



VIA EMAIL

February 24, 2016

Keith Lynch, Director of Program Development
FHWA, Pennsylvania Division
228 Walnut Street, Room 508
Harrisburg, PA 17101-1720

Re: *Headquarters Road Bridge over Tinicum Creek – Categorical Exclusion*

Dear Mr. Lynch:

I write in response to your letter dated February 18, 2016 (received at my office on February 22) regarding the Categorical Exclusion (CE) being pursued for the above-referenced project, and replying to my February 16 letter. I appreciate your prompt reply.

As noted in your letter, we both agree that 23 CFR 771.117(c) is not applicable to the Bridge. However, my February 16 letter goes well beyond section (c) in detailing the reasons that a CE is not appropriate, and also addresses restrictions provided under 23 CFR 771.117(a), (b), (e) and (g). My letter makes clear that a CE is inappropriate because of the existence of a number of unusual circumstances, including those listed in 23 CFR § 771.117(b).

Your letter asserts that the project is proceeding properly under a “d list” CE, referred to in Pennsylvania as a Level 2 CE, under 23 CFR 771.117(d). Under this regulation, a CE is still inappropriate because the demolition and replacement of the Headquarters Road Bridge with a 2-lane structure, as proposed by PennDOT, would have a significant impact on natural, cultural, recreational and historic resources; on water quality; on travel patterns, causing increased speeds and traffic as prohibited by 23 CFR § 771.117(a); and on other elements of the Bridge and its surrounding roadways, waterways, and local community and environment.

Moreover, 23 CFR 771.117(d) states, “The applicant shall submit documentation which demonstrates that the specific conditions or criteria for these CEs are satisfied and that ***significant environmental effects will not result***” (emphasis added). In light of the data and analyses provided to PennDOT and FHWA by the Delaware Riverkeeper Network, other Consulting Parties, and many concerned local residents, it is quite plain that PennDOT and

FHWA cannot meet this obligation. In short, 23 CFR 771.117(d) does not support a CE determination.

We would appreciate FHWA providing a detailed explanation of its view that a CE determination is appropriate under 23 CFR 771.117(d). Thank you.

Respectfully,

A handwritten signature in blue ink that reads "Maya K. van Rossum" followed by a horizontal line.

Maya K. van Rossum
the Delaware Riverkeeper

cc: Jon Crum, FHWA
Ryan Whittington, PennDOT
Kenda Gardner, PennDOT