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LOCAL LANDOWNERS SUE ALABAMA DEPARTMENT OF TRANSPORTATION OVER \$18 MILLION “BRIDGE FOR BASS PRO”

Decatur to Spend Over \$4 Million of Local Money on Hwy 20 Interchange to Serve Cancelled Retail Project

Landowners Seek Safe Access and Reduced Congestion for Local Residents, Farmers & Commuters

Plaintiffs Allege Flawed Process, Potential Harm to National Wildlife Refuge, and Unvetted Future Phases of Project

DECATUR, Ala., Feb. 10 – A group of local landowners filed suit against the Alabama Department of Transportation (ALDOT) and the Federal Highway Administration (FHWA) in federal court last Thursday, alleging a deeply flawed process and specific violations of the National Environmental Policy Act (NEPA) related to an \$18.3 million planned interchange in the Decatur city limits just west of Huntsville and I-65.

The lawsuit alleges that Alabama DOT, working closely with the City of Decatur, submitted an outdated set of plans first developed in 2008 for a Bass Pro Shop, to the federal government in hopes of securing a \$14.2 million Better Utilizing Investments to Leverage Development (BUILD) Grant. That grant was approved despite changes to the plan -- shown in a Decatur press release -- that could impact the adjacent Wheeler National Wildlife Refuge, even though the Bass Pro Shop and related development is no longer planned at the interchange, which is located in the Limestone County portion of Decatur.

“We support efforts to improve access, safety, capacity and enhance economic development along Highway 20,” said Eric Higgins, an experienced real estate executive representing two of the families in the suit. “We are, however, opposed to a plan that ignores the concerns of the impacted landowners, is built on using a flawed categorical exclusion, was changed without public input and notification, reduces access, visibility and the value of our land, undermines our rights as private property owners, and does not address the real issue of congestion west of the proposed interchange. It would be a shame to waste \$18 million dollars on an interchange designed for the past, instead of fixing the real problems we currently face in the corridor.”

Entities representing several families are involved as plaintiffs. These families collectively own several thousand acres of land in the area, most of which is still in agricultural use. Some of the families have farmed this land prior to Alabama achieving statehood.

“We believe there are other access options that will allow farmers to keep using their land, improve access and safety for everyone using Highway 20, and allow this section of Decatur to be planned for future success,” said John Eyster, a trustee of one of the plaintiffs. “The planned intersection unnecessarily takes land from property owners and limits the future options of every landowner on this corridor. With careful planning, we believe this area can become a front door to North Alabama, possibly incorporating agricultural uses with a mixed-use development like Ross Bridge, Hampton Cove or Providence, that would give a much-needed boost to Decatur.”

“We have worked tirelessly for months to try to get the City of Decatur to work with us without success, so we reluctantly have been forced to take this step,” added Eyster.

The design would bridge busy Highway 20 and incorporates a confusing mix of berms, roundabouts and access roads that impacts landowner access to their own property and takes valuable road frontage from property owners.

According to nationally known transportation engineer and land planner Ian Lockwood, it also puts the entire corridor on a path to a suburban sprawl-style design. This would be likely to yield scattered development, primarily limited to warehouses, fast food establishments, and gas stations. Different access plans will be more likely to promote development of one or more carefully planned, vibrant mixed-use communities that could include a range of housing options including single family homes, condominiums and sorely needed apartments, modern offices, retail, and restaurants.

“This corridor ought to increase Decatur’s competitiveness in attracting new residents and jobs in an orderly and planned manner. With the poor access plan, it will likely result in more suburban sprawl,” said Lockwood. “The design of the proposed interchange and the future segments will stunt the development flexibility for this potentially very valuable land. It is in the public interest to develop better access plans and have a proper public process, in accordance with NEPA, to achieve the best design for the whole corridor.”

Local landowners are not thrilled by the design either.

“My family has farmed this land for seven generations,” said Beth Garrett Robertson, whose family’s land is most affected by the proposed plan. “My son deserves the opportunity to do the same if he wants to. This bridge for Bass Pro is taking the best part of our land and taking a part of his future.”

Specifically, the lawsuit alleges that Alabama DOT concluded the project would not have a significant impact on the “human environment.” This allowed the intersection to be classified as a “categorical exclusion,” eliminating the requirement for an environmental assessment or environmental impact statement. The project then stalled for several years. It was revived in 2018 to try to secure the BUILD grant; no design alternatives were considered at that point.

The updated plans also showed that the project is just one phase of a much larger multi-phase project that will lead to Highway 20 becoming a limited access highway. Federal law requires transportation entities to disclose the full impact and implications of their future plans to the public prior to implementation. Failure to do so is called “segmenting,” which is another NEPA violation being detailed by the plaintiffs in the lawsuit.

The section of Highway 20 in question connects fast growing Huntsville and slower-growing Decatur. Lockwood and the plaintiffs believe an effective planning process and well thought out plan for the corridor could lead to tremendous future opportunities for Decatur, particularly with the massive Mazda Toyota plant being built nearby.

“This land won’t always be agricultural,” says Eyster. “As this corridor is developed over time as each landowner sees fit, every landowner along this corridor understands that these 3,000 acres – and thousands more stretching north toward Athens – could be the home of significant commercial development and carefully planned developments that will change the future of the region. Achieving these outcomes will require the mayor and the city council to work with ALDOT to conduct a legal environmental process, and to develop a plan for the whole corridor from I-65 to Wilson Street. Any taxpayer funds that are to be expended in this area should address the entire corridor and its challenges.

“We remain hopeful both organizations will seek to conduct a proper process and come up with a better plan for the whole corridor. There is only one chance to get the access right in this corridor, and the time now, but this not the right plan.”

The lawsuit was filed in the United States District Court for the Northern District of Alabama. The plaintiffs include the James H. Garrett GST Exempt Trust, the Fennel-Noble Limited Partnership, the Fennel-Speake Limited Partnership, the David T. Garrett Family Trust, and the Elizabeth Marie Garrett Trust.

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