



COALITION FOR  
SMARTER GROWTH



VALLEY  
CONSERVATION  
COUNCIL

NATIONAL TRUST FOR  
HISTORIC PRESERVATION



PRESERVATION VIRGINIA

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## **Groups Ask Federal Judge to Order Reevaluation of I-81 Plan**

*Case Exposes Effort by Agencies to Make it Impossible for Landowners and Local Officials to Offer and Win Less Damaging Alternative Solutions*

CHARLOTTESVILLE, Va.—Attorneys for a coalition of non-profit groups and a Shenandoah County farmer today asked a federal judge to direct state and federal transportation officials to reevaluate an \$11.4 billion plan to widen I-81 throughout Virginia. Judge Norman K. Moon, of the U.S. District Court for the Western District of Virginia in Charlottesville, heard oral arguments April 6 in a suit filed in December 2007 against the Federal Highway Administration (FHWA) and Virginia Department of Transportation (VDOT).

“It’s time for VDOT to abandon the costly and destructive plan for I-81,” said Kate Wofford of Luray, Executive Director of the Shenandoah Valley Network. “Our state transportation budget has evaporated and taxpayers are tapped out. Virginia’s plan to spend billions on an ineffective widening of all 325 miles of I-81 is, and always was, unaffordable. Better alternatives exist, but were ignored in the FHWA/VDOT environmental study,” Wofford said.

Betsy Merritt, Deputy General Counsel to the National Trust for Historic Preservation in Washington, DC, said “The two transportation agencies need to offer more sensible and affordable approaches to addressing traffic in the I-81 corridor, other than widening to eight or more lanes. Only then can we ensure that historic treasures on the I-81 corridor, such as historic Belle Grove Plantation and the seven Civil War battlefields, are preserved.”

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Washington Attorney Andrea Ferster, lead counsel for the plaintiffs, said that FHWA and VDOT “admit that they view this conceptual decision on I-81 widening as a means of blocking any future argument, including legal challenges, to consider a broader range of alternatives when individual projects are advanced on I-81 in the future. Therefore, we argued today that fundamental due process rights were violated when the highway agencies sought to use a statute of limitations notice to make it impossible for landowners or local governments on I-81 to raise questions about whether widening I-81 is the best solution when future projects move forward.

Ferster also argued that the transportation agencies must reopen the I-81 plan to include the results of a multi-state freight rail study, which was mandated and funded by the Virginia legislature after VDOT failed to include a multi-state rail analysis in the original I-81 environmental study. According to the new study, rail freight improvements for I-81 would cost up to \$4 billion and would include significant funding from Norfolk Southern and neighboring states, far less than the \$11.4 billion highway widening proposed just for Virginia, which would require tolls on both cars and trucks on I-81.

During the previous environmental study VDOT denied public requests for incorporation of a multi-state rail improvement alternative, arguing it was unfeasible, yet last fall signed a Memorandum of Understanding with neighboring states to jointly invest in multi-state rail. The current multi-state rail study shows significant diversion of trucks from I-81 is possible, but this alternative could be ignored by VDOT unless the judge orders VDOT to reevaluate their current plan.

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

“At a time of daunting budget deficits, uncertain energy costs and a new focus on building the next generation of transportation infrastructure, an \$11.4 billion highway widening project is out of date before it starts,” said John Eckman, executive director of the Valley Conservation Council in Staunton, which works in 11 Shenandoah Valley counties on or near the I-81 corridor.

“The impacts on natural, historic and scenic resources and on local communities are far too great when viable alternatives exist.” Eckman added. He said alternatives include the diversion of truck freight to rail as well as improvements to the worst safety and congestion hotspots on the corridor, improvements to local road networks, greater enforcement of speed limits and increased transit options.

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Link to Shenandoah Valley Network’s [I-81 Lawsuit Resources & Background](http://www.svnva.org/)

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