



3/21/2008

Court Rules On Easton's Riverwalk Transportation Development Project

March 19, 2008 – A decision was issued today by the U.S. District Court for the Eastern District of Pennsylvania in Delaware Riverkeeper Network et al. v. Simpson et al., a case brought by Delaware Riverkeeper Network concerning the proposed “Riverwalk” development on the riverfront in Easton, PA. The Court denied Plaintiffs’ motion for a preliminary injunction and dismissed the complaint without prejudice.

Delaware Riverkeeper Network filed its federal lawsuit in June 2007 to stop the Federal Transit Administration (FTA), the Easton Parking Authority (EPA) and the Lehigh and Northampton Transportation Authority (LANTA) from funding and building the transportation facility, which was to be located in the 100 year floodplain, on a site that had been under eight feet of water in recent floods. Fierce public opposition has dogged the project for years based on its location in the floodplain and historic districts of Easton and Phillipsburg.

After initially asserting that the project was subject to a “categorical exclusion” from federal environmental review under the National Environmental Policy Act (NEPA), the FTA ordered that LANTA produce an Environmental Assessment (EA) almost immediately after DRN filed its 2007 lawsuit. The EA was issued October 22, 2007. DRN and members of the public called for a more comprehensive Environmental Impact Statement (EIS) rather than the thin EA that was produced by LANTA. A decision by FTA as to whether the EA is adequate or whether an EIS is needed has yet to be decided.

In August 2007, when the Easton Parking Authority was moving ahead with issuing calls for construction bids, DRN moved for an injunction in federal court to stop construction while the FTA was deliberating.

The project has already been put aside by the City of Easton, due to excessive cost. The unaffordable cost of building the 12 story tower on unstable limestone geology in the recurrent path of floodwaters became evident when construction bids received by the Easton Parking Authority totaled almost \$30 million, dwarfing the available funds and estimated costs. A recent financial audit by the City Controller uncovered poor financial management related to the project.

Delaware Riverkeeper Network
300 Pond Street, Second Floor
Bristol, PA 19007
tel: (215) 369-1188
fax: (215) 369-1181
drkn@delawariverkeeper.org
www.delawariverkeeper.org