Representatives

At your request, we reviewed the Tri-State Regional Planning Commission's approval of the Westway highway project. This report summarizes the results of our examination. As requested, we did not obtain comments from the Department of Transportation.

As arranged with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 5 days after issuance. At that time we will send copies to interested parties and make copies available to others upon request.

A handwritten signature in cursive script that reads "Charles A. Bowsher".

Comptroller General
of the United States



D I G E S T

In 1975 the Tri-State Regional Planning Commission initially approved the Westway highway project, a 4.2-mile Interstate link (I-478) in New York City. According to Federal Highway Administration estimates, Westway will cost \$1.8 billion, \$1.4 billion of which is eligible for Federal funding. There is both sizable support for and opposition to Westway. A number of lawsuits have been filed seeking to stop the project, and several alternatives to Westway have been presented. Due to a lack of documentation, GAO was unable to determine the basis for Tri-State's approval of the project and the extent to which it carried out its responsibilities. (See pp. 1, 9, and 14.)

Tri-State Commissioners decided not to conduct a detailed study of an alternative proposal suggested by Tri-State staff members. The alternative suggested withdrawing Westway's Interstate designation and seeking an equal amount of Federal funds (currently \$1.4 billion) to build a less expensive highway and to improve New York City's mass transit system. Tri-State continues to endorse the Westway project. (See pp. 14, 17, and 21.)

Tri-State has two roles: it is a metropolitan planning organization and an areawide clearinghouse required by Office of Management and Budget Circular A-95. As the metropolitan planning organization for the New York metropolitan area, including New York City and portions of Connecticut, New Jersey, and New York, Tri-State is responsible for developing a coordinated regional transportation plan and program. As the areawide clearinghouse for Office of Management and Budget Circular A-95 requirements, Tri-State deals with comments on proposed federally funded projects. Tri-State approved Westway both as a metropolitan planning organization and as an areawide clearinghouse. (See pp. 1 to 3.)

Westway will replace an unsafe, unusable segment of the West Side Highway between the Brooklyn-Battery Tunnel and 42nd Street, where it will

also connect with the Lincoln Tunnel. Through the use of landfill in the Hudson River, the project will create 234 acres of land--31 acres for highway interchange ramps, 110 acres for new development, and 93 acres for a recreation park. More than half of the highway will be underground.

The Secretary of Transportation approved Westway for Federal funding in January 1977. Although construction has not begun, more than \$50 million has already been spent on preliminary engineering, right-of-way, and demolition of the existing unusable West Side Highway. (See pp. 3 to 7, and 14.)

TRI-STATE'S APPROVAL OF WESTWAY

As the metropolitan planning organization, Tri-State listed Westway in the 1975 endorsed regional transportation plan and in updates in 1976 and 1981. Tri-State's endorsement constituted its approval of Westway. Also, Tri-State annually publishes and endorses the Transportation Improvement Program, which is a listing of projects expected to be implemented within the next 5 years. Westway was listed in Tri-State's initial 1976 Transportation Improvement Program and in each one thereafter. (See p. 10.)

Tri-State officials could not provide documentation on the basis for originally including Westway in the transportation plan. According to these officials, Westway appeared in subsequent plans and in the Transportation Improvement Programs because it was listed in the 1975 transportation plan. Officials explained that many other State, regional, and local agencies are involved in developing the plan and the Transportation Improvement Program and that it is likely the New York State Department of Transportation suggested that Westway be included in the 1975 plan. New York State Department of Transportation officials acknowledged that they could have recommended including Westway but they were not sure how it became included in the plan. (See pp. 10 to 12.)

Tri-State, as the areawide clearinghouse, approved Westway in 1977. The purpose of Circular A-95 is to enable State and local governments to comment on the consistency of proposed Federal and federally assisted projects with State, regional, and local policies, plans, and programs. Tri-State received Westway project information from the

New York State Department of Transportation, determined that the project was of regional importance, and distributed the project information to its subregions. Tri-State relied on the subregions to distribute the information to affected government agencies for review and comment.

Tri-State opted to conduct its own A-95 review of Westway and its official A-95 comments concluded that Westway was consistent with regional transportation goals and objectives and that the A-95 process was complete. However, Tri-State could not document the extent or depth of its review. Accordingly, GAO was unable to determine the basis for Tri-State's initial approval of Westway and the extent to which it carried out its clearinghouse responsibilities. (See pp. 12 and 13.)

In 1971 the Governor of New York and Mayor of New York City appointed a West Side Highway Project Steering Committee to develop a plan for transportation along Manhattan's West Side waterfront, including replacement of the West Side Highway. Tri-State was not originally a member of the steering committee but, after requesting to be included, was designated as a nonvoting member. The steering committee's work formed the basis for the Draft Environmental Impact Statement which was further developed by the New York State Department of Transportation and issued in 1974 with Westway as an alternative. The 1977 Final Environmental Impact Statement showed Westway as the selected alternative to replace the West Side Highway. (See pp. 9 and 10.)

TRI-STATE COMMISSIONERS HAVE NOT
REQUESTED REVIEWS OF RECENT
STAFF ALTERNATIVES

Since 1977, individuals and groups have presented alternatives to Westway. One of these was called the Drive/Trade-in alternative and was initially presented in a 1978 Tri-State staff analysis and in a more detailed 1980 analysis. The staff favored withdrawing Westway's Interstate designation under the Federal Interstate Withdrawal Program, 23 U.S.C. 103(e)(4), and seeking an equal amount of funds for building a less expensive drive highway and for improving the city's mass transit system. This concept has been a recurring theme in alternatives to Westway.

GAO concluded that the Tri-State staff analysis should not be considered a comprehensive transportation planning document primarily because it used two assumptions that were not tested or supported. However, it does present an alternative. (See pp. 7 and 14.)

Tri-State officials acknowledged that they have not compiled any official technical analysis of Westway alternatives and that the commissioners did not request further study and examination of the Drive/Trade-in alternative. A number of reasons were given for this decision, including the fact that Westway was already a product of the planning process and that others, such as State and city officials and a mayor's task force, had already examined and rejected the trade-in aspect. Reasons for rejecting the trade-in included (1) New York City could not count on the \$80 to \$100 million right-of-way funds it expected to receive from the Westway project and (2) each trade-in substitute project requires annual congressional appropriations while Westway does not. (See pp. 18 to 20.)

TRI-STATE CONTINUES TO ENDORSE WESTWAY

Unless the project or conditions change significantly, Tri-State officials view the September 1977 A-95 comments as the last of their active involvement with Westway. Tri-State assessed its endorsement of the project in 1980 and concluded that it did not need to reevaluate the Westway project. (See pp. 21 and 22.)

In August 1981 the Federal Highway Administration and New York State Department of Transportation concluded that no significant changes had occurred in the project or in conditions since the 1977 Final Environmental Impact Statement. Moreover, in July 1981 the Governor of New York and the Mayor of New York City affirmed that Westway was the officially recognized replacement of the West Side Highway. (See pp. 22 to 24.)

The project has been the subject of several lawsuits. On March 31, 1982, a U.S. district court ruled that the Corps of Engineers had violated several environmental laws. The court found that the Corps failed to publicly disclose the facts, as required by the National Environmental Policy Act, 42 U.S.C. 4321-4327, regarding the impact of the landfill on fishery resources and failed

to adequately consider this impact in its own review. Accordingly, the court set aside the Corps' Dredge and Fill permit and enjoined the construction of the landfill until the Corps shows compliance with the laws. The court also has made the Federal Highway Administration a party to the suit and has barred the agency from paying New York State \$90 million for Westway land acquisition while the injunction is in effect. In a related action, the court dismissed all claims against Tri-State and other defendants.

Tri-State officials informed GAO that the court ruling has not changed their decision to continue endorsing Westway. (See pp. 24 and 25.)

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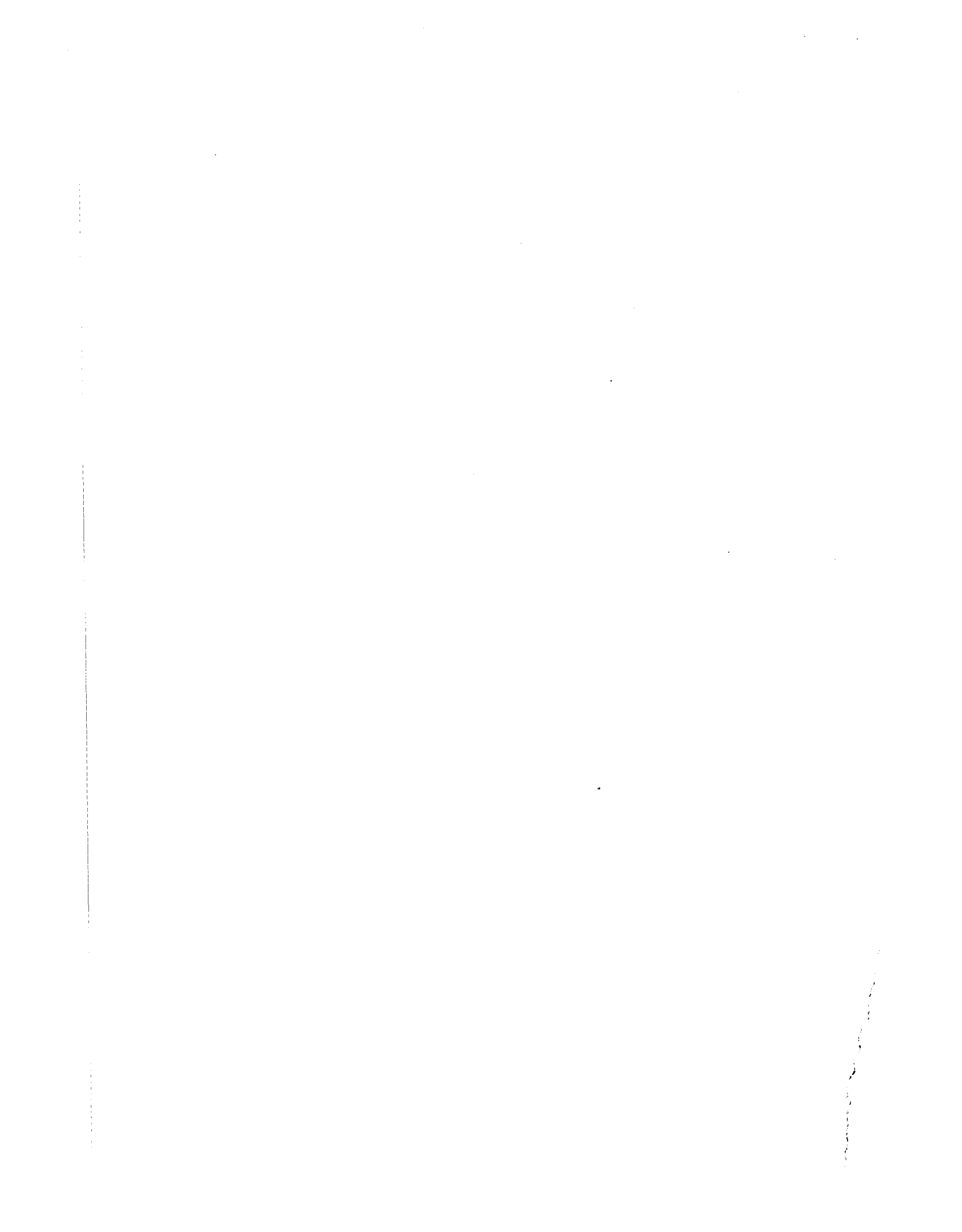
This review responds to a joint request by the Chairman, Subcommittee on Government Activities and Transportation, House Committee on Government Operations, and Representative Ted Weiss. As requested, GAO did not obtain agency comments on the report.

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ABBREVIATIONS

EIS	Environmental Impact Statement
FHWA	Federal Highway Administration
GAO	General Accounting Office
NYS/DOT	New York State Department of Transportation
OMB	Office of Management and Budget
TIP	Transportation Improvement Program
UMTA	Urban Mass Transit Administration



CHAPTER 1

INTRODUCTION

The Tri-State Regional Planning Commission is designated as the official planning agency for the New York metropolitan area. Established by legislative actions of the States of Connecticut, New Jersey, and New York in 1971, the Tri-State Regional Planning Commission succeeds the Tri-State Transportation Commission formed by the legislatures of these States in 1965. ^{1/} Although Tri-State has planning responsibilities for housing, land, and air quality, its major effort is transportation planning. The Federal Government and the three States finance Tri-State's work, with most financing provided by the U.S. Department of Transportation.

The Westway highway project is a designated Interstate link (I-478), 4.2 miles in length, proposed to be built through Manhattan's West Side. It is designed to replace a segment of the West Side Highway in New York City. Westway can qualify for Federal support for up to 90 percent of eligible cost. The project is estimated to cost \$1.8 billion, of which \$1.4 billion is eligible for Federal funding. More than \$50 million has been spent on preliminary engineering; right-of-way; and demolition of the existing, unusable elevated West Side Highway. Westway will create 234 acres of land by using landfill in the Hudson River. Several lawsuits have been filed challenging the Westway project.

TRI-STATE REGIONAL PLANNING COMMISSION'S DUAL RESPONSIBILITIES

The Tri-State Regional Planning Commission becomes involved with proposed projects in both its role as a metropolitan planning organization and its role as the areawide clearinghouse of Office of Management and Budget (OMB) Circular A-95. As the metropolitan planning organization, Tri-State coordinates transportation planning with State, regional, and local agencies and serves as the forum for cooperative decisionmaking by State and local elected officials. As the areawide clearinghouse, Tri-State receives project applications, determines the significance of projects to plans, and distributes the project information to affected government agencies for review and comment.

The Tri-State Regional Planning Commission's jurisdiction currently encompasses nine counties of northern New Jersey, seven counties of New York State, the five boroughs of New York City, and six planning regions of Connecticut. Tri-State has 15 voting commissioners--5 from each State--appointed by the

^{1/}Connecticut plans to withdraw from the Tri-State Regional Planning Commission effective May 1, 1982; however, what effect that will have on the organization is unclear at this time.

Governors. (See app. I for a listing of the commissioners.) Federal nonvoting members, including representatives from the Environmental Protection Agency and the Department of Transportation's Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA), are also considered commissioners. The commissioners are supported by a Tri-State technical staff of planners and support personnel.

The Federal Government provides funding assistance to metropolitan areas for transportation planning. For 1981-82 Tri-State had a budget of about \$13 million, part of which was passed on to subregional and local planning levels. About \$8.5 million was provided by FHWA and UMTA.

Tri-State is responsible for ensuring that the region has a continuing, cooperative, and comprehensive transportation planning process. The planning process requires Tri-State to develop a transportation plan and a transportation improvement program (TIP). The transportation plan describes regional transportation goals and objectives. It is endorsed by the Commission as being consistent with the area's comprehensive land use plan; urban development objectives; and the area's overall social, economic, environmental, system performance, and energy conservation goals and objectives. TIP, developed annually, is a listing of projects the State and local agencies intend to implement over a 5-year period. TIP is endorsed by Tri-State as being consistent with the transportation plan. Although it does not guarantee Federal funding, being listed in TIP is an important step in getting a project implemented because it certifies that the proposed project is a product of the transportation planning process, which is a prerequisite for receiving Federal funding.

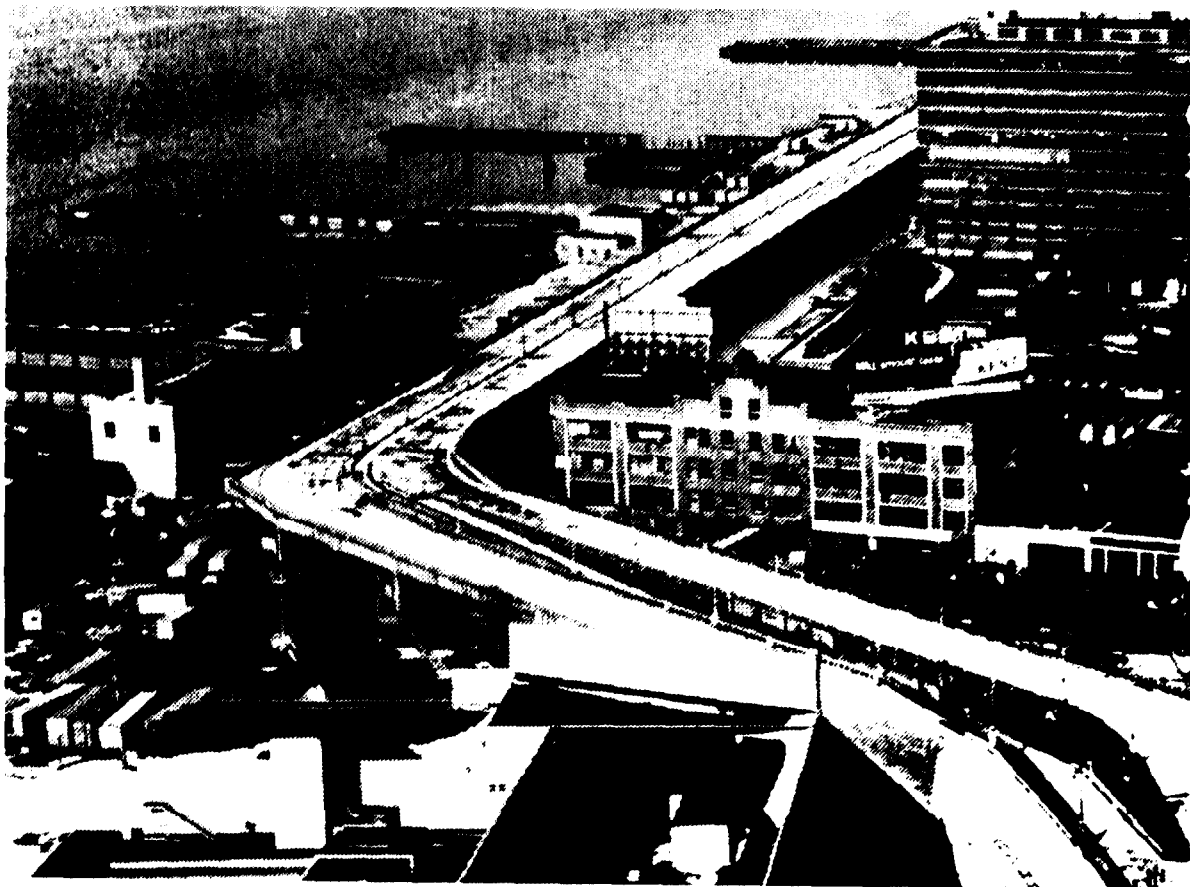
In addition to its planning role, Tri-State is the designated areawide clearinghouse for the OMB Circular A-95 process. The purpose of A-95 is to foster intergovernmental cooperation by enabling State and local governments to comment on the consistency of proposed Federal and federally assisted projects with State, regional, and local policies, plans, and programs. As the clearinghouse, Tri-State receives applications for Federal financial assistance for transportation projects from implementing agencies, such as the New York State Department of Transportation (NYS/DOT). Tri-State determines if the project is of regional importance or if it affects only portions of the region and distributes project information to the affected government agencies for their comments. Separately, Tri-State may elect to review and comment on a proposed project. Tri-State and government agencies send the comments about a project to the implementing agency, which incorporates the comments into the project information package. This package is sent to the Federal funding agency.



Source: FHWA. A collapsed section of the West Side Highway,
December 15, 1973.

COSTLY AND CONTROVERSIAL WESTWAY

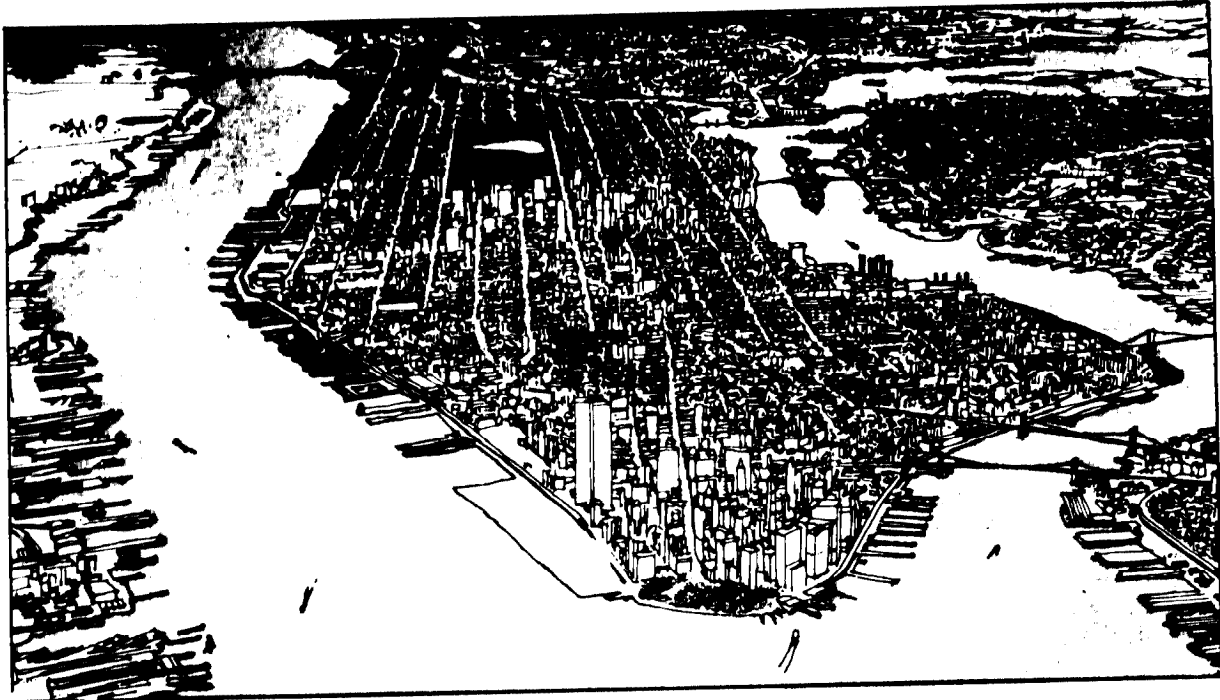
Westway is a designated Interstate highway link (I-478). It is designed to replace an unsafe and unused segment of the West Side Highway which will be demolished. Portions of the elevated West Side Highway collapsed in 1973 as shown above. However, New York State and City already had begun planning for a new highway in 1971.



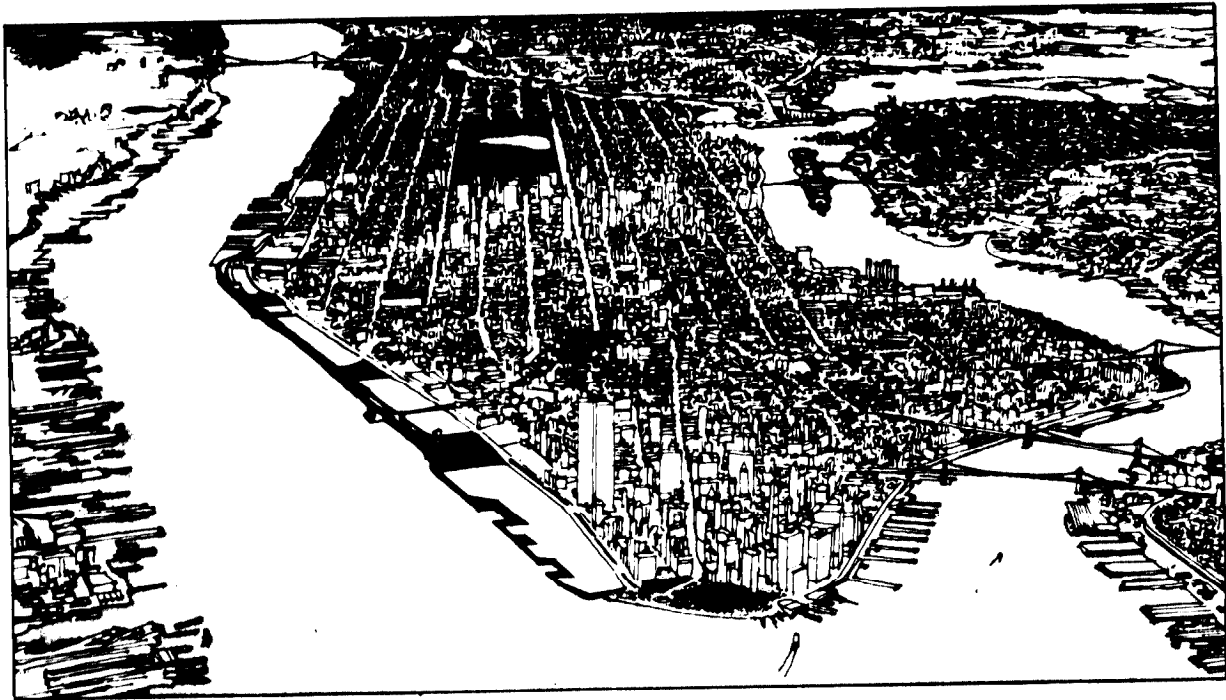
Source: FHWA. A closed section of the West Side Highway.

FHWA will fund, from the Highway Trust Fund, 90 percent of the eligible costs of building the Interstate link, with the State of New York providing the remaining 10-percent funding. According to 1981 FHWA estimates, the 4.2-mile Westway project will cost about \$1.8 billion, including some costs not eligible for Federal participation. The Federal share will be about \$1.4 billion. Westway is designed as a six-lane highway running between the Brooklyn-Battery Tunnel and 42nd Street, where it will connect with both the remaining usable portion of the West Side Highway and the Lincoln Tunnel. (Part of the unusable highway is shown above.) Most of Westway will be constructed on landfill in the Hudson River and will be mostly underground. A feature of the project is that the landfill will create about 234 acres of new land--31 acres for highway interchanges and ramps, 110 acres for new development, and 93 acres for a continuous recreation park along the river from Lower to Midtown Manhattan. Development and use of the land will be the responsibility of New York State and City officials. (See the following two pages for illustrations of Westway and its relationship to the west side of Manhattan and app. III for a more detailed description of the Westway project.)

Existing Waterfront Configuration

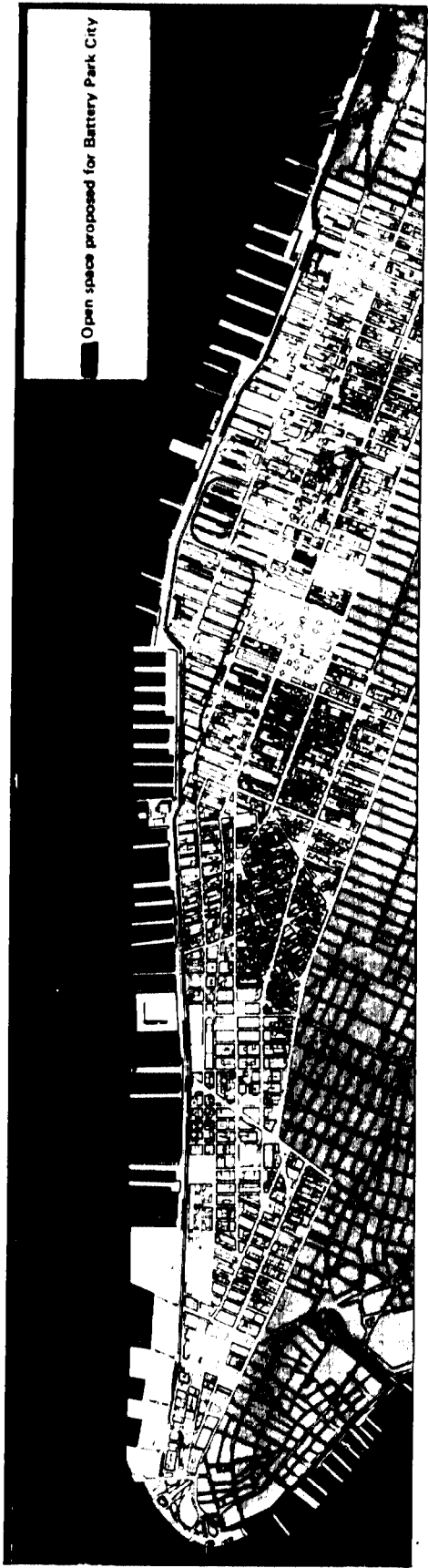


Proposed Waterfront Configuration After Westway

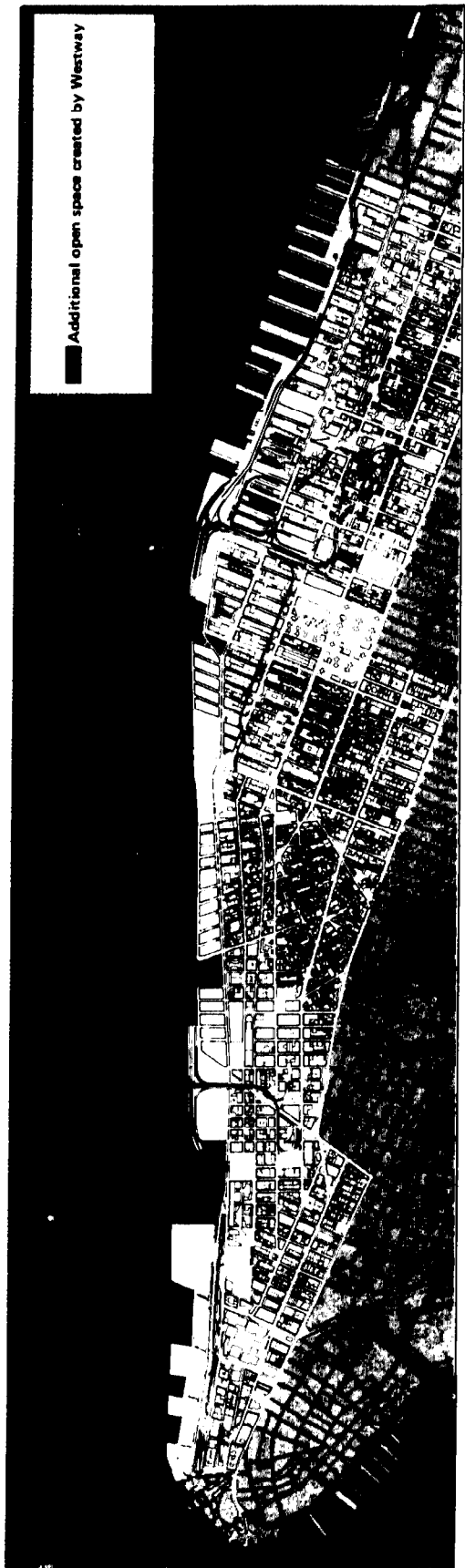


Source: FHWA.

Configuration Of The West Side Of Manhattan Before Westway



Configuration Of The West Side Of Manhattan After Westway



Source: FHWA.

Considerable controversy has surrounded Westway, including lawsuits to prevent its construction. Alternative ways to use the Federal funds have been suggested. The alternatives concern the Federal Interstate withdrawal provision, 23 U.S.C. 103 (e)(4), which permits a Governor and elected officials to withdraw a nonessential highway segment and substitute other projects. This withdrawal is contingent upon approval by the Secretary of Transportation. Several groups and individuals have suggested withdrawing Westway's Interstate designation and requesting an equal amount of Federal funds for a less expensive highway and for improvements to the city's mass transit system. This is commonly referred to as a trade-in. Unlike Interstate projects which are funded from the Highway Trust Fund, these substitute projects are financed from the General Fund of the Treasury and require an annual congressional appropriation. To date, the total appropriation has equaled only a small portion of the value of the withdrawn segments. As of December 1981, about \$10 billion in Interstate projects had been withdrawn since the program began in 1974, while about \$4.4 billion had been appropriated for Interstate substitution projects. For fiscal year 1982, \$826 million was appropriated for the substitute projects.

Despite the criticisms of the project and the suggestions for alternative use of the funds, more than \$50 million has been spent on the project, mostly for preliminary engineering costs. Although actual highway construction had not begun as of March 1982, demolition of the unusable portion of the West Side Highway had started. Westway is estimated to take 10 years to construct.

OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with agreements reached on November 17, 1981, and February 24, 1982, with the office of the Chairman, Subcommittee on Government Activities and Transportation, House Committee on Government Operations, and with the office of Representative Ted Weiss, the objectives of our review were to

- review the basic justification for Tri-State's approval of the Westway project;
- determine the extent to which Tri-State reevaluated Westway, including a review of pertinent supporting data, studies, and analysis; and
- identify changes to the Westway project that would require reevaluating the project.

Our review was primarily conducted at the Tri-State Regional Planning Commission in the Manhattan borough of New York City. Additional work was done at FHWA headquarters in Washington, D.C., and at its regional and division offices in Albany, New York.

We researched and reviewed pertinent transportation laws and regulations and other laws and regulations that concern transportation planning, such as environmental and air quality laws.

At the Tri-State Regional Planning Commission we reviewed a variety of documents published by Tri-State and others. Key documents include:

- "Maintaining Mobility," the regional transportation plan.
- TIP, the annual listing of projects.
- Tri-State staff studies and position paper.
- Tri-State's A-95 comments.
- Tri-State annual reports.
- Draft Environmental Impact Statement for Westway, 1974.
- Final Environmental Impact Statement for Westway, 1977.
- "Final Environmental Impact Statement Reevaluation," 1981.
- Westway cost estimates, 1972-81.
- Governor's and Mayor's "Westway Memorandum of Understanding," 1981.
- Several committee, commission, and task force reports on Tri-State, Westway, and alternative options.

As agreed, our review of the Tri-State studies and analyses was limited to obtaining information on the documentation supporting the studies and analyses. We did not evaluate the validity of the studies and analyses or whether Westway should or should not be built.

We interviewed the Executive Director of Tri-State and cognizant transportation planning and A-95 clearinghouse officials. We also interviewed two former Tri-State officials who were involved in the 1977 A-95 clearinghouse process. We visited the unusable and unsafe segment of the West Side Highway. We reviewed and monitored litigation. We observed Tri-State Regional Planning Commission and Standing Committee on Transportation meetings and reviewed minutes of prior meetings.

We obtained selected documentation from the New York State Department of Transportation and interviewed State Transportation officials. We contacted FHWA officials both in the field and in Washington to obtain information on project approval, reevaluation, cost data, and planning process certification.

CHAPTER 2

TRI-STATE'S APPROVAL OF WESTWAY

As the metropolitan planning organization, Tri-State approved Westway by endorsing the regional transportation plan (which included Westway) in July 1975. Tri-State also included Westway in its initial annual TIP, endorsed in 1976 and each year thereafter. Tri-State included Westway in TIP because it was included in the endorsed transportation plan. However, Tri-State has no documentation to support the basis for originally including Westway in the transportation plan. According to Tri-State officials, NYS/DOT suggested including Westway in the 1975 transportation plan. NYS/DOT officials did not know how Westway became included in the 1975 transportation plan. They stated that either NYS/DOT or Tri-State could have recommended Westway.

Tri-State, as the areawide clearinghouse for OMB Circular A-95 requirements, approved Westway in 1977. Tri-State received project information from NYS/DOT and distributed the project information to its subregions for further distribution to affected local government agencies for their review and comment. Although not required, Tri-State also opted to prepare its own A-95 comments on Westway and concluded that the project was consistent with regional transportation goals and objectives. However, Tri-State could not document the extent of its review. In September 1977, Tri-State sent a letter to NYS/DOT stating that the A-95 process was completed and that NYS/DOT could continue processing Westway toward implementation.

Due to the lack of documentation, we were unable to determine the basis for Tri-State's approval of the project and the extent to which it carried out its responsibilities.

INITIAL PROPOSAL FOR WESTWAY

In December 1971 the Governor of New York and the Mayor of New York City signed a Memorandum of Understanding which organized the West Side Highway Project Steering Committee. The steering committee was charged with setting goals and policies to guide the development of a corridor plan for the West Side waterfront portion of Manhattan. The plan was to include a complete description of the reconstruction of the West Side Highway.

The steering committee consisted of 20 State and local officials, chaired by the Commissioner of NYS/DOT. Tri-State was not originally named to the steering committee. After requesting to be included, Tri-State was designated as a nonvoting member of the committee. Tri-State, in participation with System Design Concepts, Inc., a consultant to the steering committee, prepared the Manhattan West Side Corridor Transit Study.

The purpose of this study was to develop recommendations for public transportation improvements to be incorporated in the corridor plan for Manhattan's West Side. A preliminary report was published in 1974 and the Manhattan West Side Corridor Transit Study was published in 1977. This study did not involve any work on the design or reconstruction of the West Side Highway.

In April 1972 the steering committee, with System Design Concepts, Inc., as consultants, began work on proposals for the reconstruction of the West Side Highway. As of April 1973, data, drawings, and models for several possible alternatives had been developed and a design, eventually called Westway, was depicted as the best alternative. This work formed the basis for the Draft Environmental Impact Statement (EIS), which proposed Westway as an alternative. This was the alternative approved by Tri-State in its 1975 transportation plan.

TRI-STATE HAS NO DOCUMENTATION FOR
ORIGINALLY INCLUDING WESTWAY IN
ITS TRANSPORTATION PLAN

Tri-State, in its role as the metropolitan planning organization, develops and endorses the regional transportation plan which describes regional transportation conditions, goals, and objectives. The plan includes project proposals which help to achieve these regional planning objectives. Westway was included in Tri-State's first transportation plan in July 1975 and in subsequent editions of the plan issued in November 1976 and June 1981. Also, Tri-State annually publishes and endorses TIP which is a listing of projects expected to be implemented within the next 5 years. Westway was listed in Tri-State's first TIP and endorsed in February 1976 and in each annual TIP thereafter.

The decision to include a project in Tri-State's officially endorsed transportation plan is an important part of the planning process because projects listed in TIP are drawn from the transportation plan. Being listed in the endorsed TIP certifies that the proposed project is a product of a continuing, coordinated, and comprehensive transportation planning process, which is a prerequisite for a project to receive Federal funding assistance. Tri-State has no documentation to support including Westway in the 1975 transportation plan, but the Executive Director and the Transportation Planning Director stated that the project was listed in subsequent plans and TIP's because it was included in the first plan. According to the Tri-State Executive Director, two factors contributed to the lack of documentation: (1) the use of newly issued transportation regulations to prepare the transportation plan and (2) the fact that people who worked on the plan and might have had specific knowledge about Westway documentation are no longer employed by Tri-State.

Tri-State's staff develops the first draft of the transportation plan and distributes it internally for an in-house review. The draft is then sent to a multitude of State and local officials and transit operators as well as the interested public for

review and comment. For the 1981 edition of the plan, Tri-State distributed about 2,200 drafts of the plan to a wide range of interested and affected parties. The comments Tri-State receives on the draft generally concern the project proposals that have been included in the draft. For example, State or local officials might recommend adding or deleting a proposal or changing the wording of a proposal listed in the draft. According to Tri-State's Executive Director and Transportation Planning Director, incorporating these comments involves a process of careful and refined wording and negotiation. After revising the draft based on comments received, Tri-State's Standing Committee on Transportation reviews the plan. The standing committee is composed of nine Tri-State commissioners appointed by the Commission Chairman. The committee serves as the last level of review prior to endorsement by the full 15-member commission. The committee generally recommends endorsement by the full commission. Commission endorsement, the last step, makes the transportation plan an official document. Westway has appeared in all three transportation plans endorsed by Tri-State.

Tri-State's involvement in developing TIP is not as extensive as in the plan. In 1975 new FHWA transportation planning regulations emphasized the need for involvement of local officials, transit operators, and the public. As a result, Tri-State delegated the responsibility for TIP development to its subregions in order to gain wider representation in the development process. Tri-State has 22 subregions--6 in Connecticut, 9 in New Jersey, and 7 in New York. These subregions develop individual subregional TIPs which form the basis for Tri-State's annual regional TIP. A planning agency within each subregion prepares a TIP for that subregion. For example, the New York City Planning Commission annually develops a TIP for the New York City subregion under contract with Tri-State. Once the subregional TIP is drafted, planners from city, county, and State agencies as well as Tri-State meet to negotiate and make modifications. Tri-State's role in these negotiations and modifications is unclear, however. According to Tri-State officials, their role is typically informal and is not documented.

Subregional endorsement of the subregional TIP's is the next step in the TIP development process, and Tri-State provided for this endorsement by organizing transportation coordinating committees. These transportation committees are subregional forums for cooperative decisionmaking by principal elected officials from Tri-State's various subregions. Membership of the New York City Transportation Coordinating Committee is as follows:

- Commissioner, New York City Department of Transportation.
- Chairman, New York City Planning Commission.
- Commissioner, New York State Department of Transportation.
- Chairman, Metropolitan Transportation Authority.

--Executive Director, Tri-State Regional Planning Commission.

The New York City Transportation Committee, chaired by the Commissioner, New York City Department of Transportation, annually reviews and endorses the subregional TIP, but Tri-State does not document this review. The Westway project has been listed in every subregional TIP endorsed by the New York City Transportation Committee.

Once endorsed by the appropriate transportation committees, the subregional TIP's are combined by Tri-State's staff to form one regional TIP. Tri-State makes a minimal review of the subregional TIP's. Tri-State's Executive Director and the Transportation Planning Director stated that only limited review is needed because Tri-State has been involved in the negotiations and modifications that occur among State, county, and city officials from the initial development through the transportation committee's endorsement of the subregional TIP.

As with the transportation plan, a final review of the regional TIP is done by Tri-State's Standing Committee on Transportation. Based on the standing committee's recommendation, the full commission endorses TIP to make it an official regional document. Westway has been listed in Tri-State's endorsed TIP's since 1976.

The Westway project as listed in TIP was drawn from the transportation plan. Tri-State has no documentation to support the decision to include Westway in the 1975 transportation plan, however. According to Tri-State's Executive Director and the Transportation Planning Director, Westway could have been included in the plan because NYS/DOT recommended the project. Tri-State could not document this recommendation, nor could it document any Tri-State work to support including Westway in the 1975 plan. An NYS/DOT principal urban planner and a commuter transportation specialist acknowledged that NYS/DOT could have recommended including Westway, but Tri-State could have initially suggested the project on the basis of a long-recognized need to replace the West Side Highway. These officials plus NYS/DOT's Westway project coordinator were not sure how Westway actually became included in the 1975 transportation plan. Due to the lack of documentation, we were unable to determine Tri-State's basis for including Westway in the 1975 transportation plan.

TRI-STATE DELEGATED CLEARINGHOUSE PROCEDURES

In addition to its planning role, Tri-State is the designated areawide clearinghouse for the OMB Circular A-95 project notification and review process. The purpose of the A-95 requirement is to foster intergovernmental cooperation by enabling State and local governments to comment on the consistency of proposed Federal and federally assisted projects with State, regional, and local policies, plans, and programs. As the clearinghouse,

Tri-State receives information from State and local agencies seeking Federal assistance for projects.

Tri-State became involved with Westway as the areawide clearinghouse in 1977 when it received project information from NYS/DOT. Tri-State decided Westway was of regional importance because it involved construction of an Interstate link. Tri-State distributed the project notification to its subregions for further distribution to affected local government agencies. However, it did not maintain a record of the government agencies contacted by the subregions. According to Tri-State's Director of Intergovernmental Coordination and the Clearinghouse Project Manager, Tri-State relies on subregions to see that affected local government agencies have an opportunity to review and comment on projects.

Tri-State also opted to issue its own A-95 review comments, which concluded that Westway was consistent with regional planning documents. Although the clearinghouse is not required to comment on projects, it is not unusual for Tri-State to do so, and Circular A-95 does list numerous subject areas to be considered as guidelines for comment. The content of the official A-95 comments issued by Tri-State indicates that many of these areas were not addressed by Tri-State during its review. Once again, however, Tri-State officials could not provide supporting documents to indicate the extent or depth of the A-95 review it conducted. In addition, the principal reviewers are no longer employed by Tri-State but the two we contacted were not able to provide us with any additional information. Due to the lack of supporting documents, we were unable to determine the distribution to local government agencies and the extent of the A-95 review.

CHAPTER 3

TRI-STATE COMMISSIONERS HAVE NOT REQUESTED

REVIEWS OF RECENT STAFF ALTERNATIVES

The West Side Highway Project Steering Committee and NYS/DOT considered various design alternatives in their planning efforts, and Westway emerged as the selected alternative in the 1977 Final Environmental Impact Statement (EIS). That same year the Secretary of Transportation approved New York State's application for Federal funding for Westway. Since then, various individuals and groups have presented other alternatives to Westway. Tri-State officials acknowledged that Tri-State had not compiled any official technical analysis of Westway alternatives.

A recurring theme of the more recent alternatives has been to withdraw Westway's Interstate highway designation and seek an equal amount of Federal money--commonly referred to as a trade-in--to build a less expensive highway and improve New York City's mass transit system. One of these alternative proposals was presented by Tri-State's staff in a 1980 in-house staff analysis paper. It had initially been presented by the staff in 1978. We concluded that while the Tri-State staff analysis should not be considered a comprehensive transportation planning document, it did present an alternative to Westway. However, the Tri-State commissioners have not requested a detailed examination of their staff's alternative proposal. Reasons for the commissioners' decision included the fact that Westway was already a product of the planning process and that others, such as the State department of transportation and a Mayor's task force, had already examined and rejected the trade-in aspect.

ALTERNATIVES TO THE WESTWAY PROJECT

An array of alternatives to replace the West Side Highway have been presented. The 1974 Draft EIS covers five alternative highway designs--maintenance, reconstruction, arterial, inboard, and outboard. The 1977 Final EIS presents the modified arterial and the selected alternative--modified outboard (Westway). Since then, individuals and groups have presented alternatives based on trading in Westway and seeking Federal substitute funds to build a less expensive highway and improve the city's mass transit system. These alternatives include: the River Road, the Boulevard, and the Drive. The Drive/Trade-in alternative was presented by Tri-State staff in a 1978 staff analysis as an at-grade freeway and again in a more detailed 1980 analysis as the Drive/Trade-in.

Environmental Impact Statement alternatives

The 1974 Draft EIS compared various highway designs to replace the West Side Highway, but the trade-in aspect of improving the mass transit system was not compared.

Maintenance. The existing West Side Highway would be repaired and maintained as an operating facility. This assumes preservation of existing West Side facilities and little or no influence on the future growth or development of the West Side.

Reconstruction. This would involve partial reconstruction of the existing West Side Highway in order to correct major structural deficiencies, making the road safer and permitting trucks to use the facility. It assumes preservation of existing West Side facilities and little or no influence on the future growth or development of the West Side.

Arterial. This would entail tearing down the existing West Side Highway and replacing it with an at-grade arterial roadway of lower traffic capacity and a depressed public transitway facility. It assumes preservation of existing West Side facilities. It further assumes moderate stimulation of current redevelopment trends on the West Side, with future growth concentrated in relation to key elements of the transportation proposal.

Inboard. This also would entail tearing down the existing West Side Highway but would replace it with a six-lane Interstate facility with a public transitway in the median. This assumes preservation of existing viable waterfront uses, minimal disruption of existing conditions, and some limited potential for net growth on the West Side.

Outboard. This, too, would involve tearing down the existing West Side Highway. It would be replaced by a six-lane Interstate facility constructed in landfill and covered in sections near the pierhead line, with an adjacent public transitway and a reconstructed West Street-Twelfth Avenue. It assumes that present waterfront facilities south of 42nd Street have no economic future and that they should be displaced with landfill to accommodate new viable uses, primarily housing and recreation. It also assumes moderate levels of future growth and major economic revival of the West Side.

The Final EIS presented modified versions of the Arterial and Outboard options. The Modified Arterial differed from the original design in that the depressed public transitway facilities were removed, the service roads on each side of the six-lane arterial street were eliminated, and the traffic monitoring and control system was changed. The Modified Outboard differed from the original design by eliminating the adjacent public transitway and instead designating two lanes to accommodate express buses and high-occupancy vehicles. It was this Modified Outboard that emerged as the selected alternative and became the Westway highway project proposal. The Modified Arterial was identified in the Final EIS as the highway alternative that would likely be pursued by New York City in the event of Westway trade-in.

Alternatives proposed since the Environmental Impact Statement

Since the Final EIS, individuals and groups have presented additional alternatives including two Tri-State staff in-house analyses. The thrust of these alternatives hinged on trading in Westway and using the Federal funds for a less expensive highway and improving the city's mass transit system.

River Road. This plan, developed by two New York City architects, was presented in 1980 as an alternative to the Modified Arterial in the event of a trade-in of Westway. The River Road plan called for a limited access, largely depressed, six-lane highway for autos and trucks. The plan proposed development of parkland over the depressed portions, along the waterfront, and on the piers. The planners estimated that River Road would cost about \$284 million; however, NYS/DOT estimated that it would cost over \$700 million. Neither New York City nor New York State have adopted River Road as an alternative.

Boulevard. In 1980 New York City suggested that rather than the Modified Arterial, a Boulevard be constructed as a replacement highway in the event of a Westway trade-in. The Boulevard plan consists of a six-lane thoroughfare for autos and trucks in West Street from the Battery Tunnel to 45th Street with intermittent service roads on each side of West Street. The Boulevard varies from an at-grade configuration to elevated and depressed sections. During peak hours, the Boulevard would be a limited access expressway. During nonpeak hours, signal lights at intersections would control the traffic flow. Parkland would be created over depressed portions of the Boulevard and on some piers. A promenade would be made along the waterfront. New York City estimated that the Boulevard plan would cost about \$536 million. In 1981 NYS/DOT analyzed the Boulevard plan and highlighted the following problems:

- The plan as proposed did not meet requirements for Federal funding.
- Adjustments to the plan to qualify for Federal funding would increase the space taken up by the road and reduce the space for parkland.
- Significant environmental impacts, including noise, and air and community disruptions would occur during construction and operation.

Drive/Trade-in. This alternative highway was presented as an alternative to Westway itself rather than as an alternative to the Modified Arterial. In 1978 Tri-State staff presented an in-house staff analysis, "Is Westway the Best Way," which described in general terms an at-grade freeway

as an alternative to Westway. The freeway was presented again in a 1980 Tri-State in-house staff analysis, "Which Way for Westway," which described the proposed highway in more detail. However, in this 1980 analysis, the freeway was named the Drive alternative. According to the primary author of both staff analyses, the only real differences between the at-grade freeway and the Drive are that the Drive is better defined and described in more detail than the at-grade freeway.

The Drive plan proposed a limited access, four- to six-lane highway consisting of at-grade, elevated, and slightly depressed sections. The Drive would be constructed within the right-of-way of the existing West Side Highway and would include a service road. An estimated 95 acres of parkland would be created, largely using renovated piers. The plan also provides for a bicycle and pedestrian esplanade. According to the 1980 staff analysis, the Drive highway plan would cost \$160 million to build. Neither New York City nor New York State has adopted the Drive as an alternative. We reviewed these Tri-State analyses and concentrated on the 1980 "Which Way for Westway" because it was the better analysis according to the principal author.

TRI-STATE STAFF STUDY

The 1980 Tri-State staff analysis, "Which Way for Westway," portrays the Drive/Trade-in alternative as preferable to the Westway design. The analysis should not be considered a comprehensive transportation document because it uses two assumptions, both untested and without source documents to develop the transportation benefits. However, it does present an alternative.

The analysis was done as part of Tri-State's internal work program. The Drive/Trade-in option described the construction of a less expensive highway and improvements to the mass transit system. The analysis estimated that by withdrawing the Westway Interstate link and building the less expensive Drive highway, about \$800 million of Federal funds could be made available for mass transit needs. The analysis further estimated that the mass transit needs far exceeded available funding and presented several ways \$800 million could be spent on mass transit.

"Which Way for Westway" compared three designs for replacing the West Side Highway--Arterial, Drive, and Westway. (The Arterial and Westway alternatives had been evaluated in the Draft EIS.) Through a series of tables, transportation-related factors--such as cost-benefit ratios, air quality impacts, gasoline consumption, and travel time saved--were compared with the Drive/Trade-in appearing as the preferred alternative. Non-transportation factors--such as recreation, housing, and water quality--were presented in narrative. Frequently, no alternative was presented as clearly preferable for the nontransportation factors.

The tables presenting the transportation benefits were influenced by two assumptions, both of which were untested and without supporting source documents. These assumptions were keys in estimating the amount of highway and mass transit benefits attributable to the Drive/Trade-in alternative. One assumption concerned the computation of highway benefits which essentially result from travel time saved. Drive/Trade-in was assumed to accrue 75 percent of the highway benefits that Westway would accrue. While the Westway highway benefits were computed using traffic study results and EIS data, the 75-percent benefit was the professional opinion of the Director of Tri-State's Research Division, primary author of the staff analysis, and was considered a reasonable number in his judgment. The assumption was not tested or supported by source documents.

The second assumption was more complex and affected the mass transit benefits for the Arterial and Drive/Trade-in alternatives. Both the Arterial and Drive/Trade-in alternatives could be expected to have funds to improve mass transit--estimated as \$880 million for the Arterial and \$800 million for the Drive/Trade-in. Mass transit improvements were expected to reduce delays and breakdowns because of better equipment. The assumption was made that the reduced delays and breakdowns would result in time savings to mass transit passengers. Two minutes would be saved by each passenger for every intra-New York City mass transit trip and 1 minute would be saved for each transit passenger trip ending in Manhattan. The 1-minute and 2-minute assumed values become significant considering that over 6.5 million transit passenger trips occur each weekday. The analysis converted the travel-time savings to dollars and estimated that nearly \$2 billion of mass transit benefits would occur with the Drive/Trade-in alternative. The 1- and 2-minute mass transit savings were the professional opinion of the principal author of "Which Way for Westway" and were not tested or supported by source documents. Westway would not have mass transit benefits and, thus, was unaffected.

The 75-percent and 1- and 2-minute unsupported assumptions may or may not be accurate. However, the assumptions do affect the highway and mass transit benefits, which are the bases for presenting the Drive/Trade-in alternative as the preferred option. We concluded that "Which Way for Westway" should not be considered a comprehensive transportation planning document. If this alternative were to be further considered, additional detailed analyses would be necessary.

TRI-STATE COMMISSIONERS DID NOT REQUEST FURTHER STUDY

The Tri-State commissioners have not requested a comprehensive examination of the Drive/Trade-in alternative. According to the Executive Director, the commissioners were given "Which Way for Westway," for their consideration. However, the commissioners did not respond or comment on the analysis, so the extent of their consideration is unknown.

According to the Executive Director, the commissioners chose not to examine in detail the Drive/Trade-in option because:

- The endorsed Westway design was already a product of the planning process, thereby completing Tri-State's role.
- The commissioners were not supportive of the Trade-in option because the Governor and Mayor had already decided to support Westway.
- The Tri-State staff would be diverted from work the commissioners judged more productive.
- The Trade-in option was not really a new option as it has been evaluated and rejected by appointed committees and others.

Committees appointed by the Governor and the Mayor and a city task force assessed the option of trading in Westway and substituting other projects. Recurring disadvantages of trading in, according to the committees and task force, are:

- A Trade-in could cost the city \$80-\$100 million in right-of-way funds.
- The Federal share of Westway is covered for inflation and largely for cost overruns, while the Trade-in dollars are covered for inflation only.
- Each Trade-in substitute project would require administrative compliance, an EIS, alternative analysis, and public hearings--which would take as long as Westway already has.
- Each Trade-in substitute project requires annual congressional appropriations and Westway does not.

The 1977 Final EIS reported that State and City officials studied trading in Westway and concluded that it would result in:

- Giving up for the foreseeable future the city's plan to use the construction of a replacement West Side Highway as a catalyst for the redevelopment of the West Side.
- Providing new mass transit facilities and equipment as planned for in TIP and speeding up implementation of these improvements.
- Providing some difficult to assess or quantify positive effects on environmental, social, and economic conditions.

--Requiring the city to come up with additional matching funds which city officials stated they could not provide in the foreseeable future.

A 1978 Governor- and Mayor-appointed committee analyzed the job impact of Westway with a number of mass transit and highway Trade-in options and depicted Westway as providing more employment than these options. However, the assessment was limited to construction employment and did not address long-term employment resulting from the project options.

A New York City task force considered a Trade-in option during 1980. The task force assessed the advantages and disadvantages of options from the city's viewpoint. The task force discussed the Westway option and a Boulevard/Trade-in option. Both were considered to have some risks but, overall, either option would benefit the city. With some assurances from the State, such as city representation for recreation-use planning and State assumption of costs ineligible for Federal funding, the task force concluded that Westway was a supportable project. These assurances were provided in a 1981 Memorandum of Understanding between the Governor and Mayor.

Unless there is significant project change or new information warranting Tri-State's reevaluation of Westway, no further revisions or alternatives are planned.

CHAPTER 4

TRI-STATE CONTINUES TO ENDORSE

THE WESTWAY PROJECT

Tri-State continued to endorse the Westway project by listing it in the 1981 updated transportation plan and in the latest TIP. According to an FHWA and NYS/DOT joint report, "Final Environmental Impact Statement Reevaluation," dated August 1981, no significant design, environmental, social, or economic changes have been made to the 1977 Final EIS for Westway. Officials cited a Tri-State position paper, the reevaluation of the Final EIS, and agreement among publicly elected officials as reasons for continuing to endorse Westway. At this time, the recent court decision enjoining work on the landfill until certain actions have been taken does not change Tri-State's endorsement of Westway, according to Tri-State's Executive Director.

TRI-STATE'S POSITION

Tri-State considers Westway to be a product of the transportation planning process and views its active involvement to be complete both as the metropolitan planning organization and the area clearinghouse. The February 1980 "Westway in Perspective" position paper concludes that Tri-State does not need to reconsider its endorsement of the Westway project.

During 1979 public meetings of the Tri-State Regional Planning Commission, individuals and representatives of groups requested that Tri-State reconsider its endorsement of Westway. "Westway in Perspective" represents Tri-State's response. Critics of Westway were dissatisfied and stated that "Westway in Perspective" was supposed to be a detailed, technical reevaluation of the project rather than the generalized position paper it was. Tri-State's Executive Director, who authored "Westway in Perspective," stated that the commissioners did not want a detailed technical reevaluation of Westway. What the commissioners wanted, according to the Executive Director, was an assessment of whether Tri-State should reconsider its endorsement of Westway.

Regardless of what it should be, "Westway in Perspective" does reflect Tri-State's position regarding its endorsement of Westway. According to the position paper and the Executive Director:

- Westway is the end product of an open transportation planning process.
- Tri-State's active involvement was limited and is completed.
- Westway is consistent with regional transportation plans and goals.

--No new information exists to warrant Tri-State's reevaluating its endorsements of the Westway project.

According to the Executive Director, "Westway in Perspective" accurately reflects Tri-State's 1982 position.

REEVALUATION OF PROJECT AND CONDITIONS

A significant change in a project design or changes in a project's impact on environment, social, or economic conditions could cause Tri-State to reevaluate or reconsider its endorsement of a project. However, according to FHWA and NYS/DOT in a joint report "Final Environmental Impact Statement Reevaluation," dated August 1981, no significant design, environmental, social, or economic changes have been made to the 1977 Final EIS for Westway and the Final EIS remains a valid document.

Westway was the selected alternative in the Final EIS which was approved by the Secretary of Transportation in January 1977. The Final EIS reevaluation is a Federal requirement to determine if significant changes have occurred that would necessitate a supplemental statement before major project activities proceed.

As to the content of the reevaluation, prior to 1981, regulations required that a determination be made as to whether:

"* * * there has been a substantial change in the social, economic and environmental effects of the proposed action." (23 C.F.R. 771.14(i) (1980))

Or, if:

"* * * substantial changes are made in the proposed action that will introduce a new or changed environmental effect of significance to the quality of the human environment or significant new information becomes available concerning the action's environmental aspects." (23 C.F.R. 771.15 (1980))

Or, under the 1981 revision of the regulations, if:

"* * * there have been significant changes in the proposed action, the affected environment, the anticipated impacts, or proposed mitigation measures * * *." (23 C.F.R. 771.129(c)(2) (1981))

The 1981 reevaluation assessed a number of subjects and their changes, including:

--Design (Westway and north of 42nd Street).

--Affected environment (population, employment, land use, development, air quality, noise conditions, water quality, and public transportation).

- Anticipated impacts (social, economic, parks, waterfronts, visual environment, public facilities, utilities, historic sites, displacement, relocation, natural resources and energy consumption, traffic, air quality, noise, water, construction, and costs).
- Mitigation (indirect source permit, water quality certificate, dredge and fill permit).

The reevaluation findings were reported as:

- No significant changes in the design of Westway.
- Examination of recent socioeconomic and travel data verifies the trends predicted in the Final EIS. Examination of recent data available on water quality and marine life in the Hudson River has yielded a more accurate understanding but does not invalidate the Final EIS information.
- Virtually no change in impacts is anticipated with Westway. Revised traffic and air quality predictions and further analyses of the water quality were done but did not invalidate the conclusions reached in the Final EIS.
- Various permits issued for the construction of the project, such as for air and water, have conditions attached which are designed to monitor or mitigate the impacts of the project, but none require significant changes to the project.

The overall conclusions reached by the reevaluation were:

"There have been no significant changes in the proposed action. Conclusions reached regarding the affected environment are reinforced by recent data. Conclusions reached with regard to the anticipated impacts of the Selected Alternative were not changed by the additional analyses conducted since the publication of the Final EIS. Mitigation measures have been incorporated into the project, but they do not require significant changes in the project.

"As a result of the foregoing, it is the conclusion of this reevaluation that the Final EIS continues to be a valid document, and it is not deemed necessary to supplement it prior to proceeding with major project approvals or authorizations."

FHWA officials, including the New York Division Administrator and an area engineer as well as a headquarters official from the Office of Environmental Policy, could not define what constitutes a "significant change" to a project. Significance is a judgmental determination according to FHWA officials. They

reiterated that the changes from the 1977 Final EIS for Westway, as reevaluated, were not significant changes.

GOVERNOR-MAYOR AGREEMENT ON WESTWAY

In addition to the position stated in "Westway in Perspective" and the conclusions of the Final EIS reevaluation, Tri-State's Executive Director cited the agreement among publicly elected officials as a reason for continuing to endorse Westway. In the "Westway Memorandum of Understanding," dated July 1981, the Governor of New York and the Mayor of New York City affirmed that Westway is the officially recognized replacement of the West Side Highway in Manhattan. The memorandum is in keeping with the support of prior State and city administrations.

The memorandum also established agreements between the New York State and City administrations concerning Westway costs and the use of the recreation and developable land created by the landfill. The officials agreed that New York City was not to be accountable for any costs resulting from items declared ineligible for Federal support. Provisions were made for a subcommittee to be established to determine the planning, design, and operation of the 93 acres of Westway-created park land. The land will be State owned and operated; however, a New York City parks and recreation representative will fill one of the three positions on the subcommittee. New York City will develop a plan for the use of the 110 acres of developable land created by the Westway landfill.

According to the Executive Director, Tri-State considers its active involvement with Westway ended with the completion of the A-95 clearinghouse requirements in 1977. Unless new information becomes known which would warrant a reevaluation, or the project changes significantly, Tri-State officials see no reason to reconsider their endorsement of Westway and plan to continue listing it in transportation plans and programs.

RECENT DEVELOPMENTS

On March 31, 1982, the United States District Court, Southern District of New York, issued a decision in the case Sierra Club vs. United States Army Corps of Engineers (81 Civ. 3000). The court ruled that the Corps of Engineers, in issuing the Dredge and Fill permit for the Westway project, had violated several environmental laws. The court found that the Corps failed to publicly disclose the facts, as required by the National Environmental Policy Act, 42 U.S.C. 4321-4327, regarding the impact of the landfill on fishery resources, and failed to adequately consider this impact in its decision. Accordingly, the court set aside the Dredge and Fill permit and enjoined the landfill for the construction of Westway until the Corps shows compliance with the laws. In a related action decided at the same time the Corps of Engineers' injunction was issued, the court dismissed all claims against Tri-State and other defendants.

According to the Executive Director of Tri-State, the court's decision does not change Tri-State's endorsement of the Westway project. FHWA's New York Division Administrator stated that any assessment of the impact of the court ruling would be premature at this time.

On April 14, 1982, the court issued a second order which outlines the procedures the Corps must use to issue a new Dredge and Fill permit. The court ordered that although most of the material in the January 1977 EIS is still useful, the information on certain points needs to be brought up to date. Therefore, the new EIS must include the current cost estimates of the Westway project, current plans for uses of the landfill area, the method of selection of real estate and commercial developers, and new information on alternatives and development of the West Side. The court also reserved the right to prohibit certain engineering or other preparatory work now planned by NYS/DOT.

On April 20, 1982, the same court exercised that right in a third ruling by barring the Federal Government from paying New York State \$90 million for Westway land acquisition while the injunction is in effect. The land in question extends east and west from West Street to the end of the piers in the Hudson River and north and south from the northern end of Battery Park to 30th Street. On this date the court also approved a motion to make FHWA a party to the suit. Additional issues are still under consideration by the court.

COMMISSIONERS OF TRI-STATE REGIONALPLANNING COMMISSIONDURING 1975 1/State of New York

Commissioner, Department of Transportation, Chairman
 Chairman, New York City Planning Commission
 Commissioner, Division of Housing and Community Renewal
 Secretary of State
 Chairman, Metropolitan Transportation Authority

State of New Jersey

Commissioner, Department of Transportation
 Mayor of Leonia
 Commissioner, Department of Community Affairs
 Mayor of Eatontown
 Bell Telephone Laboratories Representative

State of Connecticut

Commissioner, Department of Transportation
 Commissioner, Department of Planning and Energy Policy
 Chairman, Connecticut Public Transportation Authority
 Mayor of Stamford

DURING 1982State of New York

Commissioner, Department of Transportation, Chairman
 Chairman, New York City Planning Commission
 Supervisor, Town of Harrison
 Secretary of State
 Professor, Rutgers University

State of New Jersey

Commissioner, Department of Transportation
 Mayor of Newark
 Commissioner, Department of Community Affairs
 Public Member
 Public Member

State of Connecticut

Commissioner, Department of Transportation
 Under Secretary for Comprehensive Planning, State Office
 of Policy and Management
 Mayor of Waterbury
 First Selectman of Wilton
 First Selectman of Reading

1/The year that Westway was approved by Tri-State.

HIGHLIGHTS OF WESTWAY EVENTS

- November 1971 U.S. Department of Transportation designates the West Side Highway in Manhattan as an Interstate link.
- December 1971 The Governor of New York and the Mayor of New York City establish the West Side Highway Project Steering Committee to set goals and policies for the development of a corridor plan for the West Side waterfront portion of Manhattan including reconstruction of the West Side Highway.
- December 1973 A large section of West Side Highway collapses.
- April 1974 NYS/DOT in consultation with the U.S. Department of Transportation, issues the Draft EIS with Westway as an alternative.
- July 1975 Westway appears in Tri-State's regional transportation plan as a priority proposal that helps to achieve regional transportation goals and objectives.
- February 1976 Tri-State's initial TIP lists Westway.
- January 1977 U.S. Department of Transportation approves the Final EIS which names Westway as the selected alternative.
- March 1977 FHWA issues the location approval for Westway.
- July 1977 FHWA issues the design approval for Westway.
- September 1977 Tri-State notifies NYS/DOT that the A-95 process for Westway has been completed.
- July 1978 A Tri-State staff analysis entitled "Is Westway the Best Way" concludes that a lesser highway and improvement to mass transit would be a better alternative than Westway.
- April 1979 New York State Department of Environmental Conservation issues the water quality certificate for Westway.
- January 1980 A more detailed Tri-State staff analysis entitled "Which Way for Westway" is issued, presenting a Drive/ Trade-in option as a preferable alternative to Westway.
- February 1980 A Tri-State position paper, "Westway in Perspective," is issued concluding Tri-State should not reevaluate its endorsement of Westway.

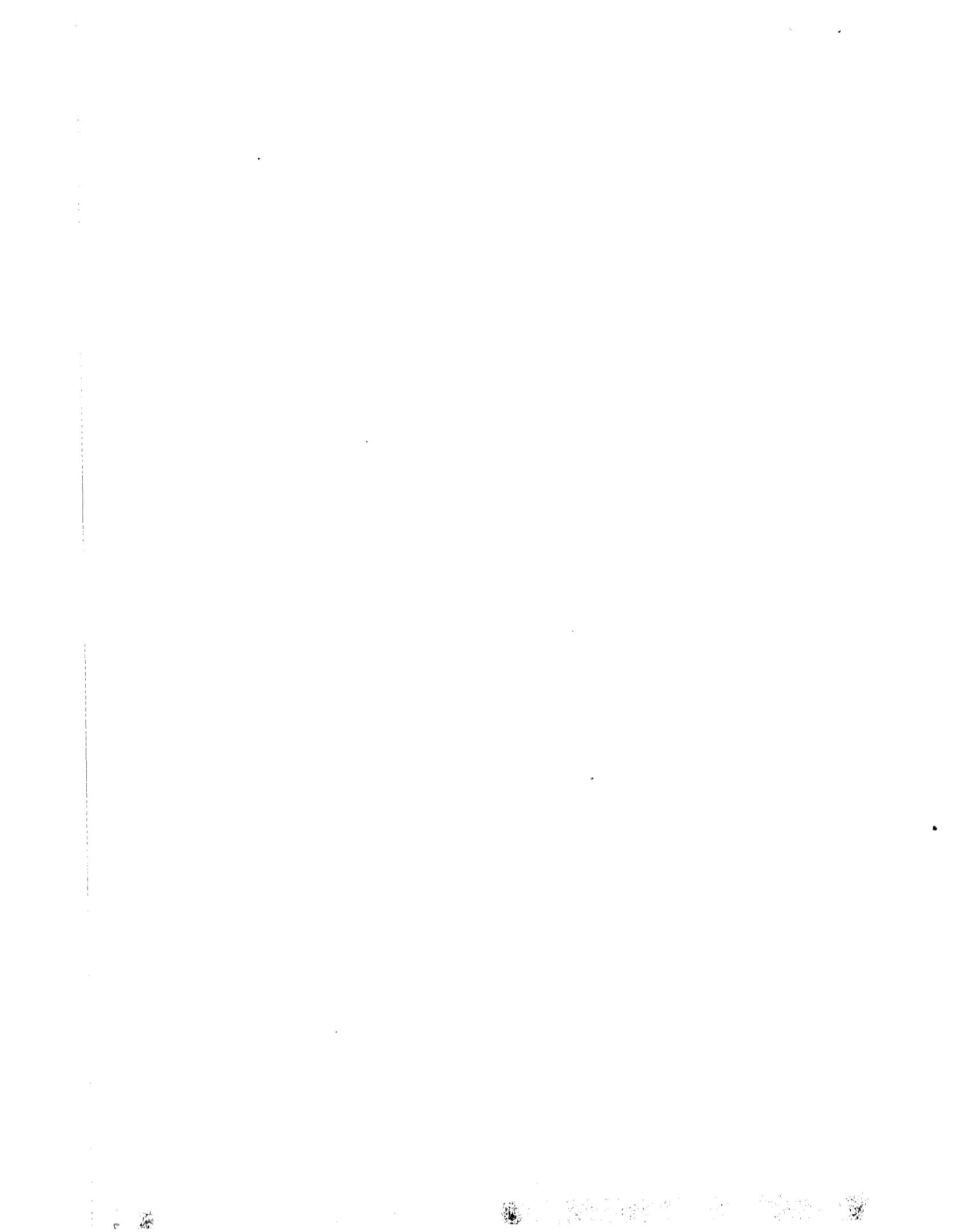
- October 1980 New York State Department of Environmental Conservation issues the Indirect Source Permit for Westway, indicating that the planned construction minimizes adverse environmental effects on air quality.
- March 1981 U.S. Army Corps of Engineers issues the Dredge and Fill Permit for Westway.
- July 1981 Westway Memorandum of Understanding signed by the Governor of New York and the Mayor of New York City specifies Westway as the official replacement for the West Side Highway.
- August 1981 An FHWA and NYS/DOT report on reevaluating Westway's Final EIS is issued which concludes that the project and conditions have not significantly changed.
- March 1982 A Federal district court rules that the U.S. Army Corps of Engineers did not adequately assess Westway's impact on the fishing industry. The Dredge and Fill permit for Westway is set aside until the Corps complies with environmental laws. It also dismissed the suits against Tri-State.
- April 1982 The court outlined the procedures the Corps must use to issue a new Dredge and Fill permit.
- A week later the court barred the Federal Government from paying New York State \$90 million for Westway land acquisition while the injunction is in effect.

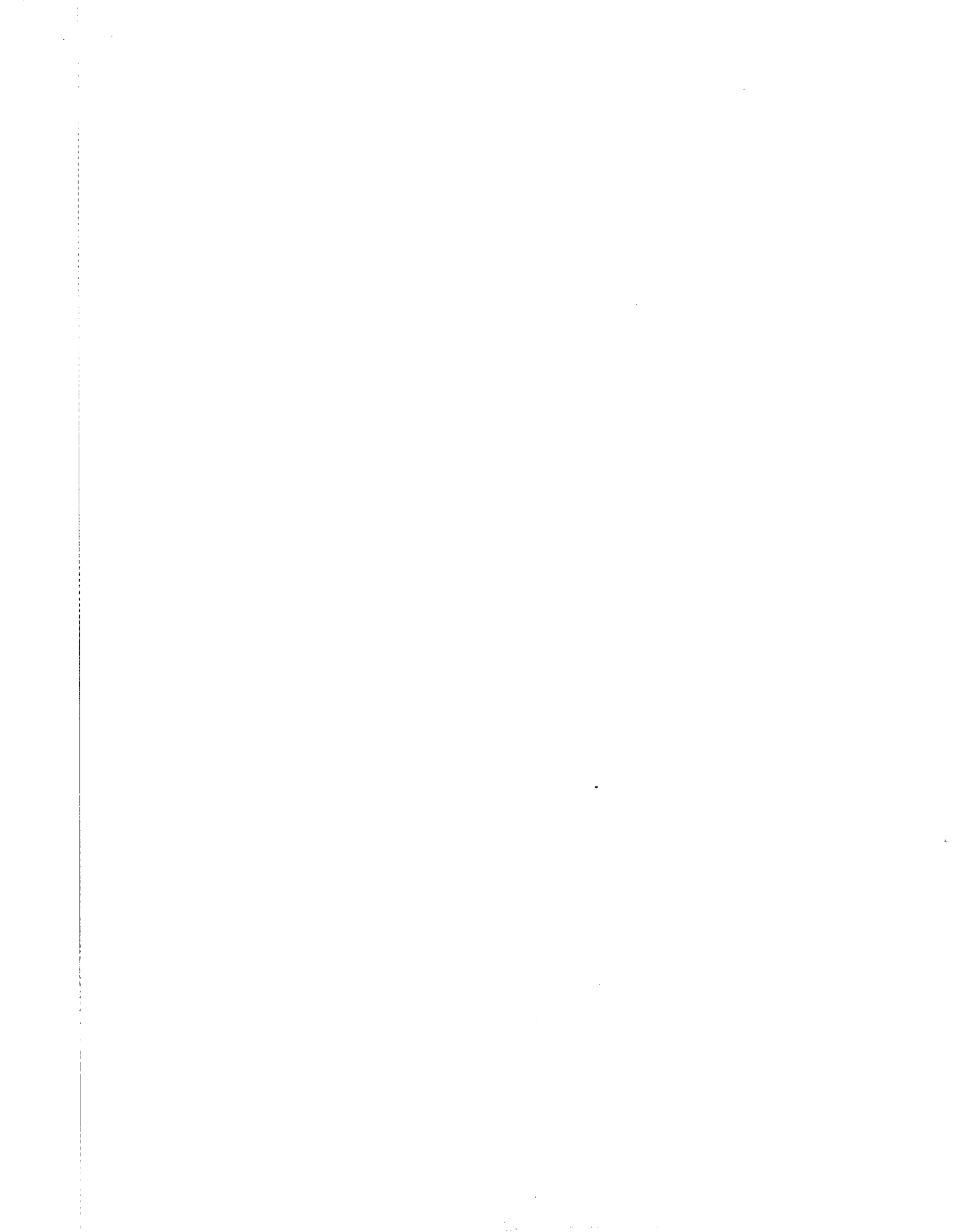
DESCRIPTION OF WESTWAY

Westway (Interstate 478), as currently planned, would be a limited access, six-lane highway which for the most part (2.6 miles) will be depressed in landfill in the Hudson River on the Lower West Side of Manhattan. This 4.2-mile highway is to replace the unusable segment of West Side Highway. Westway has been depicted as a potential catalyst for economic revitalization in New York City. During peak hours, the inside lane in each direction will accommodate express buses and high-occupancy vehicles. West Street/Twelfth Avenue, which runs under the elevated West Side Highway, will be reconstructed in its present right-of-way as a four-lane local street.

Westway is to be connected with the Battery Park Underpass, the Brooklyn-Battery Tunnel (I-278), and the Holland Tunnel (I-78). Further north, it will be connected with 14th Street, the elevated West Side Highway still in use north of 42nd Street, and the Lincoln Tunnel. Access ramps are to be located at key points, including the Battery Park Underpass, the Lower Manhattan business district, Canal Street, 14th Street, and the Midtown business district.

As a result of the landfill that will be used in the construction of Westway, 234 acres of new land will be available for a variety of uses, including a 93-acre continuous park along the Hudson River waterfront from Lower Manhattan to Midtown. The construction of Westway also involves removal of the existing elevated highway structure. The demolition of old structures, as well as the development of water-edge parklands will provide recreation and open space areas for Manhattan's crowded West Side. A pedestrian esplanade and bicycle path is planned along the river front extending from the Battery to 34th Street.





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