

News Release
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The Friends of the Capital Crescent Trail (FCCT) and two individual citizens of Montgomery County filed suit today in the federal district court for Maryland challenging the 2018 decision of the U.S. Army Corps of Engineers (Corps) to permit the discharge of dredge and fill materials into the Waters of the United States in Montgomery and Prince George's Counties including Rock Creek, Sligo Creek and others.

The Corps issued a Permit to the Maryland Transit Administration (MTA) to "dredge and fill" in local streams and wetlands to build larger bridges capable of carrying the rail version of the Purple Line instead of leaving the stream crossings undisturbed by using much lighter buses. The lawsuit seeks a court ruling that the Permit is invalid as it was issued in violation of the federal Clean Water Act.

In earlier litigation resolved in late 2017, months before the Corps issued the disputed Permit, the federal courts in the District of Columbia sustained MTA's internal review of its ridership projections. That MTA study concluded that the Purple Line did not need any riders to transfer from Metro, even though 27 to 40% of projected Purple Line riders were expected to come from the Metro system.

"In September of 2017, as soon as the \$900 million grant to help pay to build the Purple Line was signed, we asked the court for an injunction to save the trees, the Georgetown Branch of the Capital Crescent Trail, 47 acres of forests and thousands of linear feet of streams and wetlands along the entire route of the proposed project. The injunction was denied but the challenge to the grant is still pending," said John Fitzgerald, co-counsel and plaintiff in the second federal case.

The new lawsuit explains that MTA and the Army Corps of Engineers were obliged under the Clean Water Act to show that there was no practicable means of improving east-west transit in the Maryland Suburbs of DC that would avoid altering US Waters and Wetlands and that the agencies had failed to show that.

"We also point out in our lawsuit that even if some dredging and filling were necessary, the agencies also failed to evaluate, let alone choose, the least harmful of the alternatives as the law requires," said Jim Roy, Vice President of Friends of the Capital Crescent Trail.

Len Scensny, a retired Foreign Service Officer and civil servant who along with John Fitzgerald is also a plaintiff in the new lawsuit said, " "Just over a year

into the projected five year construction period for the Purple Line, the State of Maryland is facing delays and cost overruns that have already reached \$215 million* for a rail project it cannot afford. Maryland Department of Transportation Secretary Pete Rahn needs to explain to us and the Corps why a Purple Line rail project with estimated costs already nearing \$6 billion and completion slipping to 2024 makes any sense when modern buses can do the job for a fraction of the cost, causing much less environmental harm, and starting almost immediately."