



Our Children's Earth Foundation | 100 First Street, Suite 100-367, San Francisco, CA 94105

NEWS RELEASE

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METROPOLITAN TRANSPORTATION COMMISSION HITS SERIOUS LEGAL TROUBLE

San Francisco, CA -- In a victory for the critics of the Metropolitan Transportation Commission (MTC), the Ninth Circuit Court of Appeals issued a stay of the EPA's finding of adequacy of the Bay Area's motor vehicle emissions budget, pending its review. The Commission, which allocates funding for transportation projects throughout the San Francisco Bay Area, has long been accused by critics for failing to adequately support public transit and air quality. David Schonbrunn, President of Transportation Solutions Defense and Education Fund was thrilled "They wouldn't respond to the public's pleas for cleaner air. Now they have to listen to the courts."

Environmental and community groups filed a challenge to EPA's determination in the Court of Appeals. The Court will hold oral argument on the case during the week of October 7 - 11, and issue its ruling some time thereafter. Until the Court rules, MTC will be unable to adopt a new Transportation Improvement Program (TIP), or amend the current one. During the stay, MTC will be unable to adopt new capacity-increasing transportation projects. Maintenance, safety and air quality-neutral and air quality-beneficial transportation projects will proceed normally.

In addition, the current TIP expires at the beginning of October. Because no new TIP can be approved during the stay, this will result in a conformity lapse for the Bay Area, during which no new federal transportation funding or permits can be approved. The region was in a conformity lapse from January 21 till March 18 of this year, as a result of the inadequacy of the 1999 Bay Area Ozone Attainment Plan.

In March, Transportation Solutions Defense and Education Fund, Communities for a Better Environment and Our Children's Earth Foundation filed a challenge to EPA's determination that the motor vehicle emissions portion of the 2001 Ozone Plan was similarly adequate. Sacramento Metropolitan and Yolo-Solano Air Quality Management Districts independently filed a challenge as well. The Ozone Plan identifies the need to reduce Bay Area emissions of volatile organic compounds by 26 tons per day, but fails to provide measures to accomplish that. The Court's granting of the stay indicates that it believes petitioners have legitimate claims.

"We are delighted that the Court has intervened to help clean up the air in the Bay Area. As long as ozone levels remain high, everyone's health is at risk, especially our children's," said Tiffany Schauer, Executive Director of Our Children's Earth.

In another case brought by the plaintiffs and other community and environmental groups, a federal District Court judge this week ordered MTC to implement a TCM commitment to increase transit ridership in the Bay Area by 15% over 1983 levels. The two court decisions are likely to lead to more funds being allocated to air quality beneficial transportation projects. The District Court judge ordered MTC to amend the Regional Transportation Plan (RTP) within 6 months to demonstrate how it would accomplish the increase in ridership. If the Court of Appeals overturns EPA's determination later this year, that would prompt MTC to spend more money on improving transit and satisfying the District Court's order, since it would not be able to adopt the RTP amendment otherwise.

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