

August 18, 2023

re: **Public Notice F-2023-0287**
Hudson Highlands Fjord Trail, Inc. (HHFT)
“Breakneck Connector and Bridge”

To whom it may concern,

I am a Registered Architect and have resided in Cold Spring Village for 15 years. I have reviewed Public Notice 2023-0287 including the Joint Application and all attachments, 6 CRR-NY 608.7 (Permit Application Review), 608.8 (Standards), and Title 15, Sub-title B, Chapter IX, Part 930 Coastal Zones 930.11(e), 930.32, 930.121, and the New York State Coastal Management Program, Policy 7 and Policy 24.

Executive Summary

Based on a review of the referenced materials, it is clear that not only does the Bridge not fulfill its primary intended “independent utility,” function of improving visitor safety, or providing more than incidental access to the DEP Drainage Chamber. Furthermore, both the Bridge and its 2-year construction period would neither promote the beneficial use of coastal resources, prevent their impairment, or deal with major activities that substantially affect numerous resources, as mandated by the NYS Coastal Policies.

For these reasons, the Bridge portion of the HHFT application should be rejected. The rejection of the Bridge portion of the application would not impact the other constructive portions of the application related to traffic and safety along Route 9D.

HHFT Representations:

In its application HHFT represents that “the stated purpose of the proposed action is to “improve visitor safety at the Breakneck Ridge Trail...” This is not supported, as described in the body of this letter.

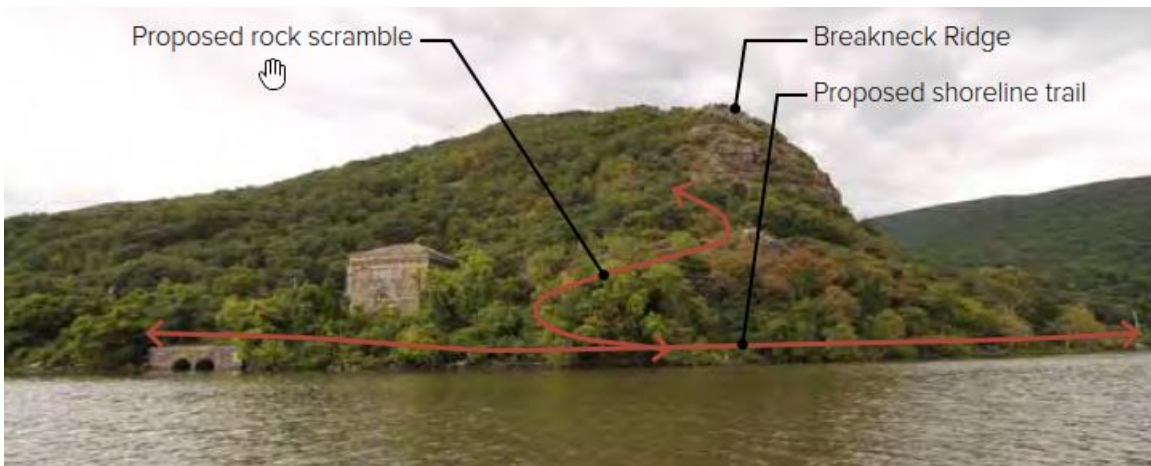
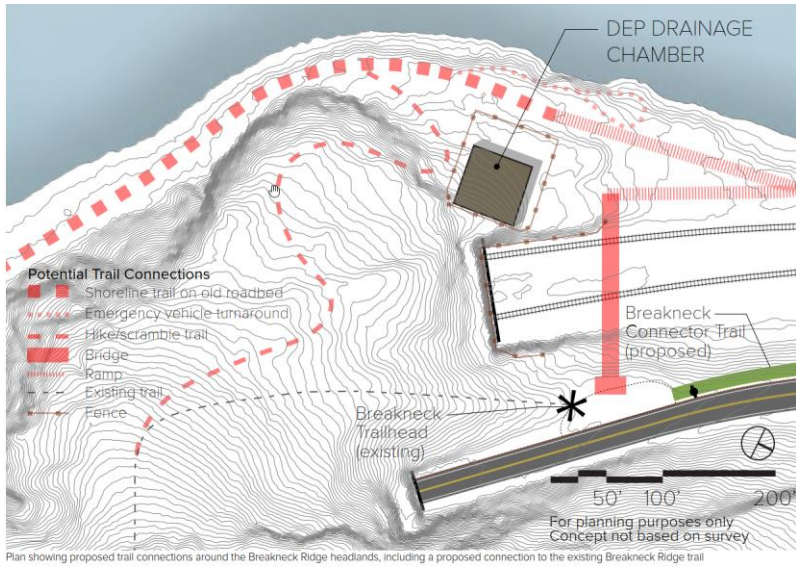
HHFT further represents that “the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.” Based on a review of the stipulated requirements, it is clear that the Breakneck Connector and Bridge segment as designed does not comply with Policies 24 and 7 of the NYS Coastal Management Program, neither in its design or execution. This is clearly described in Peter Henderson’s well documented letter of August 13, 2023, with which I concur. Copy attached.

The Bridge Story

In HHFT’s 2015 Master Plan, still posted on the OPRHP website, the Bridge was to provide “a railroad crossing...in order to connect the proposed route around the Breakneck Ridge headlands...” with the recommendation that “a hiking trail (a rock “scramble”) be blazed for hikers who might want to climb from the proposed headlands trail closer to the water’s edge to the existing Breakneck Ridge trail above.”

Somewhere along the way the connection between the Bridge and the Breakneck Ridge Trail disappeared. **In the currently proposed plan, the trail bypasses the Bridge.** The Bridge plays no part in providing access to the Breakneck Ridge on the headlands or as it continues on the East side of 9D.

Illustrations on pages 40 and 41 of the 2015 Master Plan

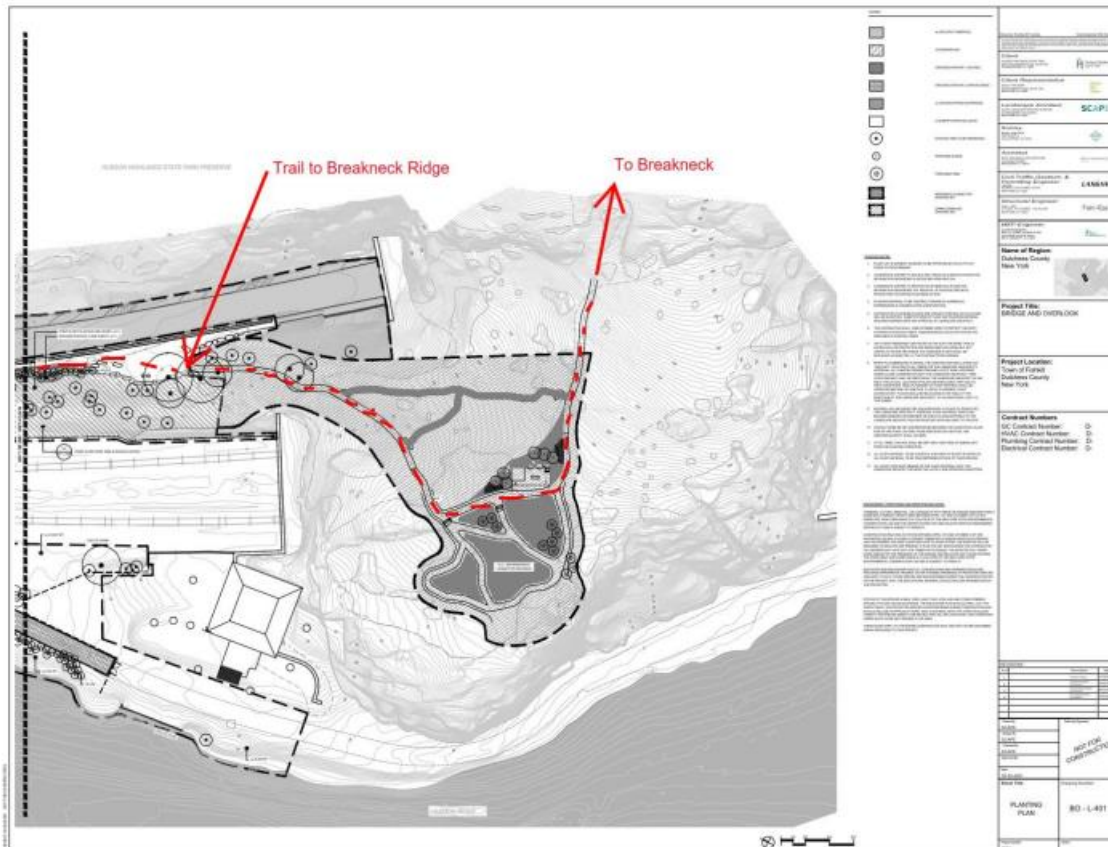
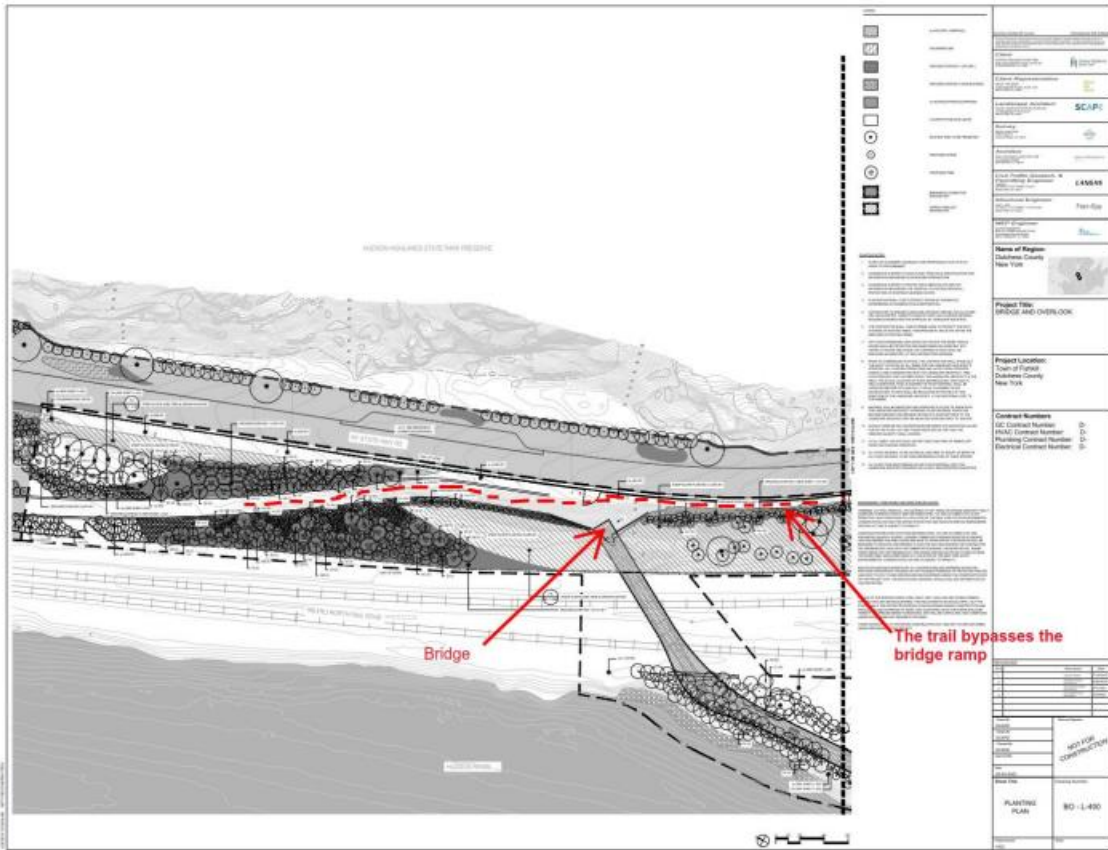


Breakneck Ridge headlands seen from the river, with DEP Hudson River Drainage Chamber



Rendering of proposed bike-ped bridge over railroad tracks at north side of Breakneck Ridge

Excerpts from HHFT 80 % set Bridge and Overlook Drawings



In Joint Application Form; Item 6a, HHFT describes the **purpose** of the Breakneck Connector and Bridge project:

Purpose of project is to improve visitor safety at the Breakneck Ridge Trail with respect to traffic, parking, pedestrian, and cyclist conditions; and enhance access for all persons to this area by building trails and parking areas that meet generally accepted accessibility standards and formalize trails that are already in place and currently in use.

The second paragraph of the Environmental Questionnaire; General Application Question 1 further describes the need to improve access to the Breakneck Ridge trail along with other considerations:

In its current state, the project site presents a safety hazard to the general public because it provides limited separation between the train tracks, NYS Route 9D, and hikers arriving at the site by car and accessing the adjacent trailheads of HHSP. The purpose of the Project is to develop and improve access points to the Breakneck Ridge Trail and along NYS Route 9D to safely accommodate the current amount of traffic that arrives by car, rail, and foot. It will formalize trails that are already in place and currently in use; improve safety where there are dangerous traffic, parking, pedestrian, and cyclist conditions; and enhance access for all persons to this area by building trails and parking areas that meet generally accepted accessibility standards.

It is important to note that while elements of the Breakneck Connector and Bridge project, particularly those along the 9D corridor North of the Tunnel, may provide independent utility, the Bridge itself does *in no way* contribute to the safety of traffic that arrives by car, rail or foot.

With the Bridge providing no contribution to the safety of visitors, HHFT bases its assertion of the its independent utility on the limited and marginal access it might provide to the NYC DEP's Drainage Chamber structure;

The project will also improve DEP's access to its HRDC facility for maintenance and operational purposes by providing a safer crossing and lightweight vehicular access to HRDC over the MNR railroad.

Further justification:

...it will also support DEP's CAT-399 Project by enabling the transport of employees and light tools and equipment over the MNR tracks via lightweight vehicle.

In the event the DEP's CAT-399 project involves heavy equipment or materials, the bridge would be of no utility for what would be a one-time use. The cost of constructing the Bridge, and the environmental damage it would cause in both the long and short haul would far outweigh its utility.

Further insight on the HHFT's misrepresentation of the relation between the Bridge and visitor safety is demonstrated in the "No Action Alternative in the Environment Environmental Questionnaire; General Application Question 5

With a No Action alternative, the informal trails would remain in use and access to the Breakneck Ridge Trail at this location would continue to be dangerous for pedestrians and cyclists. A No Action alternative would not meet the purpose of the project to formalize existing trails, improve safety for pedestrians, cyclists, and hikers, and enhance access for all persons by providing a trail that meets general accessibility standards. The No Action alternative was determined to be not practicable.

While it is true that a No Action alternative would not serve the purpose of providing a visitor safety, a “No Bridge” alternative version of the Breakneck Connector in which the Connector portion of the project along 9D including the upgrade of the MNR platforms were to be constructed would absolutely meet the purposes described in the paragraph above. At much less expense, and significantly less environmental damage.

HHFT further tips its hand in the discussion of Design Alternatives, also in response to Question 5.

...The proposed project must also meet the existing trails to the south and east of the proposed alignment.

The construction of the Bridge presumes the construction of the Expanded Lower Overlook and Shoreline trail to the South to occur as currently envisioned in alignments MP106 and MP105. This would be a major assumption and would be going out on a limb given that the portion of trail to the South (or North) of the Breakneck Connector has not been subjected to the DGEIS process, as well as permitting, etc. The Bridge if constructed in advance of the feasibility and numerous required approvals would conveniently serve as a “Trojan Horse” opening the door and effectively committing the project to move forward as designed, without a bonafide due process.

This Trojan Horse (or Bridge to Nowhere) scenario points out the purpose of 6 CRR-NY 617.3 (g) governing SEQR exist

(g) Actions commonly consist of a set of activities or steps. The entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it.

(1) Considering only a part or segment of an action is contrary to the intent of SEQR. If a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment. Related actions should be identified and discussed to the fullest extent possible.

While the argument that the Bridge does not fulfill its stated purpose, may appear to be tangential to a consistency review focused on the NYS Coastal Management Program, the rejection of the Bridge portion of the application, is constructive in that it accomplishes the following:

- Prevents the *unnecessary* impairment of scenic resources of statewide significance (Policy 24), and
- Protects, preserve and where practical restores and maintains the viable habitats of significant coastal fish and wildlife (Policy 7)

Furthermore,

- The fact that the Breakneck Connector and Bridge will cause unreasonable and unnecessary damage (unnecessary because the Bridge does not fulfill its primary stated purpose) to the natural resources of the state, including...aquatic and land-related environment should preclude issuance of a permit pursuant to 6 CRR-NY 608.8 (Standards), and
- Proposed construction of the Bridge (alterations) would have temporary and longstanding negative impacts on aquatic, wetland and terrestrial habitats, as well as rare, threatened and endangered species habitats, and water course and waterbody integrity including turbidity and sedimentation and for that reason, a permit should be denied pursuant to 6 CRR-NY 608.7 (Permit application review)

Thank you for your consideration,

Respectfully submitted,

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