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Lawsuit seeks to stop redesign of Lincoln Drive

Citizens group attacks plans for landscaped median on lakefront drive

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A lawsuit filed in federal court Thursday could throw a monkey wrench into the county's plans to reconstruct Lincoln Memorial Drive with a landscaped median.

Claiming that the county violated federal parkland and environmental laws, a citizens group calling itself Preserve Historic Lincoln Memorial Drive seeks a preliminary injunction to halt the \$8.2 million project.

The county had hoped to begin work July 17 on the southern portion of the 3.2-mile road, from Mason St. to Lafayette Hill Road, keeping one lane open in each direction. The northern stretch, from Lafayette Hill Road to E. Kenwood Blvd., was to get under way next year.

"If the court enjoins the county, it ruins the timetable," said Robert Ott, the county's corporation counsel.

Not having seen the lawsuit, which was assigned to U.S. District Judge J.P. Stadtmueller, Ott was reluctant to comment in detail. But he expressed annoyance that the group would try a last-minute end run around the County Board, which approved the plan a year ago, 19-4, and later overrode County Executive F. Thomas Ament's veto of it.

"They're arguing that they want it their way or else," Ott said. "People just can't accept that their elected officials made a decision."

Jay Urban, an attorney for the group, said his clients, many of them east siderers, had tried to make their feelings known to their elected officials - in particular, county Supervisor Penny Podell, whose district includes the downtown lakefront - but were ignored.

Urban said the group couldn't file suit earlier because the county had not disclosed the final plans until a few weeks ago.

Podell declined to comment on the lawsuit, except to say: "I just hope it's resolved as quickly as possible. Everybody cares about the lakefront and no one - certainly not the County Board - wants to change the way it is

used." Ament's office referred all calls to Ott.

The reconstruction plan, which the county has said would enhance both the safety and appearance of the road, calls for rebuilding the crumbling drive with a landscaped median varying in width from about 6 feet to nearly 17 feet.

Tall lampposts that were to have been located in the median were recently scrapped in favor of traditional harp lights on either side of the road, in response to pressure for a more pedestrian-friendly look. The county won \$1.2 million in federal funding for the lights.

The citizens group, which wants the road rebuilt on its current footprint, has argued that even with the change in lighting, the tree-lined median will impede views of the lake and hurt the historic character of the road, which was built in 1927 in line with concepts laid out by the famed landscape architect Frederick Law Olmsted, who planned Lake Park.

In its lawsuit, Preserve Historic Lincoln Memorial Drive says the county has violated two federal statutes. One, known as the Parklands Act, says that the U.S. Department of Transportation may not approve the taking of any historic site or any public parkland of national, state or local significance "unless there are no prudent or feasible alternatives to the project" and unless steps are taken to minimize harm to the property. Lincoln Memorial is considered part of Lake Park, which is on the National Register of Historic Places.

The lawsuit claims the county's own consultants warned it of the need to comply with the parklands law but officials failed to do so. Nor did they pursue alternatives that could have saved the 1.3 acres of parkland the road will consume, the suit says.

The second law alleged to have been violated is the National Environmental Policy Act, which requires that federally approved projects with a major impact on the human environment carry an assessment of that impact. To date, no such study has been done of the Lincoln Memorial project, the lawsuit says.

In the past, county officials have suggested that if faced with such a lawsuit, they might simply decline to take federal aid for the project. Ott and Podell both hinted that this option was still a possibility. They suggest the laws don't apply if they don't use federal money.

But Urban, the lawyer for the citizens group, said it was too late for that. Merely applying for the federal funds triggered the statute, he said, adding: "And as a county taxpayer I'm offended that the county might give back \$1.2 million. That seems awfully frivolous."