



**Beverly Hills
Unified School District**

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School District Files Federal Lawsuit Against the Federal Transit Administration and Los Angeles County Metropolitan Transportation Authority

Beverly Hills, CA - On January 26, 2018, the Beverly Hills Unified School District filed suit against the Federal Transit Administration (the "FTA") and the Los Angeles County Metropolitan Transportation Authority ("Metro"). The School District alleges that the FTA and Metro violated federal law by conducting a faulty and biased supplemental environmental analysis of the impacts of Metro's Westside Purple Line Subway Extension Project (the "Project"), which is currently planned to run under the heart of Beverly Hills High School. The School District seeks an injunction requiring the agencies to conduct a proper environmental analysis, evaluate the serious health effects the Project and associated construction next to campus will have on the students, and prohibit the FTA from obligating federal funds to the Project until the agencies have fully complied with federal law.

Metro and FTA were ordered to prepare a supplemental environmental analysis by the Federal District court as a result of a prior lawsuit brought by the School District. On August 12, 2016, the Federal District court ruled that Metro failed to perform a complete analysis of impacts of the construction, including to public health, and ordered Metro to specifically analyze whether a feasible alternative route exists, to evaluate the public health impacts of dust and diesel particulate matter, and to disclose risks associated with methane migration and possible explosion potential under unprotected buildings.

According to the complaint, the November 22, 2017 revised supplemental environmental analysis ignores alternative routes and an alternative staging area for construction farther from the campus, fails to properly analyze health effects and does not adequately address the impacts of constructing subway tunnels running at shallow depths beneath the center of Beverly Hills High School's campus.

The supplemental environmental analysis is written to justify actions already taken by the Agencies and to reaffirm the decision to undertake substantial construction, boring, staging for subway construction and excavation at the former AAA Insurance building site, located at the westerly fence of the High School where the District has placed temporary portable classrooms for students during the District's modernization of the High School campus.

In its lawsuit, the School District challenges the legal sufficiency of the FTA's and Metro's environmental analysis. The School District argues that Metro's planned tunnels will threaten the High School's recreational areas, its historic structures, and its ability to modernize and expand. According to the School District, airborne dust and emissions from the anticipated seven (7) years of construction at the westerly fence of the High School will threaten the health of students, faculty, staff, and community members that use the High School's facilities. It also asserts that noise and vibration from construction activity will disrupt the learning environment and education of the over 1500 Beverly Hills High School students. Much of this harm, the School District contends, can be avoided by relocating construction activity and making a slight change to the subway tunnels' alignment.

According to Lisa Korbato, President of the BHUSD Board of Education, "This lawsuit is critical to protect Beverly Hills High School, its students, and the community. 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. 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 School District's lawyer, Jennifer S. Recine, a partner at Kasowitz Benson Torres LLP, stated: "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. 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."

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