

Pre-“With All Due Respect” Commentary by Art Giacalone (June 2012):

Note: The following op-ed piece was published in the “Another Voice” column of *The Buffalo News* on June 14, 2012 under the headline, “Peace Bridge – Authority is a state agency obliged to follow state law.”

[<http://www.buffalonews.com/article/20120614/OPINION/306149924>]

Peace Bridge Authority is a state agency obliged to follow state law

The Peace Bridge Authority is a state agency. But like many an ungrateful child, the PBA refuses to acknowledge its New York State pedigree unless and until it wants a parental handout.

The Buffalo and Fort Erie Public Bridge Authority (a/k/a Peace Bridge Authority) has a dual status. It was created in 1933 by the NY State Legislature as a “public benefit corporation” and “instrumentality of the state of New York.” A year later, the US Congress consented to the PBA entering into a compact with Canada to construct and operate a bridge between the two nations.

The PBA will gladly accept a gift of \$15 million dollars from the state Department of Transportation to defray costs involved in acquiring the Episcopal Church Home property at the corner of Busti Ave. and Rhode Island St. But the bridge authority refuses to comply with its parent’s rules meant to ensure open and honest government, such as New York’s Freedom of Information and Open Meeting laws.

Similarly, the Peace Bridge Authority makes a mockery of the State Environmental Quality Review Act when it feigns “voluntary” compliance with its requirements. When performed properly, SEQRA mandates an objective assessment of the cumulative adverse impacts of an agency’s entire project. If the PBA were serious about complying with the letter and spirit of SEQRA, it would be taking a hard look at the likely impacts of expanding the existing bridge plaza beyond its current boundaries, demolishing the nearby nursing home facility, and constructing a super-sized Duty Free store in its place. Instead, the PBA has narrowly focused on the effects of demolishing seven or eight Busti Avenue houses that it has owned and neglected since the 1990s.

According to the bridge authority, its plans for expanding the plaza are too preliminary and involve too many uncertainties to allow meaningful environmental review at this time. That characterization is as self-serving as the PBA’s claim, expressed at its plaza expansion website that, “the issue of air quality has been at the forefront of the Peace Bridge Capacity Expansion.” In fact, the long list of project “objectives” and “enhancement opportunities and potential secondary benefits” described in the expansion project’s 2007 Draft Environmental Impact Statement makes no mention of any kind to air quality or the health of nearby residents.

It is time for the State of New York to firmly remind its wayward offspring that it is, in fact, a state agency. Our state's highest court reached that conclusion more than 70 years ago, as did the US district court in 2010. Because the PBA is a state agency, New York has the authority and obligation to regulate Peace Bridge activities that extend beyond the boundaries of the existing plaza and that involve the health and safety of NY residents.

The planned demolition of the Busti Avenue residences constitutes such an activity.

Sincerely,

Arthur J. Giacalone