



## The New York League of Conservation Voters

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# 2006 Environmental Questionnaire for New York State Legislative Candidates (challengers)

**Candidate Name:** Brian Kavanagh

**District #:** State Assembly District 74

### PERSONAL INITIATIVES

1. What have been your most significant achievements to date on environmental issues?

*As Chief of Staff to Council Member Gale Brewer, I managed the Council Member's legislative and policy agenda, helping to ensure that we maintained a consistent 100% rating from the League of Conservation Voters. We supported bills to reduce carbon dioxide emissions from electric generating facilities, require the City to employ green building standards in construction and renovation, and reduce diesel emissions, among others.*

*Previously, with a national plaintiffs' law firm, I worked on lawsuits against large corporations and the U.S. Department of Energy seeking damages and remediation for nuclear contamination related to the Hanford and Rocky Flats nuclear weapons facilities. The Rocky Flats suit recently resulted in a \$553 million verdict against Dow Chemical and Rockwell International in favor of the residents of polluted communities.*

*I have also been a long-term supporter of green spaces in urban areas. In the 1980's, I worked with Trenton, New Jersey's premier community garden advocacy organization, Isles, Inc. More recently, here in New York City, I have been an advocate for our green spaces through Council Member Brewer's work on the Westside and on the Parks and Waterfront Committees.*

*Locally, I have advocated for green and open spaces throughout the 74th District. I support the Lower East Side's community gardens. I've been an active participant in the Campaign to Save Union Square, fighting against the ceding of vital park space to create an exclusive private restaurant in the northern part of the Union Square Park, which would be bad for local residents and a bad precedent for parkland throughout the state. I have been active in the effort to ensure that plans for the redevelopment of the former Con Edison Waterside Plant thoroughly take the environmental impacts of the project*

2. Please outline your environmental priorities should you be elected.

*My highest environmental priority—and one of my highest priorities overall—will be to do everything I can to reduce air pollution, because of its enormous negative effects on both the health of the community and global environment. Studies have linked poor air quality to*

*numerous health problems. For example, New York City has some of the highest asthma rates in the country and asthma is the top cause of childhood hospitalization. And of course the effect of New York's air extends far beyond our state's borders; in particular, the large amount of greenhouse gases that we emit contributes to global warming. I will aggressively promote a comprehensive approach to improving air quality and ensuring that New York takes a leading role in responding to the growing crisis that air pollution represents. Specifically, I will work to implement a congestion pricing policy for New York City; promote more effective mass transit and more environmentally friendly freight transportation; work toward a more environmentally sound and more just approach to meeting the state's electricity needs; and reducing the polluting effects of diesel fuels.*

### ***Congestion Pricing***

*There is perhaps no single proposal with a greater potential to reduce emissions and increase the efficiency of the ways we live and work than congestion pricing for traffic in New York City's central business district. A congestion pricing policy would simultaneously generate substantial revenue that could be invested in better mass transit, and reduce pollution-causing traffic congestion. London gives us a good example of the benefits. Since the congestion charge went into effect in London, traffic has declined significantly. Also, bicycle riding in London went up even as bicycle riding throughout the U.K. declined. Congestion pricing reduces traffic and gives incentives for the use of environmentally friendly alternatives. Congestion pricing programs also amplify the benefits of other environmentally friendly programs. Buses are more effective when gridlock is decreased and therefore attract more passengers. Moreover, congestion pricing preserves the anti-congestion effects of other traffic-reducing initiatives. For example, improvements in freight rail can ease traffic, but some standing incentive must be in place to make sure that the lessened congestion does not itself encourage increased use of the roads. For these reasons, a congestion pricing policy is an essential part of a municipal traffic management program. In the Assembly, I will fight to make New York a model for municipal traffic management. I will introduce and push for legislation requiring a congestion pricing plan for the central business district of New York City.*

### ***Mass Transit and Rail Freight***

*No one in Albany will be a stronger advocate for mass transit and rail freight. I will push for the construction of a full-length Second Avenue Subway to be completed as rapidly as feasible. I will fight to facilitate East Side Access to the Long Island Rail Road, to implement bus rapid transit (4 of the 5 slowest buses in the City run through the 74th Assembly District), and to expand bus service, including express bus service that reduces the need to commute by car into Manhattan. I will also support capital expenditures for the Cross-Harbor Freight Rail Tunnel. By developing our mass transit and freight rail systems, we can provide efficient alternatives that, combined with congestion pricing, will lead to less vehicular traffic and dramatically lower emissions.*

*Development of our mass transit system will be hampered without reform of the public authorities that oversee and operate the system. We need to introduce greater transparency to agencies like the MTA and PATH. In particular, while I support a substantial increase in State and City capital subsidies to the MTA, we need to professionalize its board, open its books, and*

*integrate its budget process into that of the city and state. The viability of the mass transit system depends on the fiscal well-being of the authorities that oversee it—if we are to improve mass transit, we must also improve the financial management of the MTA and other relevant authorities.*

### ***Power Plants***

*While I recognize that New York State may need to build new power generation capacity, both to keep up with growing demand and to phase out inefficient plants—and problematic ones like Indian Point—I will make it a priority to ensure that this be done in a way that is more environmentally responsible and more just to the affected communities. Some of the specifics of my position on this issue are addressed in response to question 3, below. I would add that I will push for New York to take a leading role in the Regional Greenhouse Gas Initiative and to set a cap on carbon dioxide emissions significantly below today's levels.*

### ***Diesel Fuels***

*I would also work to ensure that no child in the state is exposed to high levels of pollution from diesel fuels used in school buses and to require cleaner home heating fuel.*

## **ENERGY**

The League has asked the Legislature to adopt legislation extending and amending Article X. The League believes new legislation should require that the applicant undertake an environmental justice analysis, a PM2.5 analysis and a cumulative impact analysis, and should lower the applicability threshold to 30 megawatts.

3. Please share with us your position on the adoption of legislation extending and amending Article X, any past involvement with this issue and your plan to integrate it in your campaign.

*The state cannot move forward in managing its power supply until it extends Article X.*

*Whether we need new power to meet growing needs or to phase out existing plants like the one at Indian Point, we must have a siting process in place. That makes extending Article X an issue of high importance. At the same time, we need to make sure that the regulations put in place adequately protect communities, particularly in light of the profound effect that a power plant or combination of power plants can have on the air quality of a community. To that end, I support extending Article X, but only insofar as the legislation extending Article X also amends the law to lower the threshold for applicability, require PM2.5, environmental justice, and cumulative impact analyses, and require the consideration of relevant alternative sitings.*

*Regarding integration of this issue (and other issues LCV raises) into the campaign, we intend to make environmental issues a big part of the campaign. We will soon publish a comprehensive position paper on environmental and transportation issues and we will follow up with a series of press releases highlighting various aspects of my environmental and transportation platform, along with campaign literature and possibly print ads. I regularly talk about these issues when I address local organizations and house-party gatherings, and I will continue to do so. Because the 74<sup>th</sup> Assembly District is the site of both the decommissioned Waterside plant and the East River Generating Station at 14th Street, many district residents are attuned to issues involving plant emissions and*

*environmental justice. So the particular issues raised by this question certainly will have a prominent place in the position paper and the campaign.*

## **ENVIRONMENTAL FUNDING**

The League has asked the Legislature to increase the EPF from \$150 million to \$300 million, funded by the increase in revenue from the existing Real Estate Transfer Fee. We believe an expansion should start with an increase in the EPF to \$200 million in FY'06. Since the EPF's inception, we have consistently and strongly opposed the transfer of General Fund expenses, including state agency staff, to the EPF. We continue to oppose such transfers. While we oppose new categories without new funding, we support the addition of new categories with new funding.

4. Please share with us your position on increasing funding for the Environmental Protection Fund, any past involvement with this issue and your plan to integrate it in your campaign.

*I strongly support the mission of the EPF. The fund is an important tool in the State's conservation efforts, providing mechanisms for open space conservation and land acquisition. I strongly support the EPF Enhancement Act [A.9283/S.6356], which provides for the expansion of the EPF's allocation. Educating people about the EPF and articulating my support will be part of the larger effort to integrate environmental issues into the campaign, discussed in response to question 3, above*

The League has asked the Legislature to pass a Community Preservation Act, which would allow all communities to vote to raise funds for local environmental and historic preservation projects.

5. Please share with us your position on allowing all communities to vote to raise funds for local environmental and historic preservation projects, any past involvement with this issue, and your plan to integrate it in your campaign.

*I support the DiNapoli-sponsored Community Preservation Act. It allows communities the means to raise revenues to fund local environmental and historic preservation project. As long as local funding does not undermine the state conservation efforts, which in this circumstance it does not, localities should be empowered to manage and protect their environments. Again, educating people about the Community Preservation Act and articulating my support will be part of the larger effort to integrate environmental issues into the campaign, discussed in response to question 3, above.*

The League has asked the Legislature to pass a Conservation Tax Credit, which partially compensates New York landowners who voluntarily sign agreements not to develop land, thereby protecting open space, farmland, water and wildlife, forever.

6. Please share with us your position on support for compensating New York landowners who voluntarily sign agreements not to develop land, thereby protecting open space, farmland, water and wildlife, forever. Also indicate any past involvement with this issue and your plan to integrate it in your campaign.

*I support enacting a Conservation Tax Credit. Tax credits are a good mechanism to encourage private, voluntary land conservation. Again, educating people about the Conservation Tax Credits and articulating my support will be part of the larger effort to integrate environmental issues into the campaign, discussed in response to question 3, above.*

## **SMART GROWTH:**

The League has asked the Legislature to pass initiatives to encourage communities to plan for sound growth that would:

- Set a statutory standard for the amount of training required as a condition for reappointment of municipal planning and zoning officials,
- Allow the governing bodies of municipalities, (as opposed to only citizens), to initiate a process of annexation to change local boundaries to facilitate regional approaches,
- Allow municipalities to share sales tax revenues (as well as property taxes) in order to encourage cooperation instead of competition for economic activities and community facilities; and,
- Fund municipal or regional TDR banks that would help to preserve land and focus growth in accordance with local and regional smart growth plans.

7. Please share with us your position on support for initiatives to encourage communities to plan for sound growth, any past involvement with this issue and your plan to integrate it in your campaign.

*I support all of the above initiatives. Again, educating people about smart growth policies and articulating my support will be part of the larger effort to integrate environmental issues into the campaign, discussed in response to question 3, above.*

## **WETLANDS**

The League has asked the Legislature to give DEC the regulatory authority necessary to protect New York's wetlands by lowering the threshold to one acre or more and eliminating the mapping limitations on DEC's regulatory authority over wetlands.

8. Please share with us your position on support for giving DEC the regulatory authority necessary to protect New York's wetlands, any past involvement with this issue, and your plan to integrate it in your campaign.

*I support lowering the acreage threshold, so that any wetland area of an acre or more falls under the jurisdiction of the DEC. I also support other solutions along the lines of those proposed in A.2048 ,eliminating mapping limitations on the DEC's regulatory authority, and giving the DEC regulatory authority over wetlands adjacent to bodies of water. Again, educating people about the need to protect our wetlands and articulating my support will be*

*part of the larger effort to integrate environmental issues into the campaign, discussed in response to question 3, above.*