

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

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**In the Matter of the Application of**

**CARL E. PERSON,**

**Petitioner,**

**For a Judgment under Article 78 of the CPLR,**

**-against-**

**NEW YORK CITY DEPARTMENT OF  
TRANSPORTATION,**

**Respondent.**

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**Index No.**

**100484/15**

**NOTICE OF  
PETITION  
PURSUANT TO  
CPLR ARTICLE 78**

**TO THE ABOVE NAMED RESPONDENT:**

**PLEASE TAKE NOTICE** that, upon the annexed Verified Petition, verified on March 17, 2015, the undersigned Petitioner shall move at the courthouse of the New York State Supreme Court, New York County Courthouse, located at 60 Centre Street, New York, New York 10007, in the Motion Submission Part, Room 130, at 9:30 a.m. on April 21, 2015, or as soon thereafter as counsel may be heard, for an Order and Judgment pursuant to Article 78 of the Civil Practice Law and Rules:

1. Declaring that all changes in traffic lanes, pedestrian plazas, pedestrian safety areas, bicycle lanes, bicycle stations, floating parking, cameras at photo-enforced intersections, reduction in maximum vehicle speed, 2015 changes in timed lights on 1-way avenues, contracts to implement such changes, plans for imposing congestion-related tolls on NYC bridges and tunnels and the Department of Transportation policy, and rules and regulations concerning traffic congestion relating to the County of New York (the "DOT Plan") are in violation of McKinney's

Environmental Conservation Law (ECL) § 8-0109 for failure to prepare and file an Environmental Impact Statement for a Type I activity which, as part of an overall plan, "may have a significant effect on the environment" and are, as a result, invalid.

2. Directing and compelling Respondent and its officers and employees immediately to undo as quickly as possible all changes already made or now being implemented under the DOT Plan and after such changes are undone to prepare and file an Environmental Impact Statement dealing with all changes sought for the County of New York as a combination of related changes of Type I which may have a significant effect on the environment.

3. Enjoining Respondent and its officers and employees from receiving or making payments under any existing contracts relating to the Dot Plan and from executing, entering into or renewing any contracts relating to the DOT Plan.

4. Requiring the Department of Transportation to commence a lawsuit against such individual or individuals who are responsible for the violation of ECL § 8-0109 to recover the costs incurred in the activities in violation of said law and the costs of restoring New York County to the condition it enjoyed prior to the violations of law.

5. Granting such other, further or different relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to CPLR 7804(c), an answer and any supporting papers must be served on the undersigned no later than five (5) days before the return date set forth above.

**Dated: March 18, 2015**  
**New York, New York**



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New York NY 10007-2601

*Attorney for New York City Department of Transportation*

Copy to NYS Attorney General pursuant to CPLR 7804(c):

Attorney General of the State of New York                                      Tel: 212-961-4475  
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