



**For Immediate Release
October 24, 2008**

Contact:

Stewart Schwartz, Coalition for Smarter Growth, 703-599-6437

Andrea Ferster, Lead Counsel for Plaintiffs, 202-974-5142

Betsy Merritt, Counsel, National Trust for Historic Preservation, 202-588-6035

Megan Gallagher, Shenandoah Valley Network, 540-253-5162

**Groups Seek Summary Judgment in I-81 Suit
Challenge Seeks Better Options for Highway**

A coalition of non-profit groups filed a motion for summary judgment in federal court in Charlottesville Wednesday, challenging a Federal Highway Administration (FHWA) and Virginia Department of Transportation (VDOT) plan to spend \$11.4 billion to widen most of I-81 to an average of eight lanes.

The motion is part of a lawsuit filed in December 2007 to block a costly plan to overbuild the interstate. The groups asked the U.S. District Court for the Western District of Virginia and Judge Norman K. Moon to order federal and state highway officials to preserve options for less costly and less destructive alternatives to major highway widening on I-81.

“In our discussions with the defendants in the course of this case, we learned that federal and state officials did not intend to consider alternative solutions to major highway widening when individual projects are advanced on I-81 in the future,” said Stewart Schwartz, Executive Director of the Coalition for Smarter Growth, based in Washington, DC.

Schwartz added, “Our request for summary judgment would require that VDOT consider alternatives like spot highway safety improvements and increased diversion of freight traffic from trucks to rail, which would have much less impact on the communities, farms, history and scenic character of the Shenandoah Valley and the entire I-81 corridor.”

Fundamental rights lie at the core of the groups’ challenge to the I-81 plan. Washington Attorney Andrea C. Ferster, lead counsel for the plaintiffs in the lawsuit, explained, “The statute of limitations notice published by the highway agencies in 2007 would have made it impossible for landowners or local governments on the I-81 corridor to challenge highway widening and promote alternative plans, thereby violating their constitutional rights under the Due Process Clause of the Fifth Amendment to the U.S. Constitution.”

In addition to the due process claim, the groups are challenging the agencies’ failure to incorporate into I-81 project planning an independent study of multi-state freight rail, which is mandated and funded by the Virginia General Assembly. That study, now underway, also was called for by the Commonwealth Transportation Board in 2006. Rail freight improvements proposed for the I-81 are projected to cost up to \$4

billion nationally, far less than the \$11 billion highway widening proposed just for Virginia, which would require tolls on both cars and trucks on I-81.

The 10 parties to the I-81 lawsuit include the Coalition for Smarter Growth, Shenandoah Valley Network, National Trust for Historic Preservation, Scenic Virginia, APVA Preservation Virginia, Virginia Organizing Project, Valley Conservation Council, Rockbridge Area Conservation Council, Sierra Club and landowner Larry Allamong, a Shenandoah County farmer whose property would be consumed by highway widening.

Megan Gallagher, director of the Shenandoah Valley Network, stated Wednesday, “Unless we succeed in our challenge, the Federal Highway Administration and VDOT will have a free rein to widen I-81 to eight or more lanes along its entire length, despite the objections of dozens of communities and thousands of people during the planning process.”

Betsy Merritt, Deputy General Counsel to the National Trust, said “We are committed to helping local communities preserve their historic treasures on the I-81 corridor, such as historic Belle Grove Plantation and the seven Civil War battlefields.” Ms. Merritt added. “We hope the suit persuades the two transportation agencies to offer more sensible and affordable approaches to addressing traffic in the I-81 corridor.”

###