

# Greenworks

LAW AND CONSULTING LLC

Phone/Fax: 267-360-6188 | Email: [lmw@greenworkslawconsulting.com](mailto:lmw@greenworkslawconsulting.com) | Address: 8 Atkinson Drive #1746, Doylestown, PA 18901

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Kris Thompson  
Heather Gerling  
Cultural Resources Section  
Environmental Policy & Development Section  
Pennsylvania Dept. of Transportation  
P.O. Box 3790  
Harrisburg, PA 17105-3790  
Via email: [hgerling@pa.gov](mailto:hgerling@pa.gov)  
[krthompson@pa.gov](mailto:krthompson@pa.gov)

Jason Sharp, Esq.  
Chief Counsel  
Office of Chief Counsel  
Pennsylvania Department of Transportation  
9th Floor, Commonwealth Keystone Building  
Harrisburg, PA 17120  
Via email: [jsharp@pa.gov](mailto:jsharp@pa.gov)

Susan Williams  
Engineering District 4-0 Liaison Unit  
Pennsylvania Dept. of Transportation  
55 Keystone Industrial Park  
Dunmore, PA 18512-1516  
Via email:  
[Skinnerfallsbridge@aecom.com](mailto:Skinnerfallsbridge@aecom.com)

Neil Shemo, P.E.  
Project Manager  
AECOM  
100 Sterling Parkway, Suite 205  
Mechanicsburg, PA 17050  
Via email:  
[Skinnerfallsbridge@aecom.com](mailto:Skinnerfallsbridge@aecom.com)

**RE: Milanville-Skinners Falls Bridge (Bridge #5) Project  
PA SHPO Project No. 2013-8011-127  
PennDOT District 4-0**

Dear PennDOT Employees and Representatives:

We represent Damascus Citizens for Sustainability (“DCS”), a Section 106 consulting party, regarding the ongoing Planning and Environmental Linkages (“PEL”) Study on the Milanville-Skinners Falls Bridge (“Bridge”). As noted in our August 24, 2021 letter, DCS has serious concerns about the PEL Study process, its responsiveness to the public, and its compliance with the law. The recently-released draft Purpose and Need statement only augments those concerns. For the reasons identified below, PennDOT must: 1) withdraw the draft Purpose and Need (“P&N”) statement; 2) issue a comment/response document that explains why PennDOT has elevated certain low-priority items from comments and ignored significant public concerns; and 3) once a new draft P&N document is issued, ensure a public comment period that does not straddle the busiest holiday season of the year. If PennDOT refuses to withdraw the draft statement, it must extend the comment period by ninety (90) days.



PennDOT has released the draft P&N document for public comment, over the busiest holiday season of the year. The P&N document, according to PennDOT's Publication 319, is a key document intended to guide future design and planning processes, including a NEPA analysis and alternatives assessments. Placing the comment period for such a crucial document over the Christmas and New Years' holidays strongly gives the appearance that PennDOT seeks to squelch public and agency comment on the draft statement.

This is only amplified by the fact that the draft P&N statement fails to incorporate the most significant concerns of the public and agencies such as the Upper Delaware Council, and does so without any explanation for such omission. Contrary to PennDOT's prior statements, PennDOT has failed to release a comment/response document. Such a document should precede or at least accompany the draft P&N statement to identify PennDOT's rationale for, *inter alia*, excluding the overwhelming public emphasis on, e.g., historic preservation, quality of life/aesthetics, and traffic calming/no large trucks. (Skinners Falls Bridge PEL Study Public Survey Results, p.3; PEL Study Project Advisory Committee Meeting #2 Presentation, September 23, 2021, slide 24).<sup>1</sup> Even PennDOT's PAC #2 presentation states on slide 24:

"Reoccurring [sic] points of interest among email and survey respondents included:

- Restoration and acknowledgement of bridge as a historic resource
- Quality of life and local aesthetics
- Role of bridge in the local economy"

However, the draft P&N document is devoid of any mention of these concerns, except for tying in purported concerns about the local economy to support large truck usage of the bridge - usage that is illegal and contrary to the desires expressed in public input.<sup>2</sup> PennDOT ignored the most common public concerns, while amplifying matters

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<sup>1</sup> <https://www.penndot.gov/RegionalOffices/district-4/PublicMeetings/Wayne%20County/Documents/SFB%20PAC%20MTG%2002.pdf>

<sup>2</sup> PennDOT is basically saying that because select bad actors use the Bridge illegally, PennDOT should make the Bridge capable of carrying more weight. (Draft P&N Statement, p.3). This is absurd. This is tantamount to saying that because there are people who drive 95 MPH on the highway, the speed limit should be higher.

If overweight vehicles are illegally using the Bridge, PennDOT should develop mechanisms of identifying the operators and taking enforcement action. PennDOT's approach stands in stark contrast to the Delaware River Joint Toll Bridge Commission, who has methods in place to protect weight- and size-limited bridges, has preserved and maintained historic bridges such as the bridge at Washington's Crossing, and even considered banning the modern-style Hummer vehicles from the Washington's Crossing Bridge because of the large size.

(<https://historicbridges.org/bridges/browser/?bridgebrowser=newjersey/washingtoncrossing/>) The DRJTBC's efforts to preserve and maintain historic bridges under its jurisdiction further demonstrate just



that very few commenters emphasized (e.g. large truck or trailer usage). In addition, PennDOT failed to explain in a comment/response document its rationale for its actions.

The lack of a comment/response document prevents the public from holding PennDOT accountable. PennDOT's failure to provide such a document also prevents the public from pushing back on arbitrary agency choices that limit future alternatives analyses. The community wants proper consideration of the Bridge's historic and aesthetic role and status in the community, which the draft P&N statement ignores. The lack of any agency explanation prevents the public from: 1) understanding why these important issues are absent from the draft P&N statement, and 2) rebutting PennDOT's rationale. For example, if PennDOT were to claim in a comment/response document that historic preservation as to the Bridge were impossible, the public could easily rebut that simply by pointing to the work of the Delaware River Joint Toll Bridge Commission's extensive efforts to preserve and maintain historic bridges under its jurisdiction.<sup>3</sup> In addition to restoration and historic preservation being what the community wants, the Bridge is restorable as verified by both BachSteel's comment letter (in DCS' previous comment package) and Nathan Holth's recent comment email.<sup>4</sup>

In addition, PennDOT has again provided a limited-question survey focused on traffic concerns -- nearly identical to its initial one -- for public response on the draft P&N statement. Without a comment/response document, the public has no confirmation that PennDOT actually considered or would consider in the future, the importance of the public's concerns, including the overwhelming interest in preserving the Bridge, the community's historic and aesthetic fabric, and tourism-based economy, including tourism specifically centered on the Bridge's historic character.

PennDOT's Publication 319 and the PennDOT Connects Policy underscore the importance of actual incorporation of public concerns into the Purpose and Need document, and of transparency in transportation planning. The lack of any explanation for PennDOT's rejection of the public's most salient concerns in composing the draft Purpose and Need statement directly contradicts PennDOT's own directives, and further gives the public the impression that their concerns do not matter and PennDOT

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how weak PennDOT's focus is on historic preservation. Indeed, the DRJTBC envisions "safe and efficient" river crossings as inclusive of historic bridges, not to the exclusion of them, as PennDOT's track record demonstrates.

It is also worth noting that a cantilevered pedestrian walkway (bicyclists must walk bikes) was installed on the Washington Crossing Bridge in 1926. <https://www.drjtbc.org/bridges/washington-crossing/>

<sup>3</sup> See, e.g., <http://www.drjtbc.org/project/freebridge>; <http://www.drjtbc.org/bridge-info/>

<sup>4</sup> See BachSteel comment letter (sent with DCS's comment package); 12-8-2021 Comment Email from Nathan Holth (HistoricBridges.org) to PennDOT.



is going through the motions in this process to get to a desired outcome of bridge replacement, contrary to overwhelming public sentiment.

Thus, PennDOT must: 1) withdraw the draft P&N statement; 2) issue a comment/response document that explains why PennDOT has elevated certain low-priority items from comments and ignored significant public concerns; and 3) once a new draft P&N document is issued, ensure a public comment period that does not overlap with the busiest holiday season of the year. If PennDOT refuses to withdraw the draft statement, it must extend the comment period by ninety (90) days.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lauren M. Williams'.

Lauren M. Williams, Esq.  
For Greenworks Law and Consulting  
LLC

cc: Laurie Ramie, UDC Executive Director, [laurie@upperdelawarecouncil.org](mailto:laurie@upperdelawarecouncil.org)

Emma Diehl, Above Ground Resources Environmental Review Specialist,  
Pennsylvania Historical and Museum Commission  
State Historic Preservation Office, Eastern Region, [emdiehl@pa.gov](mailto:emdiehl@pa.gov)

Joseph Salvatore, National Park Service - Upper Delaware Scenic and  
Recreational River, [joseph\\_salvatore@nps.gov](mailto:joseph_salvatore@nps.gov)

Nathan Holth, HistoricBridges.org, [nathan@historicbridges.org](mailto:nathan@historicbridges.org)

BachSteel, [nels@bachsteel.com](mailto:nels@bachsteel.com)

Barbara Arrindell, DCS Director, [Director@DamascusCitizens.org](mailto:Director@DamascusCitizens.org)