STATE'S HIGHEST COURT DECLINES TO REVIEW APPELLATE DIVISION DECISION UPHOLDING CLOSING OF WEST SIDE HIGHWAY / 72ND STREET EXIT RAMP CLOSURE

Contact: Kate O'Brien Ahlers, Communications Director, (212) 788-0400, kahlers@law.nyc.gov

New York, Nov. 18, 2005 – The New York State Court of Appeals yesterday denied "leave to appeal" in a case in which a midlevel appellate court held that the New York 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. This ends the litigation brought by a group of petitioners, led by the Coalition Against Lincoln West, Inc., who challenged DOT's January 2004 decision to close the ramp.

The Appellate Division, First Department – the midlevel appellate court – had originally found for the City on July 14, 2005. In denying the plaintiffs "leave" or permission to appeal, the Court of Appeals, which is the State's highest court, yesterday effectively ended 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 Corp., which consists of a consortium of four citywide civic/planning organizations, including the Regional Planning Association, New Yorkers for Parks (formerly the Parks Council), the Municipal Art Society and the Riverside Park Fund, and a local community organization named Westpride.

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 concluded that:

- Despite the passage of time, the proposed ramp closure would not result in any new or different significant adverse traffic (or traffic-related air quality or noise) impacts that were not identified and disclosed in the 1992 FEIS; and

- 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.

"We are very pleased by the decision," said Leonard Koerner, Chief of the New York City Law Department's Appeals Division. "The Court recognized that no further environmental review was required under the circumstances, including where there was a full Final Environmental Impact Statement, which was previously upheld by the State's highest court. 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."

Elizabeth S. Natrella of the Appeals Division, and Gail Saunders and Heidi Rubinstein of the Environmental Law Division also worked on the case.

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