



NEW YORK CITY LAW DEPARTMENT
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Press Release

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For Immediate Release

**APPELLATE COURT RULES THAT CITY'S APPROVAL
TO CLOSE THE 72ND STREET EXIT RAMP OFF THE WEST SIDE DRIVE
WAS PROPER
AND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED**

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New York, July 15, 2005 – In a unanimous (5-0) opinion yesterday, a Manhattan intermediate appellate court ruled that the City Department of Transportation (DOT) complied with applicable environmental laws in approving the closure of the northbound 72nd Street ramp off the West Side Highway. The ruling reverses an October 2004 State Supreme Court decision.

The lawsuit had been brought by a group of local petitioners, led by the Coalition Against Lincoln West, Inc. They had challenged the DOT's January 2004 decision to close the ramp, which was done as part of the Riverside South Development Project.

The Project includes the construction of a new north-south road, Riverside Boulevard (running parallel and to and east of the Joe DiMaggio Highway). It will extend Riverside Drive from West 72nd Street through the project site to West 59th Street and 12th Avenue. This would:

- Connect the new Riverside Boulevard to Riverside Drive at 72nd Street,
- Allow northbound vehicles on Riverside Boulevard to access Riverside Drive,
- Allow southbound vehicles from Riverside Drive to access Riverside Boulevard.

The project also included the closure and removal of the West 72nd Street off-ramp.

Based upon consideration of the underlying Final Environmental Impact Statement (FEIS) for the Riverside South Development project, which had fully considered the closure, and based upon review of updated 2003 traffic analysis information, DOT had concluded that:

- (1) despite the passage of time, the proposed ramp closure would not result in any new or different significant adverse traffic air or noise impacts that were not identified and disclosed in the 1992 FEIS,
- (2) the mitigation measures presented in the 1992 FEIS, with minor modifications, were still appropriate to mitigate any significant impacts.

Accordingly, DOT concluded that no Supplemental Environmental Impact Statement (SEIS) was necessary. While the lower Court disagreed and had enjoined closure and remanded the case for further "appropriate" environmental review, yesterday's Appellate Division decision appropriately recognized that the DOT's decision was properly made and rationally based.

"We are very pleased by the decision," said Leonard Koerner, Chief of the New York City Law Department's Appeals Division. Koerner worked on the case with Elizabeth S. Natrella, a Senior Counsel in the office's Appeals Division. Natrella, who briefed and argued the case, noted, "The Court properly recognized that no further environmental review was required under the circumstances." She continued, "This decision will allow the City

and the Riverside South community to benefit from the completion of the new north-south roadway along the West Side of Manhattan, which was an integral part of the configuration of the development project to connect Riverside Drive to Riverside Boulevard.” Gail Saunders and Heidi Rubinstein of the Environmental Law Division also worked on the case.

The City’s approval of the closure was supported by various community civic groups and local organizations, including several *amici* or “Friends of the Court,” who filed a joint brief in support of the City. They included the Riverside South Planning Corporation, which consists of a consortium of four citywide civic/planning organizations (the Regional Planning Association, the New Yorkers for Parks (formerly the Parks Council), the Municipal Art Society; and the Riverside Park Fund. A local community organization named Westpride also supported the City. No specific date has yet been finalized for the ramp closures.

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