

Spreading Smog Over Westway

The New York State Department of Environmental Conservation has been asked to kill Westway because its sponsors failed to prove that the traffic it will attract will not violate clean-air standards. This is not the only remaining obstacle in the path of the mammoth reconstruction of the West Side Highway in downtown Manhattan. But it offers a good example of how not to make public policy in realms that touch so many vital civic interests.

The question to be decided by mid-October by Environmental Commissioner Peter Berle is whether Westway will be granted an "indirect source" permit, required of any facility that may be an indirect cause of air pollution. Extensive hearings were held last spring and the hearing officer, Albert J. Rosenthal of the Columbia Law School, has now recommended against a permit for a long list of reasons. The hearings were conducted meticulously, but the reasoning they produced seems an odd basis for a major policy decision.

The hearing officer was operating in a legal vacuum, interpreting law that has had little relevant interpretation. He was told to assume that Westway would be a new highway, and so covered by one part of the law, instead of a modification of the collapsed highway, covered by another part. He was told to measure Westway against the presumed alternative not of the highway that actually was, but of a six-lane rebuilt West Street that might be. He was told to ignore the ten-year delay before Westway is completed because no one can see that far ahead. And then he was bombarded by rival sets of traffic estimates produced by rival computer runs. He decided that Westway's sponsors underestimated the likely increase in pollution while its opponents produced equally unsatisfactory, even erroneous, numbers to overestimate the consequences. But because the sponsors had the burden of proof, the hearing of-

ficer recommended a ruling against the application.

Now, no one has come up with sure ways of estimating future traffic patterns—or even the nature of future cars. Numbers can be used to prove any side of an argument and Mr. Rosenthal used some in a most imaginative way. He could not believe, for instance, that public bodies would choose to spend more than a billion dollars for Westway, as opposed to perhaps half as much for a better West Street, to carry only a modest increase in traffic. Plausible, perhaps, but hardly conclusive evidence. Nor did he believe that the redevelopment of the West Side would bring as little polluting congestion as the city suggested. He also speculated that spending less would release more money for subways, as Westway opponents urge, and he theorized further that this would draw more people out of polluting cars. Interesting policy questions—for other forums.

The hearing officer was right to question some of the Westway assumptions. But he showed no such modesty about his own predictions that further automation of toll booths or reductions in car size would increase West Side traffic. Since no one can draw firm conclusions about traffic and pollution, all that is ultimately proved is that the city's figures can be knocked into a cocked hat—along with everyone else's. That seems hardly enough to justify killing Westway, which is meant to offer a great deal more than just a road—with the right safeguards.

How are we to measure decades of change and development? Westway offers the potential of parks, housing and jobs in an optimum design with resources that are at hand. Commissioner Berle should insist on air quality safeguards, based on reasonable estimates of traffic twenty years hence. He should not, however, be the final judge of the wisdom or risks of the project as a whole.