



PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

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**Partial transcript of:
Buffalo and Fort Erie Public Bridge Authority
Board Meeting, April 25, 2014
Fort Erie, Ontario (Canada)**

Topic: New York Gateway Connections Improvement Project

Duration: 3:21 ♦ Start time: 44:39 ♦ End time: 48:00

The following is a partial transcript of the April 25, 2014 monthly board meeting of the Buffalo and Fort Erie Public Bridge Authority (PBA) in Fort Erie, Ontario (Canada) regarding matters associated with the New York Gateway Connections Improvement Project of the U.S. Peace Bridge Plaza. The following three individuals can be heard on the recording:

- *Maria Lehman*, Project Manager for the New York State Department of Transportation assigned to the New York Gateway Connections Improvement Project
- *Anthony Masiello*, PBA Board Member appointed by Governor Andrew Cuomo
- *Sam Hoyt*, PBA Board Member appointed by Governor Andrew Cuomo

Lehman: I have, as does Sam [Hoyt], the governor's word that unless we get a restraining order, [the construction contract for the New York Gateway Connections Improvement Project is] gonna get awarded—our intent is—the design is underway now, the final plans are due to be done the end of May [2014], we're going to be bidding it in late June, and we wanna have a shovel in the ground late September [2014]. So, unless there's a TRO [Temporary Restraining Order], we're going. If there's a TRO, again, we did this Burmese seven-language thing so we could check the box—this was a concern, we handled it, we took care of it. So even some really crazy things that have never come up before and, you know, this whole discrimination against the newly people that come to Buffalo, that challenge is the first time that challenge has happened anywhere in the United States, and so we made a conscious decision—alright, it's more money, it's a little bit more time, but you know, a federal judge is going to look at that and say, are you kidding me, a reasonable person—they went way above and beyond, so.

Unknown: Thank you for answering my question.

Masiello: If there is a court challenge, what's the court timetable usually on something like this? Does a judge rule, you know, in three weeks, does he rule in three years?

Lehman: It depends on what the court challenge is.

Hoyt: It's at the time of the Record of Decision, right?

Lehman: Yes. The Record of Decision—we have 120 days that the record of decision can be challenged. And again, the three white papers that are in Appendix G [of the Final Environmental Impact Statement for the New York Gateway Connections Improvement Project], the one has to do with oversized and over-wide [commercial trucks], which was the concern that if there was a challenge from the trucking industry—all those are about court challenges, all three of them.

Masiello: In anticipation of that, I for one see this as a real big win for the [PBA], for both sides of the border. For me, it really significantly enhances at least the American side [of the Peace Bridge complex] obviously, but also the ability to move traffic more quickly. When do we begin to tell the story so we can garner, you know, public support for this project?

Lehman: One hundred and twenty-one days from the record of decision being signed.

Masiello: So, but, can't we promote this? Can't we publicize this? Can't we market this?

Lehman: I think some of it has been a conscious decision not to kick sleeping dogs that otherwise might not be paying as close of attention as they are.

Hoyt: But along those lines, we've also—continuing the analogy—brainwashed—no, worked closely with, nudged those sleeping dogs and brought them over to our side. The Olmsted Parks Conservancy is the best example. A litigant in previous situations, now celebrating this project and supporting this project.

Masiello: And I'm sure there's others too.

Hoyt: Trying to minimize the number of negativists and potential—be able to sue us.

Masiello: And I've always said this, you know—there's a bigger audience out there than just the local [inaudible], you know, neighborhood naysayers.