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To the New York State Department of Transportation - email to Rehab5CBEBridges@dot.ny.gov

We are pleased to submit the comments of the Bronx Council for Environmental Quality (BCEQ) on the New York State Department of Transportation (SDOT) New York State Environmental Quality Review Act (SEQRA) Environmental Assessment (EA) for P.I.N. X727.07 Rehabilitation or Replacement of Five (5) Cross Bronx Expressway Bridges (CBE or I-95) between Boston Road and Rosedale Avenue over the Bronx River (BR). Documents are here: <https://webapps.dot.ny.gov/reports-and-documents-0>.

INTRODUCTION

The Cross Bronx Expressway (I-95) connects west to east: George Washington Bridge to Throgs Neck and Whitestone Bridges. It cuts through Bronx neighborhoods with 150,000 cars and trucks per day making this one of the most heavily travelled roads in the Metropolitan area. This one-mile-long section will upgrade the structures to modern standards. Built between 1948 and 1972, its construction was designed to displace thousands of people which created barriers that separate communities.

A separate study [*Reimagine the Cross Bronx*](#), completed on March 10, 2025, is foundational to all future projects within this corridor. This three-year effort of community and government visioning with guiding principles that improve safe traffic connections (walking, biking, transit), improve north-south connections, with increasing green and open spaces, and support overall healthy options. (Reimagine the Cross Bronx, page 45).

BCEQ ORGANIZATION

BCEQ is a 54-year old all-volunteer, environmental advocacy 501c3 organization dedicated to achieving “*a sound, forward-looking environmental policy regarding an aesthetic, unpolluted, environment protecting a natural and historic heritage.*” We are among New York City’s leading community advocates and active consulting partners with city and state agencies in planning and developing sustainable and resilient clean water through green infrastructure, environmental greenways, accessible waterfronts, living shorelines, nature-based natural features, and stormwater management and mitigation for current and proposed development.

We find that the EA and Design Reports have **serious flaws in at least three areas:** unmitigated serious impacts remain, modernization is not for all infrastructure, and methods are inequitable for urban areas. Therefore, we urge a **Positive Declaration and an Environmental Review should begin ASAP.**

EXECUTIVE SUMMARY

BCEQ finds the 2025 EA identified enough **unmitigated environmental impacts** to require the lead agency to conduct a full Draft Environmental Impact Statement (DEIS). Since we were not copied on the development of the Scope of Work, we urge an updated Scope of Work to encompass serious impacts omitted (and identified within).

In addition, **the FHWA 4(F) review** is insufficient because the chosen alternative is not prudent under severity of impacts to environmental resources protected under other Federal statutes, and the “thumb on the scale” [in favor of “protecting” section 4\(F\) property](#). The 4(f) review failed to even consider under the 106 review, that the Bronx River Parkway (BRP) as potentially “eligible for the state and federal register” as was declared for the CBE is “eligible”. Perhaps that would mean the 4(f) property would have to be more protected? (While the explanation may be that it is on the registers in Westchester, we all know that on or eligible holds the same protection.)

Finally, under CFR section 774.5 this review also failed to collaborate with all the necessary agencies. Despite the fact that the waterways are not considered under 4(f) review, the following program is not only concerned with the waterway, but also concerned about the critical avenues (see below quote). The Department of the Interior which is the lead on the decade-old Bronx and Harlem Rivers [“Urban Waters Federal Partnership \(UWFP\)”](#) -- an urban program for disadvantaged areas.

“For those of us who are city dwellers, it may not be at the forefront of our minds to remember that our cities and towns are filled with tremendous natural resources and amazing natural beauty. Our rivers, streams and lakes provide not only drinking water but a place for recreation and critical avenues for economic development and growth in our cities and towns. When our waters become unhealthy and polluted -- or we are cut off from local waterways by poorly placed roads, highways and industrial infrastructure -- we cannot take full advantage of the economic, environmental and social assets that our waters provide. ...

That’s why I was so proud today to stand with U.S. Environmental Protection Agency Administrator Lisa Jackson and U.S. Department of Interior Secretary Ken Salazar as well as other Administration colleagues, Senator Ben Cardin, and local city partners to announce a new federal partnership that will reconnect urban communities, particularly those that are overburdened or economically distressed, with their waterways by improving coordination among federal agencies and collaborating with community-led revitalization efforts.”

Environment Best Practices - General

Environmental review originated with the federal National Environmental Protection Act (NEPA), the “Protection of the Environment.” The study should have several segments, including a project description with a proposed action and alternatives, purpose and need, public need and benefits including economic and social, review of impacts as to type and seriousness, degree of impact as to irreversible and irretrievable resources, unmitigable, and mitigation. Among others, the chapters can address topics such as land use and public policy, water resources, socioeconomics, or hazardous materials.

These federal rules are known as NEPA. New York State adopted the federal rules and made them specialized or more stringent - called SEQRA. New York City adopted NYS’s or more stringent rules, and they called it CEQR. Other chapters should include the Proposed Action, Purpose and Need,

Project Description and followed by the major impacts and severity of those impacts on the environment (temporary / short / long term, or irreversible / irretrievable). Then compare the preferred alternative to other alternatives to see which has the least impact on the environment – that is, an environmental impact statement.

In the federal NEPA, it states that: “*The environmental impacts of the proposed action and reasonable alternatives to the proposed action and the significance of those impacts. The comparison of the proposed action and reasonable alternatives shall be based on this discussion of the impacts.*” NYS SEQRA states: “*a concise description of the environmental setting of the areas to be affected, sufficient to understand the impacts of the proposed action and alternatives.*” NYC CEQR states: “*a discussion of alternatives to the proposed action and the comparable impacts and effects of such alternatives.*” The CEQR Technical Manual states: “*There is no prescribed number of alternatives that need to be examined. The only alternative required to be considered is the No-Action alternative and the lead agency should exercise its discretion in selecting the remaining alternatives to be considered.*”

Environment Best Practices – Air Quality

If an unmitigated adverse impact is identified in other CEQR analysis areas —such as air quality, water quality, hazardous materials, or noise— the lead agency may determine that a public health assessment is warranted for that specific technical area. This assessment represents a distinct layer of inquiry; its criteria are informed by public health considerations and are, therefore, different from the criteria that triggered the need to conduct a public health assessment. If a public health assessment is determined to be necessary, the assessment process involves evaluating whether and how exposure to environmental contaminants may occur and the extent of that exposure; characterizing the relationship between exposures and health risks; and applying that relationship to the population exposed.

Even though this is not a CEQR review, based upon the research concerning the risks stated above, the Lead Agency should take action to remedy dangerous conditions and protect the public. This should include review of Alternatives, including unmitigated impacts from Irreversible and Irretrievable Commitments of Environmental Resources, Hazardous Materials, and Air Quality as a public health impact assessment.

Stormwater Management Design Manual Choices

The November 2025 Draft Drainage Report was prepared in accordance with Chapter 8 of the NYSDOT Highway Design Manual (HDM) which is based on the 2022 NYSDEC Stormwater Management Manual. However, the most recent NYS DEC Stormwater Management Design Manual is July 31, 2024 with an update that provides “standards for the design of the Stormwater Management Practices (SMPs) to protect the waters of the State of New York from the adverse impacts of urban stormwater runoff.” This revised manual is intended to establish specifications and uniform criteria for the practices that are a part of a Stormwater Pollution Prevention Plan (SWPPP). Specifically, the manual states the following in Section 2.7 about Climate Change Resiliency Planning:

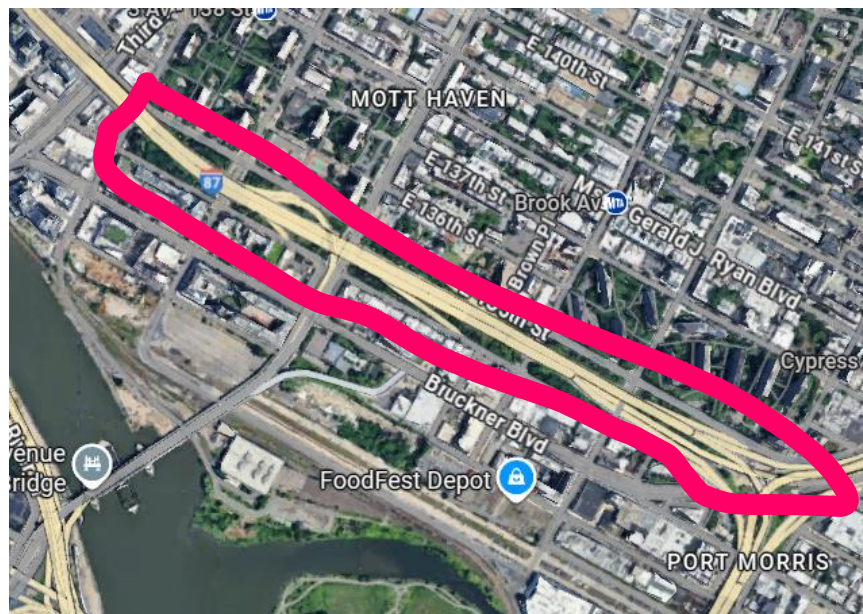
“At a minimum, to the extent practicable and where achievable, construction activities and stormwater management within New York State should incorporate green infrastructure concepts to reduce overall stormwater runoff and improve water quality in new construction and redevelopment projects. Infrastructure should be designed and built to account for projected climate change impacts which may occur over their lifespans. This includes incorporating climate projections and adaptation strategies in upfront design and in expected operations and management. Preservation of open space and nature-based solutions should be considered as strategies for reducing peak stormwater discharge and overall climate risk mitigation.” (emphasis added)

SECTION 1: UMITIGATED IMPACTS

Unmitigated serious impacts remain

The large number of pages in this draft EA proves that the originally proposed draft Categorical Exclusion (CE) was premature and that major environmental impacts exist. That being said, there remains serious unmitigated impacts including:

- Not modernizing drainage plans connected which overflow into the Bronx River, local streets and/or parks;
- Adding an outfall for direct discharge into an already impaired water body; not adapting the best practice only the required despite the projected use is 50-75 years whereby rainfall is projected to increase;
- Using the tidal exemption within a primary recreation area to avoid the best practice;
- Using an outfall for the mitigated new greenway rather than the best practice or NBS or GI; neglecting the measure of water quality caused by increased CSO rates at the Hunts Point filter plant;
- Failing to build Sound barriers (which can also be used as a stormwater capture) when the numbers are significant. 5dbl = 50% louder
- Failure to optimize green infrastructure and nature based solutions, such as greening the new shoulder's impervious surface (as was done 30 years ago on the Major Deegan between 138th Street and the Triboro Bridge)



Unmitigated impacts

- drainage plans connected to the Bronx River, local streets and/or parks;
- Outfall for direct discharge into an already impaired water body;
- Tidal exemption to protect a primary recreation area;
- Using an outfall for the mitigated new greenway rather than the best practice or NBS or GI;
- No Sound barriers (which can also be used as a stormwater capture)

- Failure to optimize green infrastructure and nature based solutions, such as greening the new shoulder's impervious surface (as was done 30 years ago on the Major Deegan between 138th Street and the Triboro Bridge)

Questions unanswered:

- Will trees that are removed be replaced at the rate of wood for wood?
- What is the standard for hazardous waste? What will happen with what they find when they dig?
- There is plenty of Ecological remediation to be determined, will there be public comments on plans developed?
- There are eight existing outfalls within the project limits. Five of the existing outfalls would remain without impact." Not good enough

Insufficient Mitigation proposed or Decisions have consequences

- Is this all we get? "Coordination with NYCDPR to study the feasibility of a new green public open space between the Bronx River and Devoe Avenue in conjunction with the adjacent Drew Gardens community garden is on-going" This is all we get?
- No aquatic vegetation was observed in the river during the multiple site visits. But as part of the construction of the CBE in the 1940s and 1950s, the Bronx River channel was relocated to the east of the natural channel and the natural channel and associated wetlands were filled in.
- You could do better, not just required – **the wording is "may"**. "This is the lowest classification for a tidal water body and therefore does not warrant any special protection under these regulations."

Section 2: INEQUITABLE MODERIZATION

Modernize all, not just transportation infrastructure

This proposal has modernized the transportation infrastructure to last the next 50 to 75 years, but fails to bring other infrastructure, including waterways, natural resources, and recreational greenways, up to that same pace. Serious impacts to the environment are prominent in this plan, and some from long ago. The State can and should do more than the minimal requirement to mitigate the impact to the environment and habitat of the Bronx River. They cannot do less.

New York State DOT should set an example for others and do what is needed to protect the environment. Inaction will increase impacts to surrounding neighborhoods both during construction and after completion: adding impervious surfaces, car and truck traffic pollution, and noise. This can be managed better with greater use of:

- Green Infrastructure (GI)
- Greening the shoulders
- Sound barriers made of plant materials
- Center line separators filled with plants
- GI under the bridges

SDOT itself proposes all the Best Management Practices (BMP)s as part of its [2024 Stormwater Management Manual](#), which devotes chapters 5 through 12--more than half of the manual--to nature-based stormwater management. The EA that gives only notional reference to “green infrastructure” without incorporating any of the advanced *in situ* design specifications advised by NYSDEC. This is a glaring oversight in the EA that can only be rectified with a DEIS that demands design alternatives evaluated according to the least environmental impact.

Required is the minimum, more is allowed

You state: “This is the lowest classification for a tidal water body and therefore does not warrant any special protection under these regulations.” But according to the NYS DEC Stormwater Management Design Manual, the “Channel Protection Requirements **may** be waived ...” see page 48.

The Carbon Story

BCEQ has long advocated for permeable asphalt substitutes in the construction of greenways. These materials allow for the infiltration of stormwater runoff in situ, filtering their contaminants and protecting local waterways. But we also believe that NYSDOT can be a national leader in recarbonization, as described here:

“Use sustainable materials in construction and maintenance activities that have less environmental impacts. For instance, to reduce embodied carbon in construction, NYSDOT has issued contract provisions that started the voluntary collection of environmental product declarations for concrete, steel, asphalt, and glass materials used in capital construction projects as of January 2024 and mandatory collection starting January 2025” (84).

We can recarbonize the materials of the transportation Industry, or turn them into “carbon sinks”, that protect the urban environment by using Green Infrastructure and ecosystem services to offset current levels of pollution. We urge NYSDOT construction to include GI in all landscapes as much as possible to the point of creating 30% protected forest and/or GI, including creating wetlands.

In the [Recarbonization of the Biosphere: Ecosystems and the Global Carbon Cycle](#) (2012), the abstract describes the model we need to adapt. The book explains how the biosphere, including urban lands are potential C sinks, see below:

Human activities are significantly modifying the natural global carbon (C) cycles, and concomitantly influence climate, ecosystems, and state and function of the Earth system. Ever increasing amounts of carbon dioxide (CO₂) are added to the atmosphere by fossil fuel combustion but the biosphere is a potential C sink. Thus, a comprehensive understanding of C cycling in the biosphere is crucial for identifying and managing biospheric C sinks. Ecosystems with large C stocks which must be protected and sustainably managed are wetlands, peatlands, tropical rainforests, tropical savannas, grasslands, degraded/desertified lands, agricultural lands, and urban lands. However, land-based sinks require long-term management and a protection strategy because C stocks grow with a progressive improvement in ecosystem health. (emphasis added)

In addition, the article “[Evidence and attribution of the enhanced land carbon sink](#)”, Nature Reviews Earth & Environment, 25 July 2023. This article explains how long term sequestration is possible if nature based climate solutions and appropriate ecosystem management strategies are used:

Climate change has been partially mitigated by an increasing net land carbon sink in the terrestrial biosphere; understanding the processes that drive this sink is thus essential for protecting, managing and projecting this important ecosystem service. In this Review, we examine evidence for an enhanced land carbon sink and attribute the observed response to drivers and processes. This sink has doubled from 1.2 ± 0.5 PgC yr⁻¹ in the 1960s to 3.1 ± 0.6 PgC yr⁻¹ in the 2010s. This trend results largely from carbon dioxide fertilization increasing photosynthesis (driving an increase in the annual land carbon sink of >2 PgC globally since 1900), mainly in tropical forest regions, and elevated temperatures reducing cold limitation, mainly at higher latitudes. Continued long-term land carbon sequestration is possible through the end of this century under multiple emissions scenarios, especially if nature-based climate solutions and appropriate ecosystem management are used. A new generation of globally distributed field experiments is needed to improve understanding of future carbon sink potential by measuring belowground carbon release, the response to carbon dioxide enrichment, and long-term shifts in carbon allocation and turnover. (emphasis added)

Why Storm Water Matters

The sad fact, however, of the NYS DOT system, is that antiquated systems are not retrofit with carbon capture and stormwater resilience until it is expanded. That means that the Bronx, in dire need of environmental mitigation of highway impacts and environmental stewardship of its precious natural resources, will never reach that essential goal.

It is time for this off-loading of transportation infrastructure stormwater management from state to municipality to end. Since 1985, stormwater runoff from every bridge cannot discharge into a waterway. The rule is to treat all stormwater to the highest level of the waterbody based on its use. This needs to be a priority for the NYSDOT because bridges and roads are part of the waterbody infrastructure system and represent a large share of impervious surfaces across the city.

The 5 Bridges project adds a source of stormwater runoff when it adds the proposed shoulder. As we enter the public comments on the Environmental Assessment for this project, we are mindful of the fact that the first version of this project is business as usual for the Bronx: constructing highways in sensitive areas that require more protection.

These protections are identified and advised in the 2024 NYSDEC Stormwater Management Manual. We again call attention to the absence of these guidelines in all the design alternatives, which only vary by impervious surface acreage. Only a DEIS can unfold the costs and benefits of nature-based stormwater design features within actual design alternatives that have varying environmental impacts.

According to the Pin X727.07 Rehabilitation/Replacement Of Five Cross Bronx Expressway (I-95) Bridges Between Boston Road And Rosedale Avenue, Bronx County Draft Drainage Report For DOT Projects Prepared in Accordance With Chapter 8 of the NYSDOT Highway Design Manual (HDM) Prepared By: Stantec Consulting Services, Inc. 475 Fifth Avenue, 12th Floor New York, NY November 2025, the DOT Highway Design Manual is based on the 2022 NYSDEC Stormwater Management Manual.

As noted, the most recent NYS DEC Stormwater Management Design Manual is July 31, 2024. This update provides “standards for the design of the Stormwater Management Practices (SMPs) to protect the waters of the State of New York from the adverse impacts of urban stormwater runoff.” This manual is intended to establish specifications and uniform criteria for the practices that are a part of a Stormwater Pollution Prevention Plan (SWPPP). The manual specifically states the following in Section 2.7 Climate Change Resiliency Planning:

“At a minimum, to the extent practicable and where achievable, construction activities and stormwater management within New York State should incorporate green infrastructure concepts to reduce overall stormwater runoff and improve water quality in new construction and redevelopment projects. Infrastructure should be designed and built to account for projected climate change impacts which may occur over their lifespans. This includes incorporating climate projections and adaptation strategies in upfront design and in expected operations and management. Preservation of open space and nature-based solutions should be considered as strategies for reducing peak stormwater discharge and overall climate risk mitigation.” (emphasis added)

SECTION 3: METHODS

Methods Discussions are inequitable to the urban area

There is a paucity of impact methods – a critical omission in a Design Build project such as the 5 Bridges. This has critical implications for future and precedent SDO'T projects – particularly in the Bronx and other urban areas of our state. As NYSDOT embarks on a plan for “future growth” that includes the increased VMT goals and impervious acreage created by this project. An expanded Cross Bronx Expressway places more impacts on an historically disadvantaged community that already suffers from elevated air pollution levels and highway stormwater discharge into its natural resources. It is critical that the agencies research the data in the Reimagining the Cross Bronx Expressway and provide important levels of protection and safety for the residents of that area.

Finally, BCEQ agrees with NYSDOT' statement of principle of Community Responsive and Resilient Transportation Systems in your draft Master Planning: *“When undertaking infrastructure reconstruction projects, seek opportunities to better serve current and emerging community needs. Rather than simply replacing or maintaining what exists, identify ways to repurpose or redesign infrastructure to enhance safety, connectivity, and travel choices, considering life-cycle costs and return on investment. This could involve downsizing the space dedicated to vehicles.”* (78) From our experience with the proposed design for the New York State DOT 5 Bridges Project in the Bronx, these principles are not evident. In fact, we see the failure to imagine a safe and sustainable transportation future. Given the historic impact of NYSDOT on the Disadvantaged Community (DAC) within the current project site, every effort should be made to modernize all infrastructure in accordance with the natural and civic infrastructure built around it.

Pollution *All rules apply to disadvantage urban areas.*

Take noise for example. The standards say that an increase of 5 or 7 decibels to sensitive receptors is necessary for the imposition of sound barriers. But decibels are logarithmic meaning an increase of 10 decibels is an increase of 10 times the pressure of the sound. The measure is also relative so the increase from a small sound to a somewhat larger one has the same value as from a loud one to a very loud one.

In a quiet suburban town a 10-decibel increase can be the difference between the rustle of leaves and a whisper. The difference between a whisper and the sound of rain is 20 decibels. But in areas like where the Cross Bronx is, a 10-decibel increase is the difference between cars going by and trucks going by. The human ear perceives a 5 decibel increase as a doubling of sound. But the more sound there is the more needs to be added to get to that doubling standard. That is why suburban areas just outside of the Bronx have sound barriers and the Bronx has virtually none, even though noise pollution is much worse in the Bronx. The standard is grossly unfair.

The same is true of water. One of the exemptions from mitigating polluting inputs to the Bronx River is the fact that where the highway goes over the river it is tidal. That might be helpful except where the river meets the larger East River, where the tides come from, there is a massive Water Pollution Control (Sewage) plant and two CSO outfalls. In fact the water quality in the tidal portion is worse than at the freshwater portion which suggests that tides do not make the water cleaner but rather the opposite. You say explicitly Class I waters “does not warrant any (wetland) protections”. So, they will never be cleaner.

There are other criteria such as the hardening of the edges (accomplished so the Bronx River could be moved out of the way of the highway 70 years ago) and the resulting lack of vegetation at the bottom of the river. This suggests that since highway construction has already wrecked the environment there is no problem continuing to abuse it now. At this rate the only true river in the City of New York will never be clean. The reconstructed highway could likely be in place for another 70 years.

Air pollution is a third case where the deck is stacked against the Bronx. Hundreds of people die prematurely from air pollution every year in the Bronx as they do throughout the City. This pollution comes from many sources from buildings to open cooking fires. But transportation plays a role. Given the relatively small change in traffic predicted for this highway reconstruction, no significant reductions in air pollution, and related mortality and morbidity, needs to be planned for.

The increase in traffic – or can we get to two-lanes

The plan assumes a small increase in traffic through 2050 with little or no improvement in congestion and therefore mobility. There has to be a better way. If we assume that Vehicle Miles Travelled can be reduced - and plan for it - we can reduce all of the environmental impacts that have plagued the Cross Bronx Corridor for decades. You are the New York State Department of Transportation - not just the Highway Department.

The Reimagine the Cross Bronx Expressway effort, Vision Zero, Blue Highways, Amazon Prime using freight bicycles in Manhattan, all point to a potentially massive change in the way we move people and goods.

The Highbridge interchange has recently been rebuilt as part of the Major Investment of which the 5 Bridges Project is a part. In that case, just eastbound of the interchange there are mergers from both the Washington and Hamilton Bridges and Jerome Avenue in the course of about 3000 feet. There is also an exit to Jerome Avenue. Leaving aside the actual utility of the redundant alternate connection of the “little” Washington Bridge into I-95, it is pretty clear that there are only two travel lanes that function in that location. There are additional places on the Cross Bronx, such as the westbound exit to the Rosedale mess where the highway is basically two lanes with an exit and entrance ramp.

Rather than adding shoulders, the highway could eventually be turned into a four-lane roadway with entrance and exit ramps and shoulders in what now is the third lane. This could not happen right away so the configuration would remain as is. But if we do reduce the usage of the roadway over time, utilizing strategies already in motion, we can reduce traffic, associated congestion and all the environmental harms that the road has produced for all these decades.

As an example, the current configuration of the Brooklyn Queens Expressway in Brooklyn Heights, which carries a similar amount of traffic as the subject area, is currently operating as two lanes. And if you build shoulders people will just use them to travel in anyway, messing up whatever you are trying to accomplish and continuing to clog entrances and exits.

CONCLUSION

BCEQ owes its 55 year existence to community opposition to the environmental impacts of critical infrastructure on the Bronx, particularly the Cross Bronx Expressway and all its tributary highways as a hub for the Metropolitan Area. Through its relationship with USDOT and the FHWA, NYSDOT has played a key role in the history of that infrastructure and by extension, that impact. In other words, if you broke it, you should fix it! The 5 Bridges Project offers NYSDOT the opportunity to reset its relationship with the borough that bears the lasting imprint of its footprint and to declare a Positive Declaration. Only then can a Draft Scope of Work and DEIS discover the impacts and alternatives that will make proper use of the Bronx's natural resources and honor the resilience of Bronx communities

Thank you for your consideration. Kindly respond with your comments to karen@bceq.org.

Sincerely,

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