

**FEDERAL COURT RULES ICC PROJECT CAN MOVE FORWARD**  
*Decision Clears Way For Primary Construction To Begin*

HANOVER, MD -- United States District Court Judge Alexander Williams, Jr., denied legal attempts by environmental groups to stop construction of Maryland's Intercounty Connector. In the decision handed down November 8, 2007, Judge Williams ruled that, "there is no legal or equitable basis to prevent the Intercounty Connector from moving forward." He added, "The Court believes that the Defendants have complied with the statutory and regulatory requirements and cannot conclude that Defendants' approval of the ICC was outside the bounds of 'reasoned decision-making, especially considering the extensive record and the agencies' level of technical expertise and experience."

Referencing the efforts by state and federal agencies to correct any perceived deficiencies in past studies of the controversial highway, Judge Williams writes, "What seems abundantly clear to this Court is that Defendants went back to the drawing board, recommenced their study of the proposed project, and thoroughly considered, examined, and, most importantly, corrected the deficiencies from previous failed attempts."

Responding to the District Court decision, Maryland Transportation Secretary John D. Porcari said, "The court's decision validates the unprecedented scope of the environmental analysis and mitigation undertaken by the state and federal agencies involved in moving the ICC forward. Our commitment to delivering the \$370 million environmental mitigation and enhancement plan will remain firm throughout the construction process. It also is important to note that, while the ICC is an important piece of our overall strategy for the improving transportation in the region, we will maintain our focus on other key components of our transportation vision including the Purple Line, the Corridor Cities Transitway, dedicated funding for Metro, enhancements to local bus operations and improvements to our MARC service." Secretary Porcari added that primary construction on the project will begin in several days.

The Maryland Department of Transportation's State Highway Administration (SHA) conducted the comprehensive study of the ICC following the process mandated under the National Environmental Policy Act (NEPA). The study of the ICC was one of the most comprehensive studies ever conducted involving a transportation project in Maryland. Results of the study were submitted to state and federal regulatory agencies for review and comment. The study review process concluded in May 2006 when the Federal Highway Administration issued its Record of Decision, in essence, approving the ICC for construction.

"The ICC will be one of the greenest highways in history," said SHA Administrator Neil J. Pedersen. "The project includes longer bridges to avoid environmentally sensitive wetlands, wildlife passages, bike trails, underground storm water filtration and many other state-of-the-art technologies. Additionally, there are dozens of environmental stewardship projects that go above and beyond what is required to enhance the region overall."

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In December 2006, environmental groups filed two lawsuits challenging federal decisions that cleared the way for construction of the ICC. The State of Maryland was not named in those suits. However, in order to protect Maryland's interests, the State filed a motion to intervene in the lawsuits. The court approved the request.

The ICC will be an 18-mile state-of-the-art, multi-modal, toll facility that will link existing and proposed development areas between the I-270 and I-95/US 1 corridors within central and eastern Montgomery County and northwestern Prince George's County. The limited access, east-west highway is designed to relieve congestion, reduce travel time and improve safety on the local road network.

To access the United States District Court decision, click on the following link:

<http://www.mdd.uscourts.gov/Opinions152/Opinions/06-3386%20Memo%20Op%20DENY%20PL%20MSJ.pdf>

To learn more about the Intercounty Connector project, click on the following link:

<http://www.iccproject.com/>

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