

Laurie's notes for 4/15/25 WU/RM: Skinners Falls Bridge report:

Monday, 4/7 – Complaint filed in the US District Court for the Middle District of PA by Damascus Citizens for Sustainability, Inc. and Milanville resident Cynthia Nash seeking to prevent the bridge's demolition. Defendants are: US Secretary of Transportation Sean Duffy, FHWA Acting Administrator Kristen White, FHWA PA Division Administrator T. Alicia Nolan; PennDOT Secretary Michael Carroll, and PA Governor Josh Shapiro.

Wednesday, 4/9 – Conference call held with the attorneys on both sides Judge Karoline Mehalchick imposed a Temporary Restraining Order and set a 4/11 hearing date in Scranton on the preliminary injunction request.

Also on the 9th – PennDOT Community Relations Coordinator Jessica Ruddy issued this statement: "The bridge will not be demolished **this week** as previously planned. The project team is currently working through some legal issues that have arisen in the past few days. Once we receive additional information, we will provide an update." (As an aside: I understand that demolition day was supposed to be on the 10th despite PennDOT previously saying that one-week's published, public notice would be required in advance which I did not see other than a river closure press release issued on April 7 which stated "date to be announced".)

Friday, 4/11 – The hearing in the federal court in Scranton did take place for approximately 6 hours. I'll state the conclusion first, which is that the judge has 14 days to make a ruling. It's unclear if those are calendar or business days.

Summarize the arguments:

Plaintiffs (called no witnesses) –

1. PennDOT improperly applied categorical exemptions from the requirements of the FHWA and NEPA (Sections 106 and 4f)
2. The governor's 12/16/24 Emergency Declaration was not legally valid.
3. There are prudent and feasible alternatives to demolition through stabilization and emergency repairs, and there is no evidence to support PennDOT's suggestion that the NPS has said demolition is the only acceptable option.
4. PennDOT lacks experience with historic bridge renovation.
5. This "emergency" situation was caused by neglect rather than any external event.

Defendants (called 3 witnesses, 2 from FHWA and 1 from AECOM) –

1. The bridge is in imminent danger of collapse.
2. Safety of the public supercedes federal laws.

Affidavit of Harold Hill, Assistant District Executive – Construction, PennDOT 4-0:

1. Prior to receiving notice of this legal action on 4/7, the contractor completed site preparation work and installed a causeway halfway across the river. Demolition preparations included removing the guiderail, most of the decorative railing, and 3 feet of decking on each side of the bridge. Also cut three of the four anchor bolts that attach the bridge stringers to the abutments on both sides. [This work further compromises the stability of the structure and creates additional safety risks.]

2. The NPS has advised PennDOT that it is not feasible to enforce a hard closure of the Delaware River in the area of the Skinners Falls Bridge for an extended period during the recreational river season. There are warning signs and buoys at Damascus but there are also multiple private access points along this highly popular stretch of the river.
3. PennDOT has deadlines to complete and clear the project of May 22 by NYS DEC for the Skinners Falls parking lot and May 25 by NPS for the overall permit.
4. If the preliminary injunction is granted, PennDOT will need to remove the causeway which is restricting the movement of water and poses risks for river users. The construction and removal of the causeway costs **\$4,210,000**. PennDOT will be required to pay **\$4,495,118** to shut down the project, which includes the causeway costs and ongoing inspections.
5. The current project construction costs are **\$8,173,409**. A delay will add **\$245,202** assuming a 3% inflation rate.
6. Any delay increases the risk of catastrophic failure of the bridge and comprises public safety by river users as the weather improves.
7. If the preliminary injunction is granted, PennDOT will be required to maintain the Aids to Navigation Plan, construct a 2nd causeway in the river, and continue with 3-month visual inspections by a certified bridge inspector to monitor cracks and deficiencies as well as weekly visits by PennDOT Maintenance to inspect and remove any hanging parts.
8. Lastly, PennDOT would need to obtain all of the environmental permits again before removing the bridge and will need to rebid the project.

(GoFundMe campaign with a \$50,000 goal to help pay for legal expenses.)

[Show photos of Damascus ATON and PA side]