

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-2673

BUCKINGHAM TOWNSHIP,
Appellant

v.

KEN WYKLE, HONORABLE, Administrator, Federal Highway
Administration; DAVID LAWTON, Chief of Planning, Region 3
Federal Highway Administration; DELAWARE VALLEY REGIONAL
PLANNING COMMISSION

BRADLEY MALLORY, Secretary for the Department of
Transportation, Commonwealth of Pennsylvania,

Intervenor in District Court

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(No. 99-cv-00621)
District Judge: Honorable Jay C. Waldman

Argued October 30, 2001

Before: SLOVITER, NYGAARD, and AMBRO, Circuit Judges

(Opinion filed January 7, 2002)

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MEMORANDUM OPINION

AMBRO, Circuit Judge

Buckingham Township appeals the District Court's entry of summary judgment for the defendant agencies in its suit challenging their approval of an improvement to U.S. Route 202, Section 700 and the development of an interchange at the intersection of Route 202 and State Route 313 (also known as Pools Corner). The District Court wrote an excellent opinion that thoroughly addressed each of the numerous issues raised by Buckingham Township in its lengthy brief. We have nothing to add to that Court's fine opinion, and thus affirm.

This summary affirmance is not meant to imply that Buckingham Township raised frivolous issues. Indeed, it raised serious questions with respect to the procedures followed by the agencies. For example, they could have done a better job of apprising Buckingham Township of the progress of the Section 700 and Pools Corner projects. Further, they could have been more forthcoming in explaining adjustments to the data generated by their computer models. While we believe that the District Court answered these concerns admirably, nonetheless we encourage the agencies to keep Buckingham Township fully in the loop during upcoming projects (and phases of current projects) affecting Buckingham Township.

TO THE CLERK:

Please file the foregoing memorandum opinion.

/s/ Thomas L. Ambro
Circuit Judge