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Lawsuit filed by I-73 foes

A coalition led by Virginians for Appropriate Roads contends the project is an unneeded waste of money, which has yet to be raised.

By Rob Johnson
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If you aren't going to build the whole highway, don't do any of it.

That's one thrust of a lawsuit filed in Richmond's U.S. District Court on Tuesday by opponents of the planned construction of Interstate 73 to connect Roanoke and the North Carolina state line.

Although much of the lawsuit offers the common environmental complaints often lodged against road construction, there's an attempt at less passionate logic.

"It's just not needed," said Andrea Ferster, a Washington lawyer who represents the plaintiffs, a coalition led by Virginians for Appropriate Roads.

"When federal highway officials approved this project they acknowledged there was little likelihood it would be built in its entirety. They thought if it went forward at all it would be in 'operational segments,' " she said.

Thus the Roanoke-North Carolina link was planned as part of a vast interstate connector, rather than an independent alternative to limited stretches of U.S. 220 and Interstate 581, Ferster said.

"So if there's no likelihood the whole project will be built, why go ahead with parts of it? It's simply robbing the funds that could be used for more important transportation improvement," she said.

Ferster is correct that relatively little progress on I-73 is being made along the originally proposed route to the north of Roanoke, according to Dana Martin, a Roanoke-based commissioner on the Commonwealth Transportation Board, which establishes priorities and budgeting for road building in this state.

For example, no work on I-73 has been done or is close to starting in either Michigan or Ohio, Martin said. Segments are under way or close to starting in North and South Carolina, he said.

Still, he said, the I-73 opposition's argument against highway building in segments "probably has more legitimacy as a strategy or tactic than it does in actuality."

That's partly because Virginia's transportation needs, closely related to economic development, are likely so different from some of the other states along the route.

"I don't mean to be flip about it, but Ohio and Michigan have their own people to worry about their economies. I have to worry about growth here," Martin said.

The section of I-73 that would run through downtown Roanoke is supposed to follow the alignment of I-581. Designers will begin making such calls as to whether I-73 will be wider than I-581, which has three lanes in each direction. South of Roanoke in the Clearbrook neighborhood, I-73 is expected to form a new road east of U.S. 220 in most places until just before the North Carolina line.

Virginia Department of Transportation officials say I-73 will be a road that can safely handle the through-traffic between Roanoke and North Carolina, and that the current U.S. 220 connection is inadequate.

In April the federal government authorized Virginia to begin designing the highway, a link between the Roanoke Valley and the North Carolina line with an estimated \$4 billion price tag.

It isn't clear how long the design will take, or how it will be paid for, let alone when I-73 will be built, or where money for the construction will come from. Virginia road officials have secured less than 1 percent of the project's expected price tag.

The road opponents' lawsuit also focuses on I-73's potential environmental impact, stating it would cause "significant, irreversible adverse effects on natural scenic, and ecological resources ..."

The lawsuit alleges that more than 2,000 households would be exposed to noise and air pollution.

Ferster said the next step in the case will be the exchange of perfunctory written briefs in which both sides elaborate on their positions.

Eventually a U.S. District judge will rule based on those writings and any attached evidence, Ferster said.

"There won't be a trial," she said. "It will be decided based on legal arguments with probably no testimony. Certainly not by jury."