SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)



Transforming the Way Silicon Valley Moves

Since 2000, Meyers Nave has been a cornerstone partner to VTA, one of California and Silicon Valley's largest transportation agencies. We bring VTA's projects and long-term visions to life through an array of legal services, spanning eminent domain, environmental compliance, construction, contracts, litigation defense, and governance.

Defending Against High-Value Construction Claims

We were lead litigation counsel in a $100 million lawsuit alleging system deficiencies and construction delays of VTA's BART Extension, involving 130 depositions, 40 experts, and weeks of pre-trial hearings. We filed strategic counterclaims against the contractors and led settlement talks, concluding in a $20 million victory. This challenging case reflects our reputation and contracts skills—addressing design-build scope, quality control, schedule control, systems integration, and delay.

Completing the Transit Loop Around San Francisco Bay (BART Extension)

We're enabling the decades-long vision of a complete public transit loop around San Francisco Bay through VTA's multibillion-dollar BART Extension, the largest public project in Santa Clara history. With 16 new miles of track and 6 new stations, the project will drive urban growth, reduce emissions, ease traffic, and fully connect the Bay Area. Our construction, eminent domain, land use, and environmental attorneys play vital roles in both phases of the transformative project:

- **BART Silicon Valley Phase I** (Berryessa Extension) — $2.3 billion, 10 miles [2012 – 2020]
- **BART Silicon Valley Phase II** — $12.7 billion, 6 miles [Ongoing]



Acquiring Essential Property through Eminent Domain

Drawing on experience with the largest developments, we handle complex acquisitions for VTA's BART Extension, including full-takes of multi-acre industrial parks, tenant relocations, best-use assessments, and project impact evaluations. Our work began with the first acquisition for the project, a closely watched 3-week trial that set the tone for future negotiations. We secured a massive victory, saving VTA millions of dollars, which discouraged inflated demands from other landowners and helped

keep the project on track. Since then, we've continued to acquire properties through favorable jury awards and settlements, consistently delivering cost-saving results for VTA.

Other highway and rail projects we've worked on include:

- **Eastridge to BART Regional Connector — $652 million**
  We defeated all 10 "right-to-take" challenges by global law firm Gibson Dunn in an eminent domain trial over a shopping center needed for a 3-mile rail extension and new station. This case shows the value of our comprehensive services, as Meyers Nave's environmental review of the project withstood challenge during the eminent domain proceedings.
- **U.S. 101 Auxiliary Lanes Project — $57 million**
  We were brought in after several large developers, Google, a water district, and a California City filed opposition. We coordinated with Caltrans and implemented creative strategies, leading to favorable early settlements and orders for possession.

Land Use and Environmental Compliance and Defense

We provide high-level land use and environmental counsel to VTA, including the BART Extension and other major transit expansions. Our work spans the CEQA and NEPA process (from review of plans through litigation and appeals), Section 404 permitting, and coordination with the Federal Transit Administration and other local, state and federal agencies. We've saved VTA millions of dollars by protecting projects against lawsuits, streamlining processes, securing exemptions, reducing approval time, and lowering resource costs.

- **BART Extension**
  We advised VTA on CEQA compliance for the BART extension into San Jose, ensuring environmental coverage for multiple route and design options while accounting for potential construction-phase revisions. We also successfully defended VTA against claims of improper project pre-commitment (under Save Tara) and alleged deficiencies in environmental review related to traffic, parking, and public records disclosure.

- **San Jose Sharks Lawsuit**
  We secured a major win for VTA by defeating a high-profile CEQA/NEPA challenge from Sharks Sports & Entertainment LLC, which sought to halt the BART extension over alleged construction and parking impacts for SAP Center events.
- **Eastridge to BART Regional Connector & Capitol Express Light Rail**
  We advised on CEQA/NEPA reviews and worked closely with the Federal Transit Administration as the lead NEPA agency. Our representation included successfully defending the project's environmental review in an eminent domain case.

Related Expertise

- Construction
- Land Use & Environmental
- Eminent Domain & Inverse Condemnation

Related Industries

- Government & Public Policy
- Real Estate & Housing
- Sports & Entertainment
- Transportation & Infrastructure
- Water Resources

Related Attorneys



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David Skinner
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Russell Morse
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PRINCIPAL