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## Purple Line faces new legal challenge from Beverly Hills

BY LUKE HAROLD / JANUARY 31, 2018



The Purple Line Extension project will extend into Beverly Hills, eventually tunneling underneath the high school if Metro's current plans remain intact. (photo courtesy of Metro)

The Beverly Hills Unified School District filed another lawsuit against the Los Angeles County Metropolitan Transportation Authority on Jan. 26, continuing its long-standing legal challenge to the Purple Line Extension project's planned route under Beverly Hills High School.

“This lawsuit is critical to protect Beverly Hills High School, its students, and the community,” Lisa Korbato, the district’s school board president, said in a statement.

Section 2 of the Purple Line project is scheduled to begin construction this year to extend the rail into Beverly Hills and Century City, with new Wilshire/Rodeo and Century City/Constellation stations. The \$6.3 billion project will ultimately extend the subway to Westwood.

Metro and the Federal Transit Administration are named as co-defendants in the school district’s lawsuit.

“The FTA’s and Metro’s decision to build subway tunnels beneath the heart of our high school’s campus and to conduct substantial construction activity on the westerly fence line of the high school campus, which faces the walls of classrooms, endangers the health and education of our students,” Korbato said. “It also puts at risk the high school’s historic buildings, its present and planned recreational facilities, and its ability to expand to meet the needs of Beverly Hills’ growing community.”

The lawsuit was filed in the U.S. District Court for the Central District of California, Western Division, where the school district first filed suit against Metro in 2012. The legal battle has also played out in the Ninth Circuit Court of Appeals and Los Angeles County Superior Court. The outcomes so far haven’t hindered Metro’s originally planned route.

In 2014, Superior Court Judge John A. Torribio ruled that Metro had adequately reviewed the potential environmental impacts that could arise from the subway tunneling under the high school, and from construction of the subway stations.

In 2016, with federal funds potentially on the line if the project had to be delayed, U.S. District Court Judge George Wu affirmed FTA’s approval of the project. Wu’s ruling also required the FTA to redo parts of the project’s environmental studies pertaining to seismic studies and methane near the high school and Century City, a task undertaken by Metro. Once Metro completed that work to the court’s satisfaction, the school district filed its newest complaint to challenge the content in the studies.

In the new complaint, Beverly Hills Unified alleges that the revisions fail to consider alternate routes or a staging area for construction farther from the high school campus. The district also alleges that FTA and Metro did not properly analyze health effects and other impacts of construction within close proximity of school grounds.

In a news release, the school district also claims that the environmental analysis was “written to justify actions already taken by the agencies.”

“The supplemental environmental analysis does not fairly or adequately evaluate the project’s potential harm to the high school or the health and safety of students,” Jennifer S. Recine, the district’s lawyer, said in a statement. “The agencies failed to properly consider and adopt reasonable alternatives to the alignment under the high school and the staging area next to the high school, which is contrary to federal law.”

But according to a Metro statement, from spokesman Dave Sotero, the agency is “confident that the supplemental environmental work for the tunnel alignment in Beverly Hills and the Century City/Constellation station meets all legal requirements.”

“This additional analysis confirms that Metro can safely build the project, including the portion beneath Beverly Hills High School,” according to the statement. “Metro is committed to delivering the project on time and on budget. Construction of the first subway section between Koreatown and La Cienega in Beverly Hills is well underway. Metro is already conducting design and pre-construction work for Section 2 through Beverly Hills and Century City. We anticipate breaking ground this spring. Metro is working cooperatively with the city of Beverly Hills on a weekly basis to deliver this critically important transit project to all taxpayers of Los Angeles County.”

School district officials in Beverly Hills said they hope the rail could at least circumvent the high school buildings.

“In all probability, one way or another, the subway is going to go under our high school,” school board member Mel Spitz said, adding that a slightly altered route tunneling under its athletic fields would be preferable. “It would be a very, very bad outcome if the subway were to go directly under our buildings.” District spokeswoman Laura Skirde added via email that the district “is absolutely open to a modified route that may still go underneath a portion of the [Beverly Hills High School] campus.”

“BHUSD is actively seeking a compromise with Metro as there are a range of alignment options that still meet the FTA’s design criteria, without dividing and disrupting the center core of our high school’s campus and creating an uncertain and potentially harmful environment for our students and staff,” she said.

Sotero, however, said via email that “changing the alignment is no longer a viable option at this stage of the project.” The Purple Line Extension is scheduled for completion in 2026.