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Contact: Maya van Rossum, the Delaware Riverkeeper, 215-801-3043

Statement on Headquarters Road Bridge Decision

In a decision issued August 20, 2020, U.S. District Judge Gene Pratter of the U.S. District Court for the Eastern District of Pennsylvania ruled in the case of the Headquarters Road Bridge that PennDOT properly checked all the procedural boxes when it decided to issue a Categorical Exclusion under the National Environmental Policy Act and in how it advanced its federal environmental assessment over its demolition/construction proposal.

“While the judge said PennDOT checked the boxes in terms of its federal reviews, that decision does not mean the demolition of the irreplaceable 208-year-old Headquarters Road bridge, and the associated devastating impacts to Tincum Creek and downstream properties is a go,” **said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.** “PennDOT’s most recent application to the Pennsylvania Department of Environmental Protection, as well as the ongoing reviews we have secured from experts including historic bridge engineers, traffic experts, stream ecologists and flow engineers, make clear that this project is ill-advised, and fails to substantively fulfill the environmental protections needed for the exceptional value and Wild & Scenic Tincum Creek. The Headquarters Road Bridge can and should be rehabilitated in its current footprint; that will best protect the community, the creek, the Wild & Scenic River, the historic district, and will most quickly secure an open roadway for the residents of Tincum.”

Continued van Rossum, “While PennDOT has avoided the need for a full Environmental Impact Statement, it has not secured all of the state and federal permits and approvals needed to advance this project. Regardless of what PennDOT is representing to the public, they do not have their state PADEP permit, they do not have their Army Corps approval, nor do they have a sign-off from the National Park Service. And very notably, state and federal dollars are fast running out for major construction projects with the Secretary of PennDOT testifying before the Pennsylvania Senate Transportation Committee that ‘Bridge replacement efforts will shift to lower cost preservation activities.’”

The Delaware Riverkeeper Network challenged the claim of a Categorical Exclusion (CE) under the National Environmental Policy Act, which allowed PennDOT and the Federal Highway Administration to avoid undertaking a full environmental impact statement of its proposal to demolish and replace the bridge. While the judge supported the CE issued by PennDOT, she noted that NEPA is a purely procedural statute. The final determination was about the process undertaken to date, not about the wisdom of the substantive decision made.

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
dm@delawariverkeeper.org
www.delawariverkeeper.org