



## **COMMITTEE ON TRANSPORTATION**

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April 16, 2021

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### **Via Email**

Hon. Ydanis Rodriguez, Chair  
NYC Council Committee on Transportation  
New York City Council  
250 Broadway, Suite 1763  
New York, New York 10007  
Email: [yrodriguez@council.nyc.gov](mailto:yrodriguez@council.nyc.gov)

### **Re: BQE Replacement and the Dire Urgency of Now to Avoid Disaster; A Call for Hearings**

Dear Council Member Rodriguez:

Though the COVID-19 Crisis has limited the volume of people movement in New York City and the New York Metropolitan Region for the time being, it has not eliminated or even reduced the various issues and problems affecting transportation in the City and Region, which will all return as COVID-19 subsides or abates. One critical issue that the New York City Bar Association (City Bar) Transportation Committee has been following for some time is the Brooklyn Queens Expressway (BQE) reconstruction.

In this regard, we have also had for some time the same concerns that Professor Ross Sandler wrote about in his Op-Ed article in the New York Daily News on Jan. 5, 2021.<sup>1</sup> (A copy

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<sup>1</sup> Ross Sandler, Opinion, "New York's BQE Emergency," NY Daily News, Jan. 24, 2021, <https://www.nydailynews.com/opinion/ny-oped-time-is-running-out-on-the-bqe-20210124-atqytwqornbepgyshl7ozq2nm-story.html> (all websites last visited March 29, 2021).

### **About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

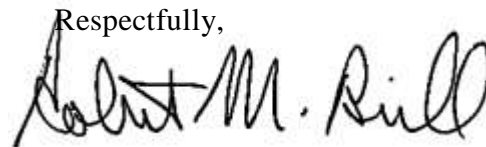
of the Sandler Op-Ed is annexed to this letter.) In essence, the concerns consist of two levels: first, that the window is closing rapidly to replace the existing BQE adequately, efficiently, and in a long-lasting, societally useful way; and, second, that the roadway is potentially in danger of a cataclysmic event that may cause injuries and deaths, significant economic losses, and a likely extensive decline in the quality of life in the City and Region.

Professor Sandler noted that the recently published and disseminated Report of the BQE Expert Panel, created in 2019 by Mayor de Blasio, identified the urgency of the problem and a number of solutions to the looming disaster that the BQE presents (the “Jan. 30, 2020 BQE Report”). In this respect, the Panel urged a different design from the present Robert Moses designed and constructed BQE (from the 1930s to the 1960s). It also made clear to all discerning readers that only close cooperation among the City, State, and Federal Departments of Transportation could avert disaster.<sup>2</sup>

The Transportation Committee is concerned that the necessary cooperation between NYS DOT and NYC DOT may be lagging, which would be regrettable and unfortunate in light of the ascension of a receptive administration of the US Department of Transportation under the leadership of Pete Buttigieg as Secretary (now confirmed) and former NYC DOT Commissioner, Polly Trottenberg, as Deputy Secretary (awaiting hearing and confirmation).<sup>3</sup> Thus, public outreach and inquiry is critical.

Accordingly, the City Bar’s Transportation Committee urges you and the New York City Council to hold oversight hearings on the present state of the BQE Replacement, the recommendations in the Jan. 30 BQE Report, and the issues raised by Professor Sandler in his Op-Ed. Invitees might include representatives from NYC DOT, NYS DOT, the United States Department of Transportation, and, of course, Professor Sandler and his colleagues on the BQE Expert Panel. The Committee has made a similar request to your colleagues in the New York State Legislature and to Brooklyn and Queens Borough Presidents.

Thank you for your consideration.

Respectfully,  
  
Robert M. Brill, Esq., Chair

RMB:asb

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<sup>2</sup> “Brooklyn-Queens Expressway Report,” Jan. 30, 2020, [https://9670f26306f0aa722eb1-bf8a0720b767c6949515361a19a9737f.ssl.cf2.rackcdn.com/uploads/website\\_attachment/attachment/241/BQE\\_Expert\\_Panel\\_Report\\_FINAL.pdf](https://9670f26306f0aa722eb1-bf8a0720b767c6949515361a19a9737f.ssl.cf2.rackcdn.com/uploads/website_attachment/attachment/241/BQE_Expert_Panel_Report_FINAL.pdf). See also, the New York City Bar Association Transportation Committee letter to Governor Cuomo, dated June 16, 2020, which described, among other things, certain transportation opportunities that the BQE replacement may present to the City and State in light of the COVID-19 Crisis, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/new-york-forward-program-transportation-infrastructure-recommendations>.

<sup>3</sup> As with many transportation and infrastructure issues, Deputy Secretary Designate Trottenberg is very familiar with the dire condition of the BQE.

encl. and attach.

cc: Hon. Corey Johnson, Speaker, New York City Council  
Hon. Laurie Cumbo, New York City Council  
Hon. Brad Lander, New York City Council  
Hon. Stephen Levin, New York City Council  
Members, NYC Council Committee on Transportation  
Daniel B. Feintuck, Esq., Secretary, City Bar Transportation Committee  
Members, City Bar Transportation Committee

ENCLOSURE - APRIL 16, 2021 NEW YORK CITY BAR ASSOCIATION LETTER

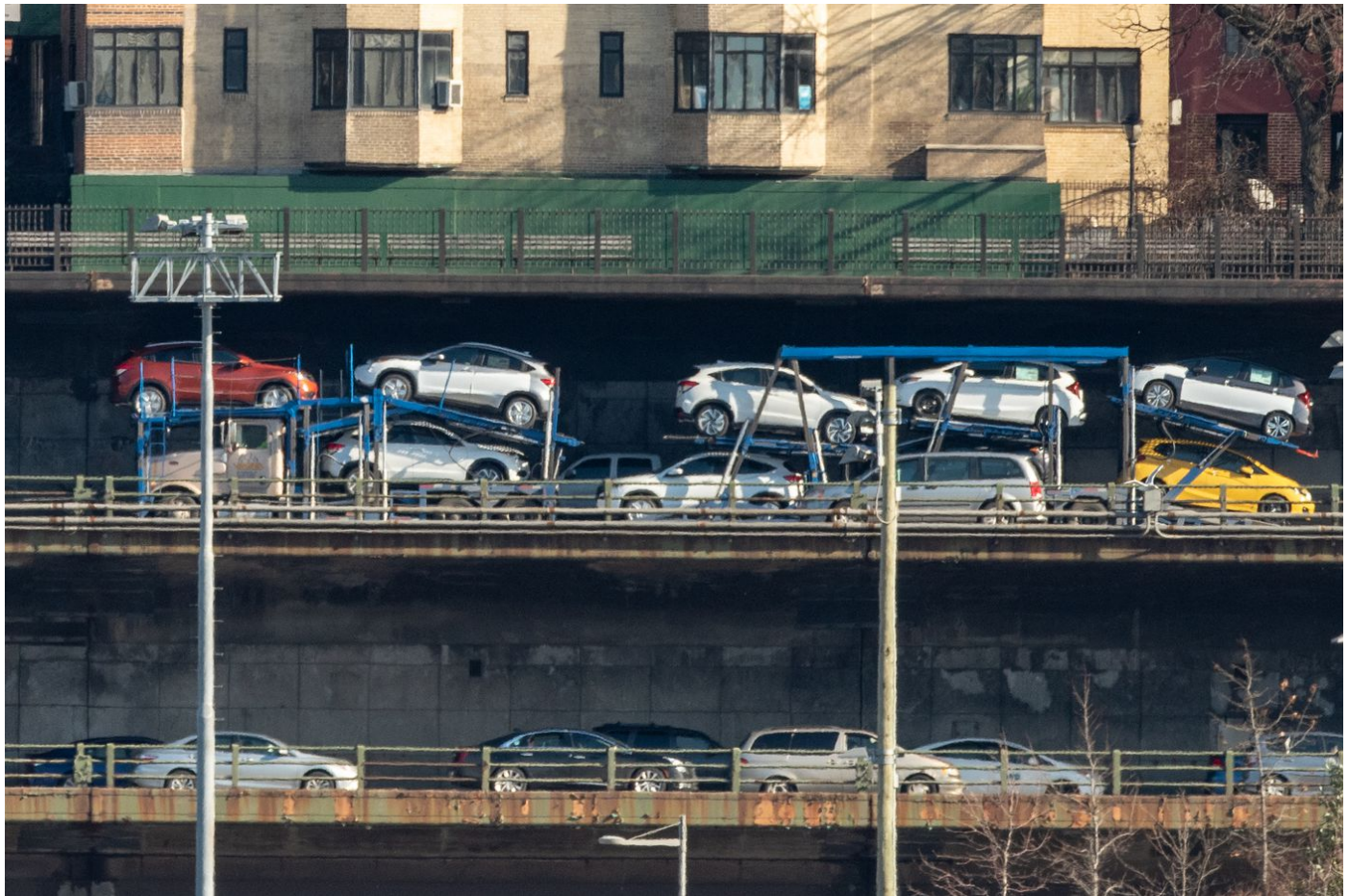
# New York's BQE emergency

By Ross Sandler

New York Daily News |

Jan 24, 2021 at 5:00 AM

On Aug. 14, 2018, the 54-year-old Morandi Bridge in Genoa, Italy collapsed; 43 people died. The cause: water and salt infiltration into the concrete that encased the steel stays that supported the roadway. The steel stays rusted, weakened and snapped. Engineers had earlier warned officials. The officials failed to act, the repair work was never done, and the bridge collapsed.



Views of the Brooklyn Queens Expressway and Brooklyn Heights Promenade as seen from Manhattan. (Theodore Parisienne/for New York Daily News)

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The Brooklyn-Queens Expressway's 65-year-old, concrete cantilevered bridge section adjacent to Brooklyn Heights suffers from similar water and salt infiltration. As with the Morandi Bridge, the engineers in 2016 warned the city that the BQE's cantilevered bridge is fast corroding. The engineers found excessive salt infiltration, confirmed that corrosion had progressed, and rated parts of the cantilevered bridge as poor — and predicted that by 2026, it would no longer be safe without restrictions.

Some engineers who have looked at the structure note that the current spalling concrete and exposed reinforcing bars pose imminent dangers. As DOT commissioner in 1989, those are the conditions I found that led to the collapse of a portion of the FDR Drive that crushed a Brooklyn dentist in his car below.

Despite the urgency, the city and state have yet to agree on a plan for reconstruction. It is time for Gov. Cuomo and Mayor de Blasio to get the engineers and officials in a room and compel agreement on a reconstruction plan. The risks of delay are restrictions, closures and potentially a collapse.

The BQE connects Staten Island to Queens and to the three East River Bridges. The triple-stacked cantilevered bridge at the mid-point of the BQE skirts Brooklyn Heights and Downtown Brooklyn. The cantilevered bridge is a unique design not duplicated anywhere else in the United States. Supported only from the single land-side wall are the two cantilevered roadways and the cantilevered Brooklyn Promenade, a pedestrian walkway.

Time is not on our side. Water infiltrates the road surface of the BQE's cantilevered bridge through cracks in the roadway and at the joints that occur every 50 feet. Already there have been "punch-throughs" of the deck. Wire mesh screens hang beneath the vulnerable joints to keep concrete from falling on the pedestrians and cars below.

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Steel-reinforcing rods embedded in the concrete roadways during the 1950s were not coated with a protective covering in the way that modern reinforcing rods are. Water and salt infiltration rust and weaken the uncoated steel rods. City data show that the salt infiltration already exceeds safe amounts by two to three times.

In March 2019, de Blasio appointed a BQE Expert Panel to review and recommend reconstruction options. The panel, of which I was a member, issued its report one year ago, in January 2020.

We urged immediate action and recommended that the city construct a four-lane highway to replace the narrow, accident prone six-lane highway. The four-lane highway coupled with mitigation measures would simplify construction, handle the traffic, help solve the detour problem, reduce construction dislocation, and avoid encroaching on Brooklyn Bridge Park or the homes of Brooklyn Heights.

The proposal of a four-lane highway startled the highway builders, but for the BQE, there is no alternative. Robert Moses in the 1950s double-decked the BQE on a cantilevered bridge in order to squeeze the highway between the Brooklyn waterfront and Brooklyn Heights. Today the BQE's right-of-way is even more tightly bound by Brooklyn Bridge Park on the water side and the Brooklyn Heights landmarked district on the land side. A modern four-lane highway will fit, but an oversized interstate will not.

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The state and city must act together. The BQE is part of an integrated highway system, and that system has mixed state and city ownership and management responsibilities.

This will also require federal approval. The federal reaction to a four-lane proposal was imponderable during the Trump administration. But the Biden administration has just announced the appointment of former NYC Transportation Commissioner Polly Trottenberg as deputy secretary of transportation. As commissioner, Trottenberg led the efforts to resolve the BQE question and met regularly with our panel. If the state and city can agree, the decision at the federal level should be favorable.

The BQE is an essential urban highway. It is the only truck highway through Brooklyn. Its loss would send tens of thousands of trucks through residential streets including Fort Hamilton Parkway, Caton Ave., Linden Boulevard and Third and Fourth Aves., and across Manhattan.

A year has passed since the BQE Expert Panel recommended the four-lane highway and the state and city still have not announced a plan. Without a decision soon, there is little hope that the BQE will continue beyond 2026. Time is running out.

*Sandler was New York City's transportation commissioner from 1986-1990 and a member of the BQE Expert Panel appointed by Mayor de Blasio in 2019. He is currently Professor of Law at New York Law School.*

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