



NEW YORK STATE SENATOR

Liz Krueger

## Testimony Before the F.T.A. and M.T.A. Regarding the Proposed Utility Facility on East 50th Street on February 10, 2005

LIZ KRUEGER July 12, 2010

I am state Senator Liz Krueger and I represent the 26<sup>th</sup> Senate district, which covers the East Side of Manhattan and Midtown. I am here tonight to highlight my concerns regarding the proposed building on East 50<sup>th</sup> Street and to urge the Federal Transit Administration (FTA) and the Metropolitan Transportation Authority (MTA) to fully consider these concerns when determining whether the proposed facility on East 50<sup>th</sup> Street poses a significant impact to the community and should be subject to further environmental and public review.

The introduction of this facility to the East Side Access project has raised a number of questions. My primary concern is that this facility was introduced to the public and elected officials in a manner that significantly limits opportunities for public comment and a full review of the environmental impacts of this project. Because the MTA introduced this building after FTA approval of the FEIS, it has not been subject to the lengthy public review and comment period which would have been required had it been proposed in the original SDEIS.

In planning this utility facility, the MTA “discovered” that the locations set forth in the Final Environmental Impact Statement (FEIS) for facilities like venting, a diesel fuel storage tank and cooling towers among other facilities were not adequate and integrated these structures

into the massive building currently proposed. The MTA made this significant change to East Side Access quietly at some point in 2002. By proceeding in this manner, myself, my fellow elected officials and the community were not alerted to the significant impacts this building may have on our community and have not been afforded ample time to review the plans. In fact, property owners on East 50<sup>th</sup> Street learned of the MTA's plans only after the MTA filed to acquire the current structures on East 50<sup>th</sup> Street through eminent domain.

By doing this, the MTA bypassed the full public review and scrutiny it would have received had plans been established in the Supplemental Draft Environmental Impact Statement (SDEIS.) Proceeding in this manner diminishes the MTA's credibility in the eyes of the public and hinders citizen's rights to question project elements that will most affect their daily lives. I hope the FTA takes the MTA's actions into account when determining whether the building poses a significant impact to the community and whether further public comment and review are necessary. Such questions may have included: Why the MTA chose to originally placed loading docks at Depew Place without first determining if these docks had enough capacity to sustain the loading needs for the East Side Access platform and also the many allegations lodged by the Citizens for a Safe East 50th Street as to the possible safety and security risks posed by the facility. Unfortunately, the lack of a proper environmental review has led to confusion and concern among property owners and the community surrounding East 50<sup>th</sup> Street.

I would also like to note the significant historic and aesthetic impacts that construction of this building may have on East 50<sup>th</sup> Street. The proposed facility would be located in the heart of midtown and within a block of seven historical sites, most notably: St.

Bartholomew's Church, the Waldorf-Astoria Hotel and St. Patrick's Cathedral. The building seems particularly inappropriate given the historic character of its immediate surroundings.

In conclusion, I would like to reiterate my disappointment with the manner in which the MTA has proceeded with the planning of these elements of the East Side Access project. In granting the MTA its powers and authorities, the people of New York expect that the MTA will provide them opportunities to express concerns, review plans and make suggestions. Clearly, these expectations have not been met, and I hope the FTA will take this into account when determining the impacts this facility will have on the community.