

Neighbors for Smart Rail

Contact: Terri Tippit at President@Smartrail.Org

Neighbors for *Smart* Rail Files Appellate Brief in Expo Case

Neighbors for Smart Rail (NFSR) filed its appellate brief on September 15, 2011 in its case against the Expo Light Rail Authority. NFSR strongly believes that, among other things, Expo did not properly study traffic impacts related to blocking Overland Avenue and Westwood Boulevard 24 times per hour.

Terri Tippit, President of NFSR and the West of Westwood HOA said: "NFSR is looking to prevent West L.A. gridlock by protecting access to the 10 freeway from West L.A. Blocking Overland and Westwood 24 times per hour will have a devastating impact on traffic, and all evidence shows that Expo didn't study it as required."

NFSR's brief, available on its website (www.smartrail.org), cites the published Sunnyvale case and the recently published Madera case which strongly support NFSR's contention that Expo failed to study present-day traffic impacts of at-grade rail in already-crowded West L.A. Expo also failed to study the greenhouse gas impacts on present-day air quality as a result of their project.

Expo also impermissibly deferred mitigations for such impacts as parking intrusion and security until some later time, with no detail on what those mitigations might be, whether they would be effective or whether they were even possible.

Next Steps

Expo's brief is due on October 17. However, the Rules of Court provide for an automatic 15-day grace period for the filing of briefs. This 15-day grace period commences upon the issuance of notice by the Court, which typically occurs within one to five days after the initial deadline has past. Expo can file their brief as early as October 17, it could potentially be filed as late as early November.

NFSR's reply brief is due 20 days after Expo files its brief. The automatic 15-day grace period does not apply to reply briefs.

Sometime after NFSR's reply brief is filed, the Court will notify the parties regarding the date and time for oral argument. Oral argument typically occurs within 2-3 months of the filing of the reply brief.

Following oral argument, the matter will be taken under submission by the Court. The Court must issue its decision within 90 days thereafter.

During the pendency of the appeal, Expo performs work at its own risk. Should, if as hoped and expected, NFSR is successful, Expo would be required to undo any work that had already been performed.

Drew DeAscentis, President of Westwood Gardens Civic Association said: "NFSR is confident that this appellate court will find, as other appellate courts have found, that the way Expo studied the impacts of the train through West L.A. were flawed and are therefore without merit. We should not be spending over 1.5 billion tax dollars on a poorly studied project. We look forward to our day in court."

Key cases:

Madera Oversight Coalition, Inc. v. County of Madera (Sept. 13, 2011, F059153) _Cal.App.4th_
Sunnyvale West Neighborhood Ass'n v. City of Sunnyvale (2010) 190 Cal.App.4th 1351
Save our Peninsula Comm. v. Monterey County Bd. a/Supervisors (2001) 87 Cal.App.4th 99, 128.