

# BUILDING A BETTER FUTURE:

The Structural Racism Built into I-81,  
and How to Tear it Down



**NYCLU**

## Acknowledgements

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## About the NYCLU

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The New York Civil Liberties Union (NYCLU) is one of the nation's foremost defenders of civil liberties and civil rights.

Founded in 1951 as the New York affiliate of the American Civil Liberties Union, we are a not-for-profit, nonpartisan organization with eight chapters and regional offices, and more than 160,000 members across the state. Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law, with particular attention to the pervasive and persistent harms of racism.

The NYCLU works toward its mission by advocating for all New Yorkers to have equal access to opportunities and the equal ability to participate in government decisions that affect them. This includes planning and development decisions, which historically have excluded or intentionally discriminated against Black, Indigenous, and Latinx New Yorkers. The NYCLU is incorporated under the laws of the State of New York, with its principal place of business in New York, New York.

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# FOREWORD

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In 1960, approximately 11,000 Black people lived in the City of Syracuse, with as many as 90 percent living in the 15th Ward. That neighborhood became the focus of an urban renewal project that included the construction of the I-81 highway, which ripped through the heart of the 15th Ward. The result was displacement and the destruction of what had been an under-resourced, working-class, but still vibrant neighborhood. In all, 1,300 residents were displaced by the original construction of the 1.4 mile stretch of the I-81 viaduct.<sup>1</sup>

During this period in American history, highway construction served as one of the principal instruments in the pursuit of “slum clearance.” As the federal highway program expanded significantly in the 1950s and ’60s, state and local governments, with the acquiescence of federal officials, used this program to diminish Black neighborhoods, segregate Black people from white people, and decrease the population and vibrancy of Black urban communities.

Completed in 1968, I-81 has remained both a concrete and symbolic representation of false promises and

failed policies. The poorest and wealthiest parts of Syracuse are now physically separated by I-81.<sup>2</sup> But the viaduct has reached the end of its useful life; it is crumbling, does not comply with current highway regulations, and must be replaced. At the same time, Syracuse remains one of the most segregated cities in the country,<sup>3</sup> and it has the nation’s highest concentration of poverty among Black and Latinx communities.<sup>4</sup>

The I-81 project could be the catalyst for knitting back together what the highway destroyed. By taking a hard look at the harms done to people in the past, there is a real chance to improve housing conditions, health outcomes, and economic and educational opportunity for all people in Syracuse. This will require uncomfortable honesty about systemic racism. But if we ignore this history, city and state officials run the risk of displacing people all over again, further entrenching poverty and segregation.

# INTRODUCTION: PAVING A NEW PATH

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The removal and replacement of the I-81 highway is a public project so large and complicated that it is difficult to see the whole picture. It is not simple or obvious how a physical, asphalt-and-concrete infrastructure project implicates civil rights, access to education, economic justice, and freedom from environmental racism. In fact, even experts in municipal land use, highway construction, school zoning, and environmental protection don't always see how their roles are interconnected in the lives of real people.

This report will connect these dots, explaining how history has led us here, and make recommendations about how to move forward.

A variety of proposals have been suggested to replace the highway, and all will involve intensive, long-term construction. The people who will bear the greatest burden from the construction, whatever form it takes, are the largely Black and Brown residents living in the area that adjoins the current I-81 viaduct, locally known as “the bridge.” The New York State

Department of Transportation (“NYSDOT”) must take steps to protect the health and livelihoods of these residents.

Additionally, a highly racially segregated school, STEAM at Dr. King Elementary School, sits at the edge of the I-81 highway. The children attending this school are already vulnerable to environmental injuries from the viaduct, and this will be compounded during and after construction.

The removal of the viaduct presents a considerable challenge, but also offers a significant opportunity to restore a community that has lacked real investment. Better outcomes are possible, but getting there will require commitment to a bold vision. In this report, we present such a vision in a four-step path:

1. If NYSDOT moves forward with the community grid option, approximately 18 acres of developable land will become available. NYSDOT must transfer ownership of this land to the City of Syracuse, in particular the



eight acres adjacent to the viaduct, only on the condition that it be placed in a land trust that affords control to residents of the southeast community.

2. The NYSDOT is responsible for minimizing environmental and economic harms to those living along the I-81 viaduct during and after construction. This includes making sure people have a safe place to sleep, eat, and work, and access to transportation when they need it. If people need to be moved during construction, they must be offered a meaningful path back, and must not suffer economic injury as a result.
3. The NYSDOT must take a reparative, restorative approach to the I-81 project, to take advantage of the once-in-a-generation opportunity to close the wealth gap and increase access to hospitals, educational institutions, and jobs through redevelopment

and improved connections between different parts of Syracuse.

4. The NYSDOT must adopt measures to protect the children attending STEAM at Dr. King Elementary School from environmental harm during and after construction of the I-81 replacement. In addition, NYSDOT must not move forward with plans for an access ramp within 600 feet of the school.

These four proposals are based on direct input from people living in the most impacted community. As this process moves forward, it will be essential for public officials to be in two-way communication with those residents who live closest to the viaduct, and who have been politically marginalized. Given the historical injuries sustained by those who lived in the 15th Ward, and the proximity of the current community to the anticipated construction, it is particularly vital to address their needs.

# NEW YORK IS REQUIRED TO ACT

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Addressing the serious issues raised in this report is not just a matter of good policy – it is the law.

The community on the southeast side of the I-81 viaduct has been designated as an “environmental justice community” by the NYSDOT. This technical designation entitles local residents to participate in the decision-making process around the project, and to be protected from shouldering a disproportionate burden of its environmental and social consequences. Both state and federal laws provide specific protections for this community.

First, the **National Environmental Policy Act (“NEPA”)** mandates that all federal agencies prepare a detailed environmental impact statement (“EIS”) to analyze the adverse environmental effects of proposed agency actions. The EIS must address:

- The environmental impacts of the proposed action.
- Any adverse environmental effects that cannot be avoided, should the proposal be implemented.

- Alternatives to the proposed action.<sup>5</sup>

NEPA applies to all “major projects” designated by the Federal Highways Administration (FHWA). That collaboration means NYSDOT and FHWA must produce an EIS together.

The second relevant law is **Executive Order (E.O.) 12898**. The E.O. recognizes that some communities have historically been overburdened by environmental hazards while being excluded from the decisions about who will endure those hazards. This pattern has created the environmental injustice and environmental racism we are grappling with in Syracuse today. To address this history, the E.O. calls on all federal agencies to identify and address programs, policies, and activities that adversely and disproportionately impact these communities, and to solicit meaningful public participation before starting any major project that could impact local conditions. It also directs those agencies to make environmental justice a part of their missions.

Third, **Title VI of the Civil Rights Act**, specifically

referenced in the E.O., prohibits practices that have the **effect** of discriminating on the basis of race, color, or national origin. This goes beyond intentional discrimination for federal agencies and is designed to ensure that federal funds are not being used for discriminatory purposes, even if intent cannot be proven.<sup>6</sup> The U.S. Department of Transportation recognizes these efforts to not only include pollution prevention and health and safety measures, but also measures to maintain community cohesion, economic vitality, and mitigation and compensatory measures. The southeast community must not be disproportionately impacted by this project and must share equitably in the improved economic, health, education, environmental, and housing conditions that result from the redevelopment.

Finally, the **New York State Environmental Quality Review Act (SEQR)** is a state law mandating that the existing community and neighborhood character be considered when new projects are planned.<sup>7</sup> Courts have also recognized that displacement of low-income people must be considered in planning new projects like this one.<sup>8</sup> SEQR actually requires the NYSDOT to address the potential displacement of current residents (either by covering the costs of relocation or offering alternatives), whereas NEPA only requires the EIS to consider those outcomes.

Understanding this community in Syracuse, and the laws that are in place to prevent recurring harm to it, is essential to understanding this project. People who have lived in this neighborhood for generations have experienced government discrimination and environmental burdens at every level. During America's "urban renewal" period and the original build of I-81, Black Syracuse residents lost ownership of about 101 tracts of land under the guise of

economic development.<sup>9</sup> Thousands of families were displaced, lost their property, and were increasingly concentrated in neighborhoods with very little opportunity or resources.

This has led to decades of harm, which could be exacerbated if the new I-81 project is not intentional about addressing these past harms.



# I-81's Legacy of Inequality



# THE WEALTH GAP

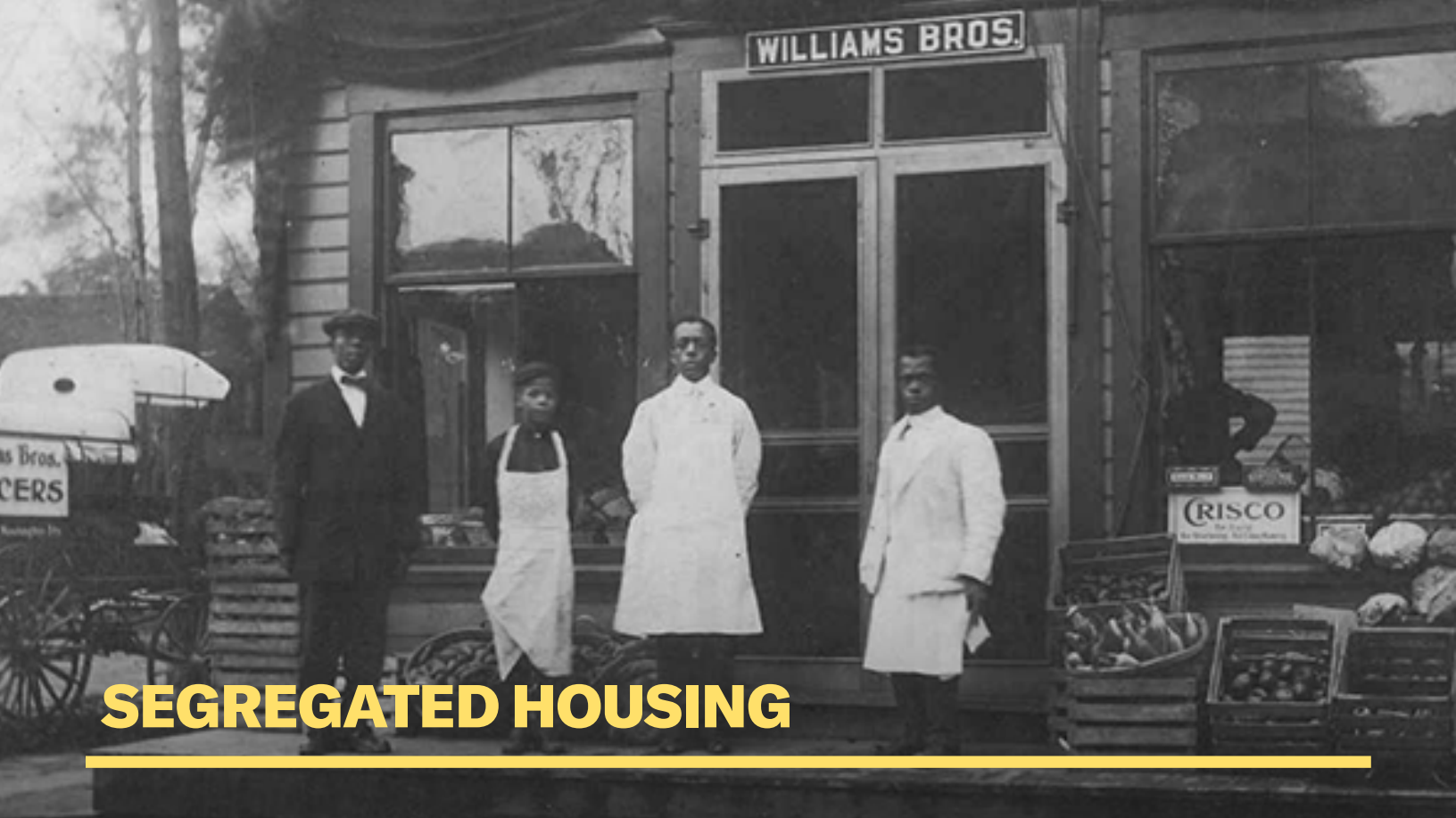
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Syracuse has one of the largest racial poverty gaps of any metropolitan area in the nation. An estimated 40 percent of Syracuse’s Black residents live below the poverty line, far more than the 11 percent of white residents living in poverty. It is a gap that is more than double the national average.<sup>10</sup> Of the nation’s 100 largest metropolitan areas, Syracuse has the highest level of poverty concentration among Black and Latinx communities.<sup>11</sup>

Much of that poverty can be traced back to decisions on government policies that were made decades ago. The 1937 redlining of Syracuse included the 15th Ward on the southeast edge of downtown.<sup>12</sup> Redlining was the government-backed policy of refusing mortgage insurance to buyers in communities of color. As a result, Black Syracuse residents who needed bank loans to buy property, fix their homes, and build equity were routinely denied such opportunities.<sup>13</sup> Additionally, displaced residents were paid less than market value for their properties when they were taken for the I-81 project.

Today, the homes in this community include concentrations of some of the oldest homes in the nation, making them more expensive to maintain and more difficult to provide security for loans.<sup>14</sup> This has resulted in stark racial disparities in home ownership rates, which accounts for significant disparities in accumulated capital and wealth.<sup>15</sup>

According to the U.S. Commission on Civil Rights, a massive number of Syracuse’s Black residents were additionally displaced in the 1960s through “urban renewal” projects, including clearing land for middle and higher income housing developments, university student housing, and a medical center.<sup>16</sup> Often this displacement meant the irreversible loss of property and business ownership, access to jobs, and social and community connections, all of which contributed to generational loss of wealth accumulation.



## SEGREGATED HOUSING

Residential segregation in Syracuse, as in many American cities, has been created and protected by the government. Beginning with the redlining of the 1930s and continuing through the original construction of I-81, Black Syracuse residents were consistently shut out of opportunities for improved housing and access to different neighborhoods. Once the roadway was put in, people who could afford to leave the area did so. But when the uprooted residents of the 15th Ward looked for new places to live, discriminatory housing practices severely limited their choices of new homes. Many ended up moving just south of the viaduct and forming a new Black neighborhood, one with even fewer resources than existed in the decimated 15th Ward.<sup>17</sup>

Property values fell at the onset of the original construction and continue to trend down today. The long-lasting impacts of the original construction of I-81 can still be seen in the neighborhood next to the viaduct, where its mostly Black residents have

limited access to very few resources, few options for reasonably priced food, and limited access to health care and public transportation.<sup>18</sup> As noted by Central New York Fair Housing, “the largest impediment to housing choice in Syracuse...is the self-sustaining effects of overtly discriminatory policies from the past.”<sup>19</sup>

Housing segregation is closely tied to school segregation. The Syracuse City School District is one of the most segregated school districts in the nation, and is home to the most segregated school district border in New York and some of the lowest performing schools in the state.<sup>20</sup> STEAM at Dr. King Elementary School, which sits within steps of the I-81 viaduct, ranked at the bottom one percent for academic performance in New York in 2018.<sup>21</sup> No development can take place in Syracuse without serious consideration of its potential to impact housing and school segregation for better or for worse.

# HEALTH IMPACTS

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The decision to build a major raised roadway through a residential area has both direct and cumulative health implications today. As the value of the land nearest the viaduct plummeted, and the mostly Black residents were politically marginalized, the City doubled down on its environmental burdening of the neighborhood, creating and worsening serious environmental inequities. For example, the siting of the Midland Avenue Regional (sewage) Treatment Facility and the Syracuse University Steam Plant on McBride Street both disproportionately impact Black residents and further depress land value.<sup>22 23 24 25</sup>

The area around the viaduct is also known as a hot spot for lead poisoning because of exposure to lead-based fuel from vehicles on the highway, lead paint and dust from the viaduct itself, and lead-based paint in aging homes.<sup>26</sup> Black residents have higher rates of both lead exposure and asthma than white people living in Syracuse.<sup>27</sup>

The harms of air pollution caused by highways are well studied. There is a causal link between exposure to traffic-related air pollution and impaired lung function, exacerbated asthma, the onset of childhood asthma, heart failure, and even death.<sup>28</sup> Despite this, the NYSDOT did not conduct targeted air tests in the residential areas closest to the I-81 viaduct or survey residents who have respiratory illnesses as a result of living in such close proximity to the viaduct.

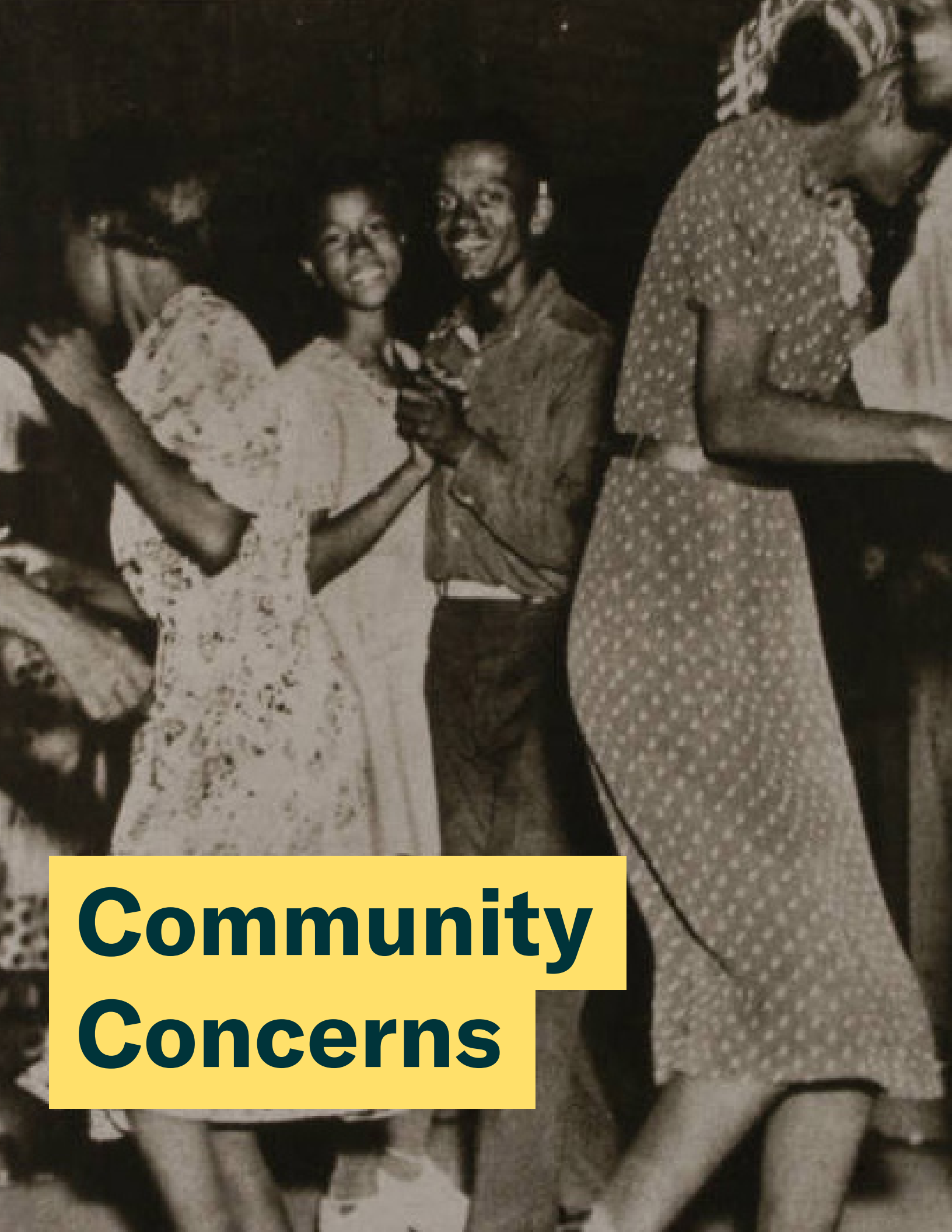
Air pollution also impacts people's ability to earn a living, as sick people miss more workdays. The communities closest to the viaduct are in a concentrated area of poverty, with 67 percent

of residents living below the poverty line and overwhelmingly employed in hourly wage jobs.<sup>29</sup> Hourly waged workers are less likely to have paid sick leave. The NYSDOT must weigh this when considering the impact of people living near the viaduct.

Finally, the effects of 50 years of traffic air pollution on the community are immense. Syracuse City School District asthma rates are higher than the state average, and respiratory disease is especially prevalent among Black people in the region.<sup>30</sup> Notably, asthma hospitalization rates in the Syracuse City School District were among the highest in New York.<sup>31</sup>

This should be of particular concern to the families, students, and teachers at STEAM at Dr. King Elementary School, which is less than one block from the I-81 viaduct.<sup>32</sup> Poor air quality in schools is linked to lower academic performance as well as a myriad of health effects.<sup>33</sup>

Since 2011, the EPA has issued guidance to school districts to lessen the harm of traffic pollution within 600 feet downwind of major roadways, but we do not believe that guidance has been implemented at STEAM at Dr. King Elementary School.<sup>34</sup> In fact, the current EIS proposes an access ramp adjacent to the school.



**Community  
Concerns**

Beginning in 2018, the NYCLU committed resources and staff to work exclusively on the I-81 project. Our Central New York Chapter had been involved in conversations about I-81 since it was first constructed, and we recognized the need to bring our civil rights and racial justice lens to the current conversation.

We had three primary goals: First, to share information about the I-81 project with community members who are often left out of public conversations. Second, to listen to their concerns and questions and relay those comments to NYSDOT. And finally, to build trust with community members to help achieve their hopes for the neighborhood. We quickly realized that despite being legally recognized as environmental justice communities, residents who lived closest to the viaduct were not given adequate information about the specifications of the project, and they did not believe their voices would be heard.

The NYCLU embarked on a committed effort to engage community members who resided alongside the I-81 viaduct. Partnering with community leaders and parent engagement teams from STEAM at Dr. King Elementary School, we hosted community conversations, went door-to-door, and engaged in in-depth interviews of residents for two years. We used what we learned from our meetings to put together a list of concerns people wanted to share with the NYSDOT. Residents helped frame the issues and created the language for comment postcards that will be submitted to the NYSDOT during the public comment period. The comment cards were the beginning of a truly two-way conversation.

We also curated an interactive I-81 exhibit with support from the Onondaga Historical Association. The exhibit traveled to Brooklyn, Albany, and finally ended its tour in Syracuse with a weeklong gallery installation. The exhibit featured archival and current images of the 15th Ward to help tell the story of the neighborhood's past and to inspire attention to the current situation. Interactive screens with more than 500 scanned newspaper stories conveyed the story of the original construction, and included oral testimony from directly impacted residents.

Finally, we held a series of open meetings with members of the Onondaga Nation to understand how past and future construction on the highway impacts the Indigenous community.

Through this process, the NYCLU learned that community members and directly impacted people are seeking more equitable and healthy outcomes for their neighborhoods. They are rightly afraid of being shut out of formal discussions. Many also fear that the expected redevelopment will have negative consequences for years to come. Community members want to see the harms from the original I-81 construction repaired, not just paved over. For example, community members want more Black-owned businesses in their neighborhood.

Broadly, community concerns fall into three categories: future land use and displacement through gentrification; environmental and health issues; and racial and restorative justice, including equal access to educational, economic and employment opportunities.

An aerial photograph of a city, likely Pittsburgh, showing a dense urban landscape with various buildings, streets, and a large wooded area in the upper portion. A dark green rectangular box is overlaid on the left side of the image, containing the text 'Building a Better Future' in a bold, yellow, sans-serif font.

# Building a Better Future

The I-81 highway has started to deteriorate and must be re-built or replaced. The construction plan that has emerged as the most likely solution is called the community grid. Under this proposal, a portion of the I-81 elevated highway will be removed and replaced by a surface road for local traffic.

The community grid plan<sup>35</sup> will remove a physical barrier that divides the lower-income southeast community from the wealthier University Hill area and suburban communities in the east, north, and west of the city. **It is a necessary step to start to unify Syracuse.**

## COMMUNITY GRID DESIGN

If the NYSDOT implements the community grid, they must ensure that previously segregated communities have physical access to the grid. Current designs must be updated to include access points that will allow residents in these segregated areas to easily travel to the business loop, local hospitals, educational institutions, and grocery stores.

The following should be added to the NYSDOT's construction plan:

- A roadway and walkable access points for community members who reside east of Martin Luther King Boulevard.
- A roadway and walkable access points for community members who reside south of Adams Street to Colvin.
- A pedestrian crossing at Almond Street and an extension of Monroe Street from south to east, so residents – including those who live in Syracuse Housing Authority buildings – can easily access wealthier communities as well as the aforementioned business loop, local hospitals, educational institutions, and grocery stores.



# FUTURE LAND USE: DISPLACEMENT AND OPPORTUNITIES

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The removal of the elevated portion of I-81 will result in the availability of up to 18 acres of vacant and developable land below the overpass, eight acres of which are in direct proximity to the environmental justice community. What is done with the newly available land will be of great consequence to the community.

This land should be managed in a way that ensures economic benefits will flow to the existing community. The area is in close proximity to Syracuse's rejuvenated business district, and there may be those with financial interests who see this as an ideal opportunity for commercial expansion.

A land trust could be established to give community members formal legal authority over future development and to protect it from economic pressures that result from gentrification. Similar land trusts have been established in Albany and Ithaca and could be used as models for the City of Syracuse. Without a land trust in place giving the community control of what happens to the land, those who have experienced disinvestment because of I-81 and who

will bear the brunt of construction could be unable to reap the economic benefits of the project.

Careful planning could ensure that people who have lived their lives in the neighborhood are able to stay, engage equitably in the rejuvenation of the community, and begin to build wealth. But without deliberate action, the community grid could also usher in a wave of gentrification that displaces long-time residents, most of whom are low-income families. This gentrification is likely to happen if the eight-acre parcel is devoted only to large commercial growth and market-rate housing. Community members should have control over the eight acres of land, so that they can direct its use for the benefit of their neighborhood. Another concern is that Syracuse University or University Medical Hospital will try to use the land, which could also spur gentrification, causing displacement.

Unfortunately, the NYSDOT's approach to the use of the 18-acre parcel is not encouraging. The preliminary report suggests the land can be used for one- and two-bedroom apartments.<sup>36</sup> This caters to young,

affluent people like professionals and college students, rather than the families who live there now. The land will be particularly attractive to developers because of its proximity to the center of the city – close to universities, hospitals, and a revitalized downtown. One other concern is that new development often brings increasing property values and higher property taxes for current owners, who then raise rents, making housing too expensive for current residents.

Unless this economic pressure is defused, it will force residents out of their homes and they will lose their familiar connections to neighbors. They will also be excluded from the economic development and opportunities in their old neighborhood.<sup>37</sup> Anti-gentrification and anti-displacement measures are critical to protect current owners and residents.

Unfortunately, gestures undertaken by the City and State reinforce the concerns of the community. The City of Syracuse proposes zoning the now-residential neighborhood into an area that only allows for high-density, commercial land use. And at the same time, NYSDOT is renaming the area near the viaduct, calling it a “Business Loop.” This sends a strong message to residents that they will be removed from their neighborhoods to make way for luxury high-end apartments and locked out of commercial development.

There is one critical way NYSDOT can help encourage equitable development: attaching conditions to any transfer of the 18-acre parcel of land. The NYSDOT owns this land, and could sell or transfer the land to the City of Syracuse after the project is complete. We recommend the State use this bargaining power to pressure the City to take anti-displacement measures. These measures should include:

- Adopting inclusionary zoning measures to promote the creation of affordable housing.
- Implementing tax abatements and other tools to facilitate homeownership opportunities in the impacted area.
- Creating incentives that require developers to maintain 20 percent of new units at 80 percent of the Area Median Income, with first priority to people residing close to the community grid.



## REZONE SYRACUSE

Current residents are concerned with the City of Syracuse's proposed municipal zoning plan, called ReZone Syracuse, which will put additional economic and development pressure on the southeast community. Zoning power is how a locality determines where various structures can be built, including the type of housing that is allowed, and the form it takes. It also determines what kind of commercial activities can take place in different areas of the city. Under ReZone, the mostly residential area closest to I-81 in the southeast community will be turned into a central business district, with land-use restrictions that will encourage the construction of luxury apartments, high-rise buildings, and massive commercial footprints.

The plan calls for land to be used for large lot sizes and minimum building height requirements. This type of zoning not only removes any opportunity for the creation of affordable housing in that area, but also

reduces the supply of available land, drives up building costs, and prohibits affordable single- and multi-family housing and smaller commercial spaces.

Our outreach revealed a substantial unmet need for quality affordable rental housing in Syracuse. Only eight percent of the housing units in Syracuse are subsidized to be affordable for low-income families, and the majority of them are next to the viaduct and on the southside.<sup>38</sup>

Large-lot zoning has long been recognized as a vehicle to exclude low- and moderate-income housing and people of color from neighborhoods. If the land is turned over to several large development entities for the creation of block-sized buildings, the current residents in the community adjoining the I-81 viaduct will once again be put at a disadvantage.

# Preventing More Environmental Racism



A major concern for residents who live near I-81 is the fear of spending the rest of their lives dealing with the environmental impacts of construction. This includes air and noise pollution, lead exposure, and other burdens of living close to, or directly in the path of, a major construction project. At the same time, residents have reason to believe they will be excluded from construction-related jobs and economic benefits.

This section covers both broad topics like air pollution, noise pollution, and job opportunities, as well as specific sites of concern, like STEAM at Dr. King Elementary School and Wilson Park. But each of these sections address critical areas of environmental injustice, where government decisions can play a major role in either repairing past wrongs or inflicting more pain on this community.

## AIR POLLUTION

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The presence of increased air pollution and exposure to airborne toxins is a primary concern for residents. The NYSDOT has concluded that regulatory limits for air pollution will not be exceeded.<sup>39</sup> But this should not be the standard to which the NYSDOT holds the I-81 project. The Department must instead make public whether the communities closest to the I-81 highway will be exposed to disproportionate or higher rates of air pollution compared to other communities.<sup>40</sup>

The City of Syracuse has asthma rates that are higher than the state average, and respiratory disease is especially prevalent for Black people in the region.<sup>41</sup> <sup>42</sup> This indisputable fact must be acknowledged when considering a massive construction project in a densely populated residential neighborhood.

The people who will be most impacted by the construction need a comprehensive and targeted analysis that goes beyond looking at the regulatory thresholds for harmful chemicals. Further guidance, abatement, and mitigation efforts need to be implemented in order to understand the impacts on highly vulnerable residents, including young people, the elderly, and those with respiratory illnesses.

# NOISE POLLUTION

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Southside residents will soon have to contend with near constant noise and disruption from the construction project. This noise is not merely an inconvenience; it will impact people’s health and well-being.

Noise pollution has a host of negative effects including sleep disturbance, increased heart rate, elevated blood pressure, cardiovascular disease, and hearing loss.<sup>43</sup> Chronic noise is also associated with non-health related impairments, including deficits in cognitive development in children, reduced reading comprehension, and classroom behavior problems.<sup>44</sup><sup>45</sup> <sup>46</sup> According to the EPA, inadequately controlled noise presents a growing danger to the health and welfare of people, particularly in urban areas.<sup>47</sup>

The City of Syracuse’s noise ordinance for construction allows for standard work operations to take place between 7 a.m. to 9 p.m. Monday through Saturday, with restrictions outside those times, including all day Sunday and holidays. While this is a standard local ordinance, it will not

adequately protect the residents who will be subject to construction during this period for up to 14 hours each day and six days a week.

Despite the well-documented harms of noise, residents know little about how noise will be abated when construction starts on the I-81 viaduct. And what the NYSDOT has said on this issue raises questions. For example, the NYSDOT preliminary report proposes a “hotel voucher program for adjacent residents when noise activities might occur at night or over the weekend.”<sup>48</sup> This implies that construction noise could violate even the very permissive Syracuse ordinance, and that residents could be relocated to hotels during those times. The NYSDOT also does not address what will be done to mitigate noise pollution during the peak hours of 7 a.m. to 9 p.m. This is especially concerning because many members of this community reported working service jobs and non-traditional hours, including nights and weekends. These are jobs that may require sleeping during the day.

Further, this hotel voucher proposal does not account for the burdens that come from abruptly moving families, including children, into hotels. The NYSDOT says nothing about how residents will get to school or work, especially if they rely on public transportation.

The NYSDOT has not done an in-depth, targeted analysis for noise abatement that accounts for these and other concerns that arise from a years-long, massive construction project. They have failed to educate the public about the importance of noise abatement or the options for achieving it.

In fact, on the question of a noise wall, the Department seems to have done the absolute least it could get away with: it sent a mailer to residents that included a ballot to vote “yes” or “no” for a dull grey concrete wall. The NYSDOT did not include context or information about the impacts of noise pollution. It didn’t present any other options for abatement, essentially making the decision for the community: take this wall or take nothing. This is a vivid example of NYSDOT’s lack of regard for community input.

The NYSDOT must work collaboratively to address and prevent harm from noise pollution. It must survey residents to determine the best hours for noisy construction. And it must propose meaningful noise abatement options based on community feedback.

# WILSON PARK

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The proposed construction plan's impact on Wilson Park is a major worry for residents. It is the only neighborhood park for people who live in the immediate vicinity of the I-81 viaduct, and it is the one place people can go to swim in the public pool, play basketball, or take part in neighborhood programs offered at the on-site community center.

According to the preliminary report, much of the park is slated to be used as a staging site for storing construction equipment and other hazardous material.<sup>49</sup> The NYSDOT plans to close a portion of the park, including the basketball courts and some of the grass area, while leaving the rest of the park open during construction. The NYSDOT also plans to construct a replacement recreational facility on the western edge of the park.

This plan devalues the people who live in this community by exposing them to harmful dust, debris, and other dangerous materials, with no governmental oversight. A park cannot remain open while it serves as the staging ground for a massive construction

project without putting people at risk. It is difficult to imagine children in a wealthy neighborhood being expected to play in the grass inches from a major \$2 billion multi-year construction project. But in this neighborhood, with a high concentration of poverty where the majority of residents are Black, that is exactly what the preliminary report is proposing.

Instead, the NYSDOT must provide government oversight of the entire project, ensure no one neighborhood is overburdened with staging sites, and offer a different staging site for the project. If that does not happen, Wilson Park must be completely closed, and another recreation area must be constructed within walking distance.





## STEAM AT DR. KING ELEMENTARY SCHOOL

Community members are concerned about what the I-81 project will mean for the students who attend STEAM at Dr. King Elementary School and, more broadly, how the I-81 project will impact the community's access to quality education.

First, the health, safety, and future of approximately 550 students who attend Syracuse's STEAM at Dr.

King Elementary School are in immediate risk of irreparable harm from the I-81 project. The school sits within feet of the viaduct and the NYSDOT plans to install an access ramp in close proximity to the school grounds.<sup>50</sup> Second, without careful planning, gentrification of the neighborhood may mean a wave of changes to the school community that comes at the expense of the needs of longtime residents.

# HEALTH AND SAFETY

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The viaduct created decades of pollution. Now the project to replace it threatens to once again fill the air surrounding STEAM at Dr. King Elementary School with environmental toxins.

It has long been established that schools with larger percentages of low-income students and students of color are exposed to greater respiratory hazards from air toxins than schools with more white students. This is a well-recognized form of environmental racism. One study showed that ZIP codes with majority Black residents tend to be close to sources of pollution like highways. Nationally, Black children are six times more likely to die from asthma than white children.<sup>51</sup> About 80 percent of the students at STEAM at Dr. King Elementary School are Black, and approximately 99 percent are economically disadvantaged.<sup>52</sup> This places the students at STEAM at Dr. King Elementary School in a particularly vulnerable spot.

Pollutants emitted from highways and construction sites pose a risk to anyone who breathes them, but

they are especially harmful to young people. Children exposed to vehicle pollution suffer higher rates of hospitalizations, impaired lung development and lung function, asthma, childhood leukemia, cardiovascular disease, and premature death.<sup>53 54 55 56</sup>

Air pollution does not just affect physical health; it is intimately tied to many aspects of academic performance as well. Children exposed to roadway pollution have a higher likelihood of performing worse on cognitive functioning tests, having impaired neurological functions, lower IQ scores, and missing more school days compared to other children. A recent study found that installing air filters in school buildings resulted in measurable math and reading improvements.<sup>57</sup>

The ailments brought on by air pollution can cause students to miss school, and those who are chronically absent are more likely to drop out. In a survey, 51 percent of New York school nurses felt asthma was more disruptive to school routines than any other chronic condition.<sup>58</sup>

Since at least 2011, the EPA has warned school districts about the dangers of traffic pollution to children. The EPA recommends that school districts think carefully before picking sites for schools near major roads or truck routes.<sup>59</sup> This is because, as the EPA explains, students who attend schools less than 500 to 600 feet downwind from heavily traveled roadways can suffer serious negative consequences from vehicle pollution.<sup>60</sup> As a result, 17 states now regulate the siting of schools near major roadways. Seven of them either prohibit building schools near major roadways, require extensive mitigation of noise and air pollution, or both.<sup>61</sup>

Until this year, STEAM at Dr. King Elementary School was designated a “struggling school” because of persistently low scores on state tests. The school has a math proficiency rating of five percent and a reading proficiency of four percent, compared to state averages of 49 and 46 percent respectively.<sup>62</sup> On all testing, only 25 percent of third graders, 21 percent of fourth graders, and 19 percent of fifth graders received passing scores.<sup>63</sup>

It is little wonder that the students attending the school and the educators working there have been deemed “failures” by the State. However, the true failure is that City and State governments allow young children to attend school next to a busy highway, putting their health and education at risk. Similarly, the NYSDOT has failed to develop a specific mitigation and protection plan for students, teachers, and families. Parents, faculty, and staff are especially concerned with the NYSDOT’s proposal to place a highway access ramp just 250 feet from the school.<sup>64</sup> Yet despite all of this, the NYSDOT incredibly claims no school will be impacted by the I-81 project.

Removing the viaduct and replacing it with the community grid is a good first step towards protecting students. However, the NYSDOT’s replacement plan ignores EPA guidance about school proximity to traffic pollution as well as decades of research about the negative effects suffered by students who attend schools near a major roadway.

The highway access ramp must be moved at least 600 feet from STEAM at Dr. King Elementary School, and a better plan must be developed that includes intensive mitigation strategies to protect students at the school. The school building must be provided with a high-quality air filtration system to ensure children have clean air to breathe now and in the future. There must also be noise mitigation strategies, insulated walls, and a plan to ensure children who walk to school will not have their pathways blocked by equipment or materials.

Finally, a serious plan for STEAM at Dr. King Elementary School must consider whether the student body would be safer and healthier being moved elsewhere for the duration of the project—and that question must be answered with heavy input from families.

It will take a lot of work to do this well, which is something the students deserve. They can no longer be an afterthought.

# SEGREGATION AND GENTRIFICATION

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Community members are concerned that commercial growth will result in changes to STEAM at Dr. King Elementary School that prioritize the desires of newly arriving families, instead of the needs of longstanding residents.

Currently, the Syracuse City School District has a student population of about 19,000 students, approximately 22 percent of whom are white and 49 percent are Black.<sup>65</sup> STEAM at Dr. King Elementary School has a student body that is 80 percent Black, but redevelopment and changes to the character of the neighborhood could drastically alter that composition.

There is an obvious need to undo the racial segregation created by redlining in Syracuse and enforced by the viaduct. However, integration should not be confused with gentrification. A more diverse neighborhood and school may give the appearance of integration but it will not necessarily level the playing field for Black students, or provide better access to a great education for everyone. Black students who attend STEAM at Dr. King Elementary School must

not be displaced from their school as white families move in.

It is essential that gentrification does not displace students or marginalize current residents' role in their community's education system. Current residents must retain priority access to STEAM at Dr. King Elementary School and have a substantial role in determining the policies, practices, and culture of the school and the broader school system. In addition, revenue generated from community development should be used to increase school funding. This should be done in an equitable manner, with an eye toward redressing the impacts of longstanding underfunding on current students and families.

Current students and residents are facing the brunt of the risk of the I-81 project. They must enjoy the benefits of its completion.

# ECONOMIC OPPORTUNITY

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The initial construction of I-81 contributed significantly to the loss of business in the southeast community. Now, the project to replace the highway will create good-paying jobs in an area that needs them the most. Those jobs must go to the people most impacted by the construction. These types of site-specific employment requirements have been used by Departments of Transportation in other parts of the country and must be implemented here.<sup>66</sup>

First on the list of those who should be prioritized for jobs should be Syracuse's Black residents, who live in close proximity to the I-81 viaduct. More broadly, these jobs must go to Syracuse residents – 45 percent of whom are people of color.<sup>67</sup>

Unfortunately, a look at who currently holds construction jobs in the Syracuse area is cause for concern. A report by the Urban Jobs Task Force and Legal Services of Central New York looked at recent construction projects in the Syracuse area and found that 88 percent of workers on the construction sites were white.<sup>68</sup> Additionally, the report found evidence that a very low percentage of workers lived

in Syracuse. Nearly all road construction jobs go to white people from outside the city.

For the I-81 project to be different, the NYSDOT must be intentional and innovative. The Urban Jobs Task Force released a set of recommendations with ideas for exactly how to do this.<sup>69</sup> The recommendations include increasing access to training and apprenticeships, and requiring construction unions to draw workers from among Syracuse residents, specifically communities of color. We cannot ask those who live close to the highway – who will have to endure all of the hardships of a major construction project – to navigate even more obstacles while the economic benefits of construction flow to white people who live outside of Syracuse.<sup>70</sup>

The NYSDOT must show preference to construction companies who are meeting set diversity markers such as employing and training residents who live in the impacted area, hiring a diverse staff including Black employees, and implementing training and hiring programs specifically for Syracuse residents.



# Recommendations

The challenges that exist in the southeast community adjacent to the I-81 viaduct did not crop up because of singular decisions. They represent the concrete outcomes of widespread structural racism and environmental injustice. Actions by all levels of government have contributed to highway placement, school underperformance, food insecurity, respiratory disease, lead exposure, racial isolation, and concentrated poverty. These are examples of cumulative impacts and indirect effects that the NYSDOT is required to consider under NEPA, SEQR, Title VI and the Executive Order 12898.

In order to meet the legal standard of equity, efforts to remedy these issues must involve the removal – not just the management – of environmental and economic harms. Doing this will go a long way toward repairing the neighborhoods and families that have been discriminated against by the City of Syracuse for generations.

The following recommendations will help ensure compliance with federal and state laws that have been established to protect the environment and the people who live there.

## PROTECT FUTURE LAND USE

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It is imperative that the history of redlining, urban renewal, and displacement in Syracuse that has disproportionately hurt Black neighborhoods does not repeat itself. To this end, **land use and land transfer policies must be put in place to restore and enhance communities impacted by I-81 both during and after construction.**

NYSDOT must **create a land trust for the eight acres directly east of Martin Luther King Boulevard** giving preference for development to residents connected to the community, those who have a history in the neighborhood and those past residents impacted by the original construction of I-81.

Additionally, the **NYSDOT must conduct a new analysis of land use**, development patterns, and housing trends. The claim that the eight acres adjacent to Martin Luther King Boulevard will be best used for one- and two-bedroom apartments must be reassessed.

# PROTECT HEALTH AND WEALTH

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The NYSDOT must **create a meaningful solution for residents who will be impacted by lead exposure, and air and noise pollution.** Doing this will go a long way toward repairing the neighborhoods and families that have been overburdened by toxins in this community for generations.

The NYSDOT must **accommodate residents who would like to relocate** to avoid conditions that may be hazardous to their physical or mental health, or their ability to engage in essential functions. Vouchers that allow people to stay at a hotel are inadequate.

The NYSDOT must **conduct a cumulative exposure analysis for residents who live in the communities within 600 feet of the viaduct** to determine what environmental hazards have been embedded in their soil, houses, paint, and bodies. This analysis should look at air, noise, and lead pollution.

The NYSDOT must **work collaboratively with residents to ensure this community is not harmed by noise pollution.** It must survey the community to determine the best hours for disruptive

construction. And it must propose specific noise abatement techniques, based on community feedback including a variety of noise walls.

The NYSDOT **must not use Wilson Park as a staging site for construction.** Failing that, Wilson Park must be completely closed, and another recreation area must be constructed within walking distance.

The NYSDOT must **create a Community Restoration Fund** for communities that have had their health and wealth impacted by the decades of pollution from I-81. Portions of the fund must be used to eliminate existing environmental hazards.



# ACCESS TO OPPORTUNITY

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The **jobs generated by the project must go primarily to the people who live directly adjacent to the viaduct**, and those residents must receive the training necessary to perform those jobs. Preference for contracts should go to unions whose employees are at least 30 percent people of color and who show a preference for employees who live near the I-81 viaduct.

**All residents must have an automatic right to return** when the construction directly impacting their homes ends. Additionally residents must be provided with the necessary upgrades, if they decide to stay in their current homes, to protect from construction hazards, including insulation, new windows, and air conditioners.

With input from the community, the NYSDOT must **offer market-rate buyouts, rent subsidies, and/or temporary relocation assistance** to households in areas determined to be highly impacted by the construction.

**An easement reassessment must be conducted** so that renters receive easement payments if they lose access and partial enjoyment of their homes during construction. Nearly 84 percent of households in the community impacted by the project are occupied by renters.<sup>71</sup> But easement payments are offered only to homeowners. Payments must be given to anyone who loses use of their property—whether they are the owner or a renter.

Finally, NYSDOT must **provide governmental oversight on all aspects of this project**; it cannot leave day-to-day decisions to contractors. Additionally, disposal and staging sites must not overburden this community.

# PROTECT SCHOOL CHILDREN

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Perhaps no population will be impacted more directly by this project than the 550 students at STEAM at Dr. King Elementary School.

The NYSDOT must **provide oversight to create a comprehensive construction plan** in collaboration with parents, faculty and staff at the Syracuse City School District. It must contain specific ways to mitigate noise and air pollution both during and after construction, including:

- Installing air ventilation and filtration systems, soundproofing, and insulation.
- Creating safe walking and cycling zones.
- Implementing regulations on construction vehicles idling and parking near the school.
- Ensuring parking access for school busses, parents' vehicles, and public transportation.
- Limiting work during school hours.
- Removing hazards in a timely manner.
- Designating play zones during construction.

The NYSDOT must also **move the proposed highway access ramp so it is at least 600 feet from STEAM at Dr. King Elementary School.**

As part of the project, Syracuse City School District must work closely with the NYSDOT, parents, and students to **ensure that gentrification does not displace students at STEAM at Dr. King Elementary School.**



# Conclusion

Our recommendations will assist the NYSDOT in meeting its own stated goals for the project. These include enhancing economic growth and vitality in the City, re-connecting the Syracuse community, and providing better access to jobs, businesses, and services in downtown Syracuse and beyond.<sup>72</sup>

Overall, the path laid out in this report offers a chance to right a historic wrong and to create more equitable outcomes for the entire region.

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