

RESOLUTION NO. 87-04

A RESOLUTION OF THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THIS ORGANIZATION TO INTERVENE OR OTHERWISE PARTICIPATE IN ANY COURT CHALLENGES TO THE CONSTRUCTION OF THE MON VALLEY/FAYETTE EXPRESSWAY PA ROUTE 51 TO I-376 PROJECT.

WHEREAS, the Mon Valley/Fayette Expressway PA Route 51 to I-376 Project is a major component of the Mon Valley/Fayette Expressway and Southern Beltway Projects; and

WHEREAS, this 100-mile highway network is the cornerstone project for the economic revitalization of Southwestern Pennsylvania; and

WHEREAS, the 24-mile PA Route 51 to I-376 Expressway Project will promote economic revitalization by improving access in the project corridor to an estimated 1,500 acres of brownfield sites, an estimated 715 manufacturers employing approximately 25,000 employees, and 49 communities; and

WHEREAS, the project will also address major, traffic congestion and safety-issues in Mon Valley and I-376 East corridor; and

WHEREAS, it is recognized that the Pennsylvania Turnpike Commission is the agency designated by PA State Act 61 of 1985 and PA State Act 26 of 1991 for the advancement of the entire Expressway and Southern Beltway network; and

WHEREAS, the Southwestern Pennsylvania Commission has included the Mon Valley/Fayette Expressway and Southern Beltway in their regional transportation plan; and

WHEREAS, the preferred alternative, as stated in the PA Route 51 to I-376 Mon Valley/Fayette Expressway Final Environmental Impact Statement, is for an expressway toll road that extends from PA Route 51 in Jefferson Hills Borough to the I-376 East in Monroeville and Pittsburgh; and

WHEREAS, opportunity for comment on the PA Route 51 to I-376 Mon Valley/Fayette Expressway Project was provided through the environmental impact statement review process (as required under Federal law including the National Environmental Protection Act of 1991, as amended) that concluded on April 6, 2004; and

WHEREAS, it is anticipated that there is a strong likelihood that certain organizations and/or individuals will file a court action naming the Pennsylvania

Turnpike Commission and other defendants in an effort to delay or stop progress on the PA Route 51 to I-376 Mon Valley/Fayette Expressway; and

WHEREAS, it is recognized that, in the event of the court filings by such groups, supporters of the Mon Valley/Fayette Expressway and Southern Beltway Projects, led by the Mon Valley Progress Council, will seek to be intervening parties in support of the project, and

in connection therewith will be represented by legal counsel on a pro bono basis; and

WHEREAS, it is the desire of this organization to support the Mon Valley/Fayette Expressway and Southern Beltway Projects by seeking to intervene or otherwise participate in any court challenges to the project.

NOW, THEREFORE, be it resolved by the Board of Directors of the West Mifflin Sanitary Sewer Municipal Authority, that in the event of a court filing by organizations and/or individuals seeking to delay or stop progress on the PA Route 51 to 1-376 Expressway Project, the proper officers are hereby authorized to take those actions necessary to join with those persons and entities seeking intervenor status in any such litigation in support of the project and, in the event intervenor status is not granted, to join in the filing of an amicus "friend of the court" brief in support of the project, it being understood that this organization will be provided legal representation on a pro bono basis at no cost to it.

RESOLVED AND ADOPTED THIS 4th DAY OF NOVEMBER, 2004.

ATTEST:

WEST MIFFLIN SANITARY

SEWER MUNICIPAL AUTHORITY

John P. Schmidt, Secretary
Albert Kopay, Assistant Secretary

By: William G. Kiger, Chairman