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Metro Asking Court to Clarify Order to Halt Orange Line Work

- **UPDATE:** Late Tuesday, the Court of Appeal issued a clarification of its temporary stay. The new order permits Metro to "take such interim actions (not to include completion of any construction action) as are necessary to protect the public from safety risk and hazards resulting from unfinished construction activities commenced on or before the date of this stay." No construction activities are scheduled for Wednesday and Metro construction officials and County Counsel were studying the court's clarification late Tuesday to determine its impact on Metro Orange Line construction.

(Aug. 3, 2004) Metro is seeking a clarification of an action, Monday, by the California Court of Appeal that would temporarily stop construction of the Metro Orange Line.

The court issued a temporary stay of the \$330 million project, a 14-mile dedicated bus transitway that will carry passengers across the San Fernando Valley. The project, scheduled to open in August 2005.

Metro Construction Chief Rick Thorpe has alerted Metro Orange Line contractor Shimmick-Obayashi to be prepared to suspend all construction work on Wednesday. He estimates the court-ordered temporary stay will cost the agency about \$70,000 a day.

Safety is 'primary concern'

"Our primary concern is whether the MTA may continue work in areas... where the abandonment of construction would present safety concerns," County Counsel Steve Carnevale wrote in a memo to the Board of Directors.

Thorpe noted that 11 intersections along the transitway are currently under construction and barricaded. "Is that something we want to leave for an extended period of time?"

Clarification of the court order will help determine whether such safety-related work – including the use of water trucks to keep dust down at construction sites, filling open trenches and neutralizing other potential safety hazards – can continue under a temporary stay.

The Court of Appeal earlier had found that Metro's Environmental Impact Report (EIR) for the transitway was incomplete because it did not include a study of the Metro Rapid system as an alternative.

Metro Rapid was a pilot project

At the time the EIR was being written, the Metro Rapid system was still a pilot project whose benefits were not yet fully known. A study of the system is now under way and will be included in the updated EIR.

The temporary stay will remain in effect until the court rules on a petition by a residents' group, Citizens Organized for Smart Transit (COST). COST is asking the court to stop the project until the Metro

Rapid study is finished.

In addition to requesting a clarification of the temporary stay, Metro also has petitioned the Court of Appeal to reconsider the order requiring the agency to study the Metro Rapid alternative.

Rulings on both matters are expected late next week or early the following week.

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