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Motocross battles end up in court

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To date, much of the outcry regarding the proposed motocross track at Expo has only expressed unsubstantiated forecasts about how such a track would affect the surrounding community.

The locals have imagined that having motocross as a neighbor would be something like the experience of the monster truck pulls — an invasive roar of engine, crowd, and PA noise that rumbles through their houses a couple of evenings every summer — except that it would operate over 200 days a year.

The proponents of the track have argued that it will not be as bad as the neighbors imagine. A little research, however, reveals compelling reasons why few people would relish living close to a motocross track.

In two lawsuits filed in recent years, homeowners successfully have closed motocross racetracks due to the excessive noise and dust which they generated.

In both cases, plaintiffs reported being driven inside their homes while the tracks were in use, because the level of noise was too loud for them to enjoy any outdoor activities.

The nearest residents, however, found that the noise levels were unbearable even inside and with their doors and windows closed.

A case tried between 2001 and 2002 in Wayne County, Ohio, has striking similarities to the terrain, situation, and types of development surrounding Expo.

One hundred-nine plaintiffs, living in homes situated between 1,000 feet and 1 mile from the track, proved that the noise it produced exceeded acceptable limits.

Several personal accounts, as well as objective noise readings, convinced the court that the track "causes a substantial and unreasonable interference" in the homeowners' "use and enjoyment of their property, all of which would be offensive or inconvenient to any person of ordinary tastes and sensibilities."

In 2003, many residents of Flathead County, Mont., were likewise forced to file a lawsuit against the proprietors of the Badrock Motocross Track.

The court found that the track interfered "with the plaintiffs' ability to hold normal conversations on their property, to listen to television and radio, and to study." Lee Henning, the attorney for the plaintiffs, told me that the judge and jury could readily sympathize with his clients when he played a recording of the track's noise during the court's proceeding.

By adjusting the volume to the level that some of the residents would hear inside their homes, the judge and jury could not hear the lawyer's questions unless he shouted over the din.

In addition to decreasing the residents' use and enjoyment of their property, the court also found that continued operation of the track would "negatively impact the value of the plaintiffs' properties."

Mr. Henning said that one of the residents who lived near the track had wanted to sell his home. An expert

witness was called to testify that proximity to the track would reduce the value of his home by 20 percent.

The detrimental impact that motocross has on home values was named as one of the reasons for closing the tracks in both of these lawsuits, and there is every reason to believe that the same threat would exist here.

Linda Baldwin has been a Realtor for over 25 years in Danville (home to the closest motocross track to Augusta County).

She personally has no bone to pick with motocross, but she acknowledged that the added noise and traffic will reduce the value of homes immediately surrounding it.

The Realtors in Danville do not schedule open houses on race days because the experience can turn away potential buyers.

She recommends that if we own houses close enough to be affected by the noise and traffic of a proposed racetrack, "then I would fight it tooth and nail."

The homeowners near Expo believe, with good reason, that a motocross track would impair the enjoyment of our properties so long as we live here, and it would cheat us out of the value of our homes if we decided to sell.

For these compelling reasons the community around the proposed site has voiced nearly unanimous opposition to it.

The many residential properties surrounding Expo make it an inappropriate location for this kind of enterprise.
