



RIVER FIELDS

FOR IMMEDIATE RELEASE

Contact:
Kathy Melvin, Business Integrated
Communications 502.609.9813

Harrods Creek Bridge Widening Doesn't Comply with Federal Law
Group Files Citizens Suit in Federal Court

Louisville, KY (May 20, 2008)—Due to the continued plans by the Federal Highway Administration (“FHWA”) and Kentucky Transportation Cabinet to move ahead in the destruction of the historic one-lane Harrods Creek Bridge, River Fields, a 50-yr. old bi-state citizens group with over 2,000 members, has had to file suit in Louisville over the proposed widening project.

“Safety is our major concern. A one-lane bridge forces people to slow down,” said Robert E. Kulp, Jr., President of the Board of Trustees of River Fields. “Maintaining the safety and beauty of River Road is essential for the traveling public. The historic one-lane bridge is an important part of that experience. In the last few years, there have been at least two fatal accidents on the curves leading to the bridge, not at the bridge. Widening the bridge encourages drivers to speed and will cause more accidents.”

Louisville attorney Donald L. Cox with the firm Lynch, Cox, Gilman & Mahan, PSC, represents River Fields. Cox said filing suit is the last resort. “River Fields has tried to provide an alternative solution to the widening for eight years. We simply have no other options. Congress gave citizens the right to be a watchdog and enforce these federal laws in court as part of a check and balance process.” He said that since persuasion and advocacy have not worked, litigation is the only way left to hold government agencies responsible for obeying federal laws and thoroughly analyzing historic preservation options, therefore complying with the federal laws.

River Fields had advocated for years for a preservation option that it believes is less expensive and safer than the widening proposal. “This plan is simple,” said Kulp. “Resurface the bridge, fix the guardrails, place better signage along the road, and consider hanging lights at both entrances. Our plan also better facilitates traffic flow for commuters.”

Accident data from 2001 through early 2004, made public during the federal study process for the widening proposal, show that the Harrods Creek Bridge is safer than comparable bridges in Kentucky.

River Fields, along with nine other groups and individuals, participated in the federal study process for the proposed bridge widening, from 2001-2005. Other participants included Scenic Kentucky, Preservation Kentucky, and the River Creek Homeowners Association. In 2005 the Kentucky Historic Preservation Officer and the Washington, D.C.-based National Trust for Historic Preservation, objected to claims by FHWA and the Kentucky Transportation Cabinet that all one-lane bridges are unsafe and must be replaced. The National Trust also cited the successful rehabilitation of the one-lane Cabin John Bridge on MacArthur Blvd., a major commuter route into Washington, D.C. with three times the traffic volume of the Harrods Creek Bridge.

The lawsuit, under Section 4(f) of the Federal Transportation Act and the National Environmental Policy Act, was filed by River Fields to protect the historic character of the Harrods Creek Bridge, which is endangered by a \$2.5 million plan to expand the bridge into two lanes. River Road, from Zorn Ave. to U.S. 42, where the structure is located, is Louisville Metro's only state-designated Scenic Byway.

Andrea Ferster, a Washington, D.C. attorney, is working with Mr. Cox on this case on behalf of River Fields. Ferster is known nationally for her expertise on environmental and historic preservation law. "The U.S. Congress adopted Section 4(f) in the mid 1960s to reduce the destruction of historic properties by the FHWA for highways and roads," said Ferster. "Under this law, the FHWA can only approve or fund a road project that destroys the historic character of a property, like the Harrods Creek Bridge, if there is no 'feasible and prudent' alternative to widening."

The lawsuit claims that the two named government agencies failed to meaningfully evaluate repairing the bridge as a one-lane structure. It urges the court to send the matter back to these agencies to consider this solution as a "feasible and prudent" alternative to the widening. The lawsuit also claims that the government agencies violated the National Environmental Protection Act by failing to evaluate the potential for more intense land development along the River Road corridor from widening the bridge and accommodating more traffic. The lawsuit urges the court to send the matter back to the two agencies to define and evaluate these negative impacts as well.

"River Fields has a duty to step forward and make certain these agencies comply with the legal requirements of 4(f)," said Board President Robert E. Kulp, Jr.

#

River Fields is the largest and oldest river conservancy along the 981-mile Ohio River. For nearly 50 years, River Fields has utilized its resources to effectively protect, preserve and enhance the natural and cultural resources of the land and water around the Ohio River in our region. Through its programs of land conservation, advocacy, and education, River Fields strives to create harmony between nature, history and the people who live here. River Fields owns land or holds conservation easements on 34 properties, totaling more than 2,200 acres, most of which is preserved forever. River Fields is one of the nation's few land trusts tackling regional advocacy work and land conservation.