

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

File No. 0:14-cv-03391-JRT-SER

Lakes and Parks Alliance of Minneapolis,
a Minnesota non-profit corporation

Plaintiff,

vs.

**[PROPOSED] ORDER GRANTING
MOTION FOR SECOND SUMMARY
JUDGMENT**

Federal Transit Administration, an agency
of the United States; and the Metropolitan
Council, a public corporation and political
subdivision of the State of Minnesota.

Defendants.

The above-entitled matter came on for hearing before the Honorable John R. Tunheim on Plaintiff's Motion for Second Summary Judgment. Appearances were made on the record. Based on the parties' briefs and other submissions, the arguments of counsel, and all of the file and proceedings herein, IT IS HEREBY ORDERED:

1. Plaintiff's Motion for Second Summary Judgment is GRANTED.
2. The Metropolitan Council has violated and remains in violation of National Environmental Policy Act ("NEPA") 42 U.S.C. § 4332(c) and NEPA regulation 40 C.F.R. § 1506.1(a) by eliminating reasonable alternatives to the Co-location/South Tunnel Plan before the issuance of the Record of Decision.
3. The environmental review process conducted by the Metropolitan Council leading to the Record of Decision issued by the FTA for the Southwest LRT project is null and void.

4. The Metropolitan Council is prohibited from conducting further final engineering, design, or construction work on the SWLRT project until it has completed a new environmental review in compliance with federal law.

Dated: _____, 2017

BY THE COURT

Judge John R. Tunheim
U.S. District Court, District of Minnesota

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