



Regional Connector Transit Corridor

Metro Responds to Regional Connector Legal Challenges

Monday, July 15, 2013

There are currently three lawsuits being pursued against Metro challenging the environmental suited for the Regional Connector project, the 1.9-mile underground light rail line that will tie together the Blue Line, Expo Line and Gold Line in downtown Los Angeles. With a hearing scheduled Tuesday in Superior Court, Metro has released the following statement about its motion to have the cases dismissed:

Downtown L.A. property owners Japanese Village Plaza, Bonaventure Hotel and Thomas Properties Group filed separate lawsuits against Metro last year claiming that Metro's Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Regional Connector Project does not satisfy the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). CEQA requires state and local agencies to identify the significant environmental impacts of their actions and, if feasible, avoid or mitigate those impacts.

Contrary to the claims of these property owners, Metro took an extra step toward fulfilling the goals of CEQA by preparing an EIR even though the California Legislature included a provision within CEQA that exempts projects such as the Regional Connector from the requirements of CEQA.

Although Metro continues to vigorously defend the sufficiency of its EIS/EIR in the litigation brought by these three property owners, Metro has also filed a motion to dismiss the CEQA lawsuits based on a statutory exemption. The particular exemption provides that CEQA does not apply to "[f]acility extensions not to exceed four miles in length which are required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services." With its adoption of this exemption, the Legislature has conclusively determined that certain public mass transit projects should not be subject to the burdens of CEQA compliance, including CEQA litigation.



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The Regional Connector project meets the requirements of this exemption, as the 1.9-mile rail connection is planned to transfer passengers through downtown Los Angeles between Metro's fixed guideways comprising the Metro Gold, Blue and Expo Lines, creating seamless light rail travel to destinations throughout Los Angeles County.

CEQA requirements include public participation, informed decision-making, and mitigation of environmental impacts. Metro fulfilled all of these goals when it prepared its EIS/EIR for the Regional Connector Project. As part of this rigorous environmental process, Metro engaged the public and project stakeholders in an extensive public outreach process that resulted in numerous project changes in direct response to community concerns, including re-aligning the Project to minimize construction impacts in Little Tokyo. The EIS/EIR process also resulted in the adoption of dozens of mitigation measures, including those for traffic control, noise and vibration and maintenance of property access during construction. The environmental document identifies measures that will minimize the project's construction impacts to both residents and business owners.

Metro's motion that seeks dismissal of these three CEQA lawsuits based on a statutory exemption in no way diminishes the value of the public process that led to the Project's approval. That process resulted in changes to the project that are important to the community, and it resulted in the mitigation of environmental impacts. The Metro Board is committed to those project improvements and mitigation measures.

In summary, given the Legislature's specific determination that projects like the Regional Connector are not subject to CEQA's requirements, Metro should not be subject to costly litigation from these property owners. Metro has therefore asked the court to dismiss the CEQA lawsuits. In doing so, Metro is not seeking to repeal or change the project approval; all of the conditions of the project approval will remain in place. Nor is Metro seeking to avoid the requirements of CEQA or otherwise diminish the scope or application of CEQA. In fact, Metro has already undertaken a substantial and costly effort to prepare the EIS/EIR for the Regional Connector Project. Metro's reliance on the statutory exemption under CEQA is a reasonable and prudent effort to avoid additional and unnecessary litigation costs.

Metro remains committed to working within the established legal framework to ensure that the Project moves forward in fulfilling the will of Measure R voters in improving rail connectivity through downtown L.A. and the entire L.A. County region.