

News Release

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Lakes and Parks Alliance asks for summary judgment in SWLRT case

NOVEMBER 3, 2014, MINNEAPOLIS, MINN./ The Lakes and Parks Alliance of Minneapolis today asked the Federal District Court of Minnesota for a summary judgment in the Southwest light rail transit (SWLRT) case the Alliance brought last month against the Metropolitan Council and the Federal Transportation Administration (FTA).

If the court grants the request, the SWLRT approvals obtained by Met Council through the municipal consent process would become null and void. The Met Council would have to pause the project while the environmental impact study required by state and federal laws was completed and provided to the municipalities when a new consent process is commenced.

“If the municipal consent process has any validity,” says Alliance board member George Puzak, “it has to mean that municipal officials — and the public — are entitled to know the environmental impact of the proposed SWLRT before the officials are forced to vote on it.”

A summary judgment is a decision made by a court in support of one party and against another, without a trial. It is usually requested after the discovery phase of a case.

But this case is unusual, according to Puzak, in that “...the facts we are relying on in the lawsuit are all of public record — in fact, they were mostly created by the Met Council. Therefore, there’s nothing further to be discovered and nothing to disagree about, leaving the court only a legal question to consider.”

That question, says Puzak, is whether the Met Council, by asking the municipalities to consent to a specific SWLRT plan *before* it completed the legally required environmental impact study, violated federal and state environmental laws.

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Those laws (the Federal Environmental Policy Act and Minnesota Environmental Policy Act) prohibit government bodies from limiting the consideration of reasonable alternatives to major public projects before an environmental study is completed. However, through the municipal consent process, the Met Council has selected just one project design to move forward and eliminated all other reasonable alternatives, such as re-location of the freight rail to St. Louis Park.

The complaint and related information is available on the LPA website (<http://www.lakesandparks.com/what-is-eis/>).

LPA is a grassroots organization formed to protect the Minneapolis lakes and parks from environmental damage threatened by the SWLRT route proposed by the Met Council.

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