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## Lawsuit seeks to block I-69 plan

Groups claim harm to environment

By Rick Callahan  
Associated Press

MARTINSVILLE, Ind. -- Environmental activists who have long opposed the state's plans to extend Interstate 69 through southwestern Indiana sued the federal government and state highway commissioner yesterday, seeking to block the nearly \$2 billion project.

The lawsuit, filed in U.S. District Court in Indianapolis, asks a judge to issue an injunction to halt planning and design work on the Indianapolis-to-Evansville highway. Construction is tentatively scheduled to begin in the summer of 2008.

Among other things, the suit accuses officials of violating the National Environmental Policy Act and the Endangered Species Act in selecting the 142-mile route.

John Moore, senior attorney with the Environmental Law & Policy Center of Chicago, which represents the plaintiffs, said the Indiana Department of Transportation rigged the process through which the highway's route was chosen to ensure that the state's preferred route won.

"Its vision was, 'We're going to build one highway, and we're going to justify it any way we can,' Moore said during a news conference. "They simply did not take a look at Southern Indiana to determine what's best for this part of the state."

Gary Abell, a spokesman for the transportation department, said the suit is "really no surprise."

"These same groups and individuals have tried every conceivable method over the years to try to stop I-69, and really this is just the latest in that same old story," he said.

The suit alleges that officials did not seriously evaluate the idea of upgrading Interstate 70 to Terre Haute and U.S. 41 from there to Evansville for the route -- a project that would cost about \$1 billion and have less environmental impact than the new-terrain route.

If the project proceeds as planned, the suit contends, it would pose a threat to the habitat of the endangered Indiana bat and "cause irreparable harm to natural resources and environmental quality."



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The state's designated route -- officials say it would bring economic development -- would cut across farmland, wetlands and woodlands, creating a diagonal highway link between Evansville and Indianapolis through mostly rural counties served primarily by winding, two-lane roads.

The northern portion of the chosen route would replace the existing Ind. 37 through Martinsville and on to Bloomington. The remainder would continue southwest, passing near Washington on the way to Evansville.

The lawsuit was filed by members of the Hoosier Environmental Council, Citizens for Appropriate Rural Roads, the Sassafras Audubon Society and six Southern Indiana residents.

Legal action has been expected since then-Gov. Frank O'Bannon announced the route in January 2003 from among five paths chosen in July 2002.

The I-70/U.S. 41 route was not one of the five finalists for the extension, which is part of a larger project to create a "NAFTA Superhighway" between Canada and Mexico.

Abell said the state agency has been moving ahead with design work on the I-69 project, and construction of its first section -- a 13-mile stretch from Evansville's north side to Oakland City - is expected to begin in the summer of 2008.

Gov. Mitch Daniels has proposed making the I-69 extension a toll road as part of a public-private partnership to accelerate its construction.

Tim Maloney, executive director of the Hoosier Environmental Council, noted that Kentucky, in planning its portion of the Canada-to-Mexico route, has decided to follow existing highways that would be upgraded. He said Indiana could pursue that same goal.

"This case comes down to the state ignoring good sense, the law and public sentiment to choose the wrong route for Interstate 69 when there's clearly an environmentally and economically preferable route out there," Maloney said.

The suit names as defendants the Federal Highway Administration, the U.S. Department of Transportation, the U.S. Department of the Interior, the Army Corps of Engineers, the U.S. Fish and Wildlife Service and state Transportation Commissioner Thomas Sharp.