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Delaware Riverkeeper Network files lawsuit to protect the historic Headquarters Road Bridge and the Tincum Creek in Bucks County

Philadelphia, PA—The Delaware Riverkeeper Network filed a lawsuit in U.S. Federal Court in Philadelphia today seeking to block PennDOT and the Federal Highway Administration (FHWA) from demolishing the historic Headquarters Road Bridge in Tincum Township, Bucks County in order to replace it with an oversized modern structure.

September 24, 2018, the FHWA issued a Final Individual Section 4(f) Evaluation under the Department of Transportation Act for the project. The Act requires agencies to consider all prudent and feasible alternatives and mitigate any potential adverse effects to historic resources – something the lawsuit said they failed to do. The FHWA has also issued a Categorical Exclusion (CE) to PennDOT for the Headquarters Road Bridge project which will enable PennDOT to move forward with its plans to demolish the historic bridge rather than rehabilitate the bridge. The CE means PennDOT does not have to undertake a comprehensive environmental assessment of impacts to help PennDOT and FHWA pursue an alternative that will avoid unnecessary environmental and community harms. The lawsuit asserts that PennDOT and FHWA were arbitrary and capricious in many of the actions taken and decisions made in order to advance the pre-determined goal of demolishing the unique and irreplaceable historic Headquarters Road Bridge without appropriate regard for the environmental and community harms that would result.

“The Tincum Creek and Headquarters Road Bridge are beautiful and irreplaceable assets to Tincum Township, Bucks County and our Wild & Scenic Delaware River landscape. There is no defense for PennDOT or the federal government’s decision to destroy the bridge and inflict damage on the exceptional value Tincum Creek, especially when they are doing so in violation of the laws that are intended to help avoid such bad decisionmaking,” said **Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network**. “What is even more shocking is that Governor Tom Wolf would sit idly by and let this happen, while Representative Marguerite Quinn and Senator Bob Mensch are actually advocating for and supporting the devastation. Rather than advocating for the loss of the historic bridge, our state and federal officials should be joining with the Delaware Riverkeeper Network to call for construction of a

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temporary bridge that would allow safe crossing within a matter of months, and to support rehabilitating the historic structure so as to preserve the irreplaceable history and natural beauty of the crossing at a lesser cost to taxpayers and a higher benefit to the region.”

In the lawsuit, the Delaware Riverkeeper Network says that as early as 2004, PennDOT predetermined a final course of action to replace the historic bridge long before any consideration of whether the structure could be rehabilitated was conducted. In the legal complaint, the organization alleges that the agencies failed to engage in all possible planning to minimize harm to the historic resource, the exceptional value Tincum Creek, the environment, and downstream property owners. The lawsuit alleges that PennDOT defined the purpose and need of the project so narrowly as to exclude rehabilitation as an option and that “PennDOT disregarded its maintenance obligations on the Bridge in the hopes that the agency could argue that the Bridge could not be rehabilitated and needed to be replaced.”

“For those who are claiming we were just about to get a bridge but this litigation foils it, one look at the project documents shows that is untrue and PennDOT has been the one holding things up. The TIP shows that PennDOT has not secured the funding to undertake the project, and the fact they haven't gotten any permits indicates that PennDOT is not ready to open Headquarters Road in the near future,” **said Damon Aherne, longtime resident** who supports rehabilitation of the historic bridge.

The Headquarters Road Bridge crosses the Tincum Creek, a Pennsylvania designated Exceptional Value waterway within the Lower Delaware Wild and Scenic River District. The bridge is a contributing element to the Ridge Valley Rural Historic District, listed in the National Register of Historic Places. The Delaware Riverkeeper Network and experts believe the loss of the historic resource and the environmental impacts on the Exceptional Value stream will violate the National Historic Preservation Act and the National Environmental Policy Act.

Residents living near the current bridge say they already experience flooding during heavy rains and high waters near the bridge. PennDOT’s plans for a new bridge will result in moving both of the abutments, and therefore the creek itself, 15 feet to the west. Several environmental experts have determined the new alignment will result in serious environmental impacts including erosion of the downstream bank resulting in property losses and instream pollution.

Residents and experts are not only concerned about the environmental and historic impacts of replacing the bridge, but are also concerned about the impact to traffic a two-lane bridge could have.

“This is a land of narrow, winding, country roads and one-lane bridges that are well-suited to the scenic, rural character of the place. A two-lane bridge here – at the heart of the Ridge Valley Rural Historic District – is both unnecessary and out of place. I’m also concerned that building a two-lane bridge here will cause new safety problems by encouraging higher speeds and more truck traffic in an area where you don’t want to see those things,” **said Mark Stout, transportation planning expert.**

“One of my major concerns about this project is that PennDOT neglected needed bridge maintenance over a long period of time as a strategy for allowing the bridge to decay. The bridge needs rehabilitation now because it did not receive necessary maintenance under PennDOT over many years. In addition, PennDOT improperly handled the process for evaluating the possible options. When rehabilitation and replacement were discussed, PennDOT rushed the process behind the scenes and asked for community input once decisions had already been made. That is not how the process is supposed to work and does not serve the community well,” **said resident Joan Ramage Macdonald.** “There have also been issues regarding two other nearby bridges along the same road. PennDOT misrepresented the scale of the replacement bridge on Headquarters and Cafferty and ended up narrowing the stream, increasing downstream erosion, and building an enormous bridge that is totally out of proportion with the character of the road and landscape. At the Headquarters and Tettermer bridge, PennDOT changed the stream channel in significant ways. They also straightened and widened the road while degrading visibility at the intersection and adding a corner that emergency vehicles can’t navigate. Because the road was so much straighter and wider it also encouraged traffic to drive faster. In an effort to restore safety, PennDOT added a new set of stop signs to try to slow and calm traffic. However, I walk by this area nearly every day and every day I see people run the stop signs at high speed.”

In order to restore a safe crossing at this location in the near term, the Delaware Riverkeeper Network and experts have presented an option to build a temporary bridge while the historic one-lane structure is rehabilitated.

“A temporary bridge is feasible at the Headquarters Road location and can be constructed fairly quickly. It would be a single lane bridge, approximately 100 feet long, spanning over the existing structure with some minor removals of the existing superstructure required. As represented by a local temporary bridge supplier, a fabricated temporary bridge of this type could be available in about 4 weeks from order,” **said Joe Griffin, engineer at Griffin Engineering, LLC.**

“In our professional opinion, it is feasible and practical to structurally rehabilitate the Headquarters’ Bridge foundation piers and abutments for support of a new superstructure that can carry modern loads,” **said engineer Doug Bond, Principal at McMullan & Associates.**

A 1997 historic bridge survey conducted by PennDOT found that there were only eight working bridges built in Pennsylvania on or before 1812 that were still standing at the time of the survey; the Headquarters Road Bridge, constructed in 1812, is one of them. Historians say the bridge is the oldest surviving pier-to-pier bridge of this type in the country.

“There is a systemic problem in the management of historic bridges in Pennsylvania. Engineers do not receive meaningful training in preserving bridges, bridge restoration, the significance of cultural landscapes or the aesthetics of historic bridges. The solutions they design for “contextual” bridge replacements for National Register listed bridges are failing to preserve any meaningful elements of the actual bridges being destroyed for modernization. Rehabilitation will keep the crossing at the historic location, protecting the integrity of the district, the engineering significance of this unique bridge, and the ability of the larger landscape features in this portion of the district to remain intact for future generations to experience,” **said Rob Reynolds, historian.**

“I value the exceptional value stream, scenery, and historic nature of this community. I also recognize that this community needs Headquarters Road to be open, connecting the communities on both sides of the stream, allowing public and emergency vehicle access. We have ample evidence from engineering studies that the Headquarters Bridge can be rehabilitated successfully, faster, cheaper, safer while meeting community needs,” **resident Joan Ramage Macdonald added.**

The Delaware Riverkeeper Network is seeking a judgment finding the PennDOT evaluations were not conducted in accordance with the law. The suit also seeks to prevent PennDOT from conducting any site clearance, construction activities or preparation of construction activities.

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Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the 4 states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.