

Bond Case Briefs

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HIGHWAYS - FLORIDA

Conservation Alliance of St. Lucie County v. United States Department of Transportation

United States District Court, S.D. Florida - November 5, 2015 - F.Supp.3d - 2015 WL 7351544

Environmental organizations brought action against United States Department of Transportation (USDOT) and Federal Highway Administration (FHWA), challenging approval of a bridge and highway project that would cross a river and encompass two public parks and surface water along the river. USDOT and FHWA moved for summary judgment.

The District Court held that:

- FHWA acted within the scope of its authority and reasonably concluded that alternative highway route with spliced beam construction method was not prudent alternative, and
- FHWA's conclusion that alternative highway route, which crossed river and encompassed two public parks and surface water along the river, would cause least overall harm was not arbitrary and capricious.

Federal Highway Administration (FHWA) acted within the scope of its authority and reasonably concluded that alternative highway route with spliced beam construction method was not prudent alternative to using public parkland for federal highway project. Impacts to wetlands and essential fish habitats would be 69 times greater using spliced beam bridging, alternative route would cross six residential streets, creating substantial community cohesion and local mobility impacts, and route would affect neighborhoods with higher number of minority households.

Federal Highway Administration's (FHWA) conclusion that alternative highway route, which crossed river and encompassed two public parks and surface water along the river, would cause least overall harm was not arbitrary and capricious. FHWA found that route had modest impacts in light of mitigation plan, which included four water quality improvement projects, that route would provide most balanced traffic relief for two existing bridges, and that route had least net harm to wetlands, upland habitats, essential fish habitat, and protected species.