

TRANSPORTATION & INFRASTRUCTURE

Building California's Future, Today

The decision-makers who run California's airports, rail systems, ports, and public campuses carry projects their regions cannot afford to lose, measured in billions of dollars and in decades. For work at that scale, approval is never a single moment. It is a condition that has to be re-won, year after year, against challenges that keep arriving long after the groundbreaking.

Meyers Nave builds the legal record first and then defends it, through environmental review, procurement, property acquisition, construction disputes, and appeals, with the same deep bench across the life of the program. Continuity like that is a working tool. When a director asks why a mitigation measure reads the way it does, the lawyer who drafted it answers, and the project keeps moving.

Clients hire us to clear the legal and political obstacles that stand between a project vision and reality, and to stay through operations, because the stakes do not retire when construction ends. Moving goods has its own page on this site; this one is for moving California itself.

The record below is organized program by program, and the programs carry their dates.

End-to-End Project Support

We guide private companies, government entities, and public-private partnerships (P3s) through every stage of planning, approving, building, and operating in California, including:

- [Climate Change & Sustainability](#) – Climate action planning, GHG emissions strategies, CARB compliance, green infrastructure integration
- [Land Use & Strategic Planning](#) – Master plans, entitlements, zoning, permitting, development agreements, P3 structuring, SB 375 compliance
- [Environmental Compliance & Regulatory Strategy](#) – CEQA/NEPA environmental impact reports, air and water quality compliance, noise mitigation, hazardous material remediation, wetlands protection
- [Stakeholder Engagement & Political Strategy](#) – Community outreach, inter-agency coordination, environmental justice, community benefit agreements, political strategy
- [Construction & Project Delivery](#) – Contract drafting and negotiation, risk allocation, dispute resolution, claims management
- [Public Contracts & Procurement](#) – RFPs/RFQs, bid protests, federal and state

INDUSTRY CHAIRS



Amrit
Kulkarni
PRINCIPAL



David
Skinner
PRINCIPAL

ATTORNEYS

Deborah Fox
Amrit Kulkarni
Cathy Carlisle
Bryan Brown
Matthew Nazareth
Margaret Rosequist
Russell Morse
Doug McManamon
Eric Firstman

compliance, Buy America, DBE programs

- **Property Acquisition & Eminent Domain** – Multi-parcel acquisitions, valuation disputes, condemnation, trial
- **Labor & Employment** – Workforce planning, labor relations, union negotiations, employment compliance, workplace investigations
- **Litigation & Project Defense** – CEQA/NEPA litigation defense, environmental justice claims, commercial disputes across multiple jurisdictions
- **Writs & Appeals** – Appellate strategy, persuasive appellate briefing, representation before California appellate courts and the California Supreme Court

Transportation

We support the transportation projects that keep California moving by air, rail, and road.

- **Airports & Aviation** – International airports, regional airports, terminals, runways, operational expansions, airport modernization, master plans, airport land use compatibility planning, compliance with State Aeronautics Act and Airport Noise and Capacity Act (ANCA), Airport Land Use Commissions
- **Passenger Rail & Transit** – Urban rail systems, commuter rail, transit hubs, station developments, light rail infrastructure, transit-oriented development (TOD), environmental compliance, regulatory permitting
- **Roadways, Bridges & Public Works** – Freeways, highways, road expansions, bridge construction, tunnel projects, highway modernization, public works infrastructure, transportation impact analysis, vehicle miles traveled (VMT) compliance under SB 743
- **Urban Mobility & EV Infrastructure** – Electric vehicle (EV) charging stations, electrified public transit fleets, micro-mobility solutions, intelligent transportation systems (ITS), smart city transportation projects

Infrastructure

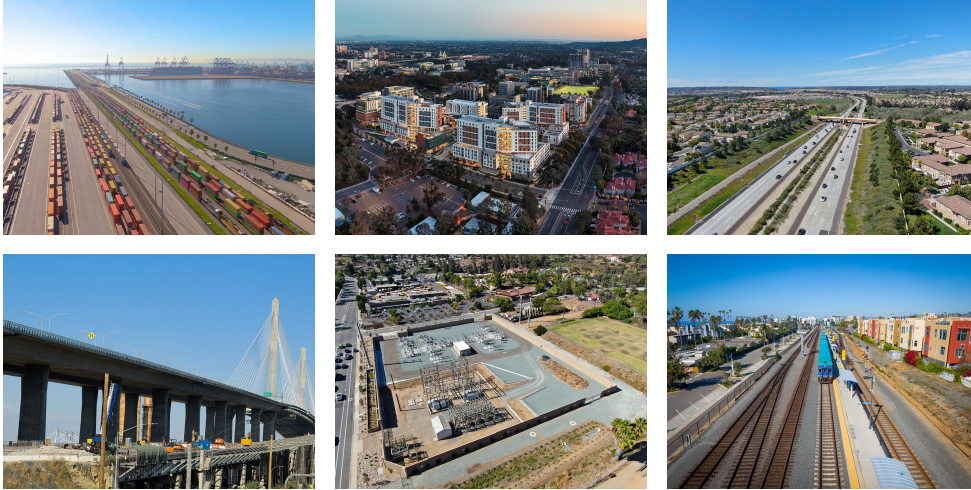
We have deep experience in complex infrastructure projects across multiple sectors.

- **Energy & Renewable Power** – Renewable energy generation facilities, utility-scale energy projects, power grid modernization, energy storage systems, transmission line projects, climate-resilient infrastructure, regulatory compliance
- **Data Centers & Digital Infrastructure** – Data center campuses, telecom facilities, broadband infrastructure, digital connectivity, environmental reviews, permitting strategies, zoning, and entitlement processing
- **Higher Education & Universities** – University campus master planning, campus expansions, educational infrastructure, student housing developments, research facilities, CEQA compliance, entitlement strategies, labor and employment management
- **Hospitals & Healthcare Campuses** – Medical centers, hospital expansions, healthcare infrastructure, behavioral health facilities, specialty care campuses, regulatory approvals, environmental compliance, construction management, workforce strategies

Harry Moren
Kiana Amiri-Davani
Shaye Diveley
Janice Brown
Adam Lindgren
David Mehretu
David Skinner
William Westerfield, III
Julia Bond
Kristof Szoke
Palmer Hilton
Mina Arasteh
Seena Samimi
Robyn Sembenini
Amanda Reasons
Margaret Sohagi
R. Tyson Sohagi
Nicole Gordon
Albert Herson

- **Water & Wastewater Systems** – Water supply infrastructure, wastewater treatment plants, pipelines, stormwater systems, reclamation and recycling projects, desalination infrastructure, regulatory permitting, environmental reviews

Our experience is a testament to our commitment to legal excellence. Contact us.



EXPERIENCE

Port of Los Angeles (POLA)

For nearly two decades, Meyers Nave has served POLA as lead environmental compliance and land use permitting counsel for multiple large-scale cargo, shipping and transportation projects for container terminals and dockside intermodal railyards. We have navigated major projects through CEQA, NEPA, Coastal Act, State Lands, and other regulatory frameworks, and advised on multiple long-term planning projects, including the Port Master Plan Update. Our industry leadership is highlighted by our current role as lead counsel in high-visibility litigation related to the China Shipping Terminal project, as well as our ongoing transactional, land use and CEQA advice on issues related to the expansion of the neighboring Yang Ming Container Terminal.

- **China Shipping Container Terminal Project (Berths 97-109).** For nearly two decades, Meyers Nave has guided the Port of Los Angeles through the complexities of the China Shipping Container Terminal Project, providing comprehensive counsel on land use, CEQA compliance, and other vital components of the project. Our firm successfully defended the 2008 EIR certification in *City of Riverside v. City of Los Angeles* and supported the 2019 SEIR preparation and certification, addressing changes in mitigation measures. Currently, we represent the Port in two prominent CEQA lawsuits challenging the SEIR, focusing on air quality, greenhouse gas emissions, and mitigation measure enforceability.
- **Yang Ming Container Terminal/West Basin Redevelopment Project (Berths 121-131).** Meyers Nave advises the Port on all CEQA issues related to the expansion of

Yang Ming Container Terminal. We are currently working with the Port on compliance with CEQA and NEPA in connection with its preparation of a EIS/EIR for improvements to an existing container terminal at Berths 121-131, located in the West Basin, with particular focus on air quality, transportation baseline and other complex environmental review issues.

- **Pacific L.A. Marine Terminal, Tank Farms, and Pipelines Project.** Meyers Nave served as chief outside counsel for the CEQA/NEPA review of the \$600 million Pacific L.A. Marine Terminal, the state's first new oil shipping terminal in over a decade. Issues involved air quality and other environmental impacts linked to oil shipping, storage, and pipeline transfers. We negotiated with state and federal regulatory bodies and contributed to a technically sophisticated analysis of the terminal's impact on refinery capacity and fossil fuel usage across California, involving close cooperation with oil and gas industry experts. Our work involved extensive community engagement, leading to broad support as well as successful defense of the project in *Jesse N. Marquez v. City Of Los Angeles et al.*
- **APL Container Terminal Project (Berths 302-206).** Meyers Nave advised on preparation of an EIS/EIR for improvement and expansion of the existing APL container terminal to accommodate 3.2 million twenty foot equivalent units (TEUs) and 390 ship calls annually at full capacity. The proposed project involves up to eight new cranes and approximately 1,250 linear feet of new concrete wharf.
- **Trapac Container Terminal Project.** Meyers Nave advised on CEQA and NEPA compliance of a joint EIS/EIR to expand container terminal operations near residential neighborhoods, analyzing environmental justice and air quality. The analysis, unchallenged by community or environmental groups, also addressed a dispute with the state Attorney General regarding greenhouse gas (GHG) impact assessment. We assisted by negotiating a groundbreaking Memorandum of Understanding set protocols for GHG inventory and impact analysis, positioning the Port as a pioneer in GHG mitigation years ahead of GHG regulatory standards under CEQA.
- **Ultramar Inc. (Valero) Marine Terminal Lease Renewal Project (Berths 163-164).** Meyers Nave advised on compliance with CEQA and NEPA in connection with its preparation of an EIR for a proposed lease renewal for a marine petroleum products terminal on a 10-acre site at Berths 163-164. Under the proposed lease renewal, annual throughput at the facility would increase to 17 million barrels from an existing rate of 14 million barrels. Project review required complex impact analysis of the expansion compared to an environmental baseline consisting of previously permitted operations.
- **Clean Trucks Program.** Meyers Nave represented POLA and the Port of Long Beach in connection with environmental review of implementation of a program to convert existing diesel trucks to liquid natural gas.
- See also: [Port of Los Angeles \(POLA\) Case Study](#)

Los Angeles World Airports (LAWA)

For well over a decade, Meyers Nave has provided guidance and legal defense to LAWA on a range of transportation and infrastructure issues. Our work involves a broad range of land use and environmental laws, including CEQA, NEPA, the California Coastal Act, the Federal Coastal Zone Management Act, federal and state endangered species laws, as well as requirements under the Clean Air Act and California's State Implantation Plan.

- **Enabling and Defending LAX's \$13 Billion Expansion.** For more than a decade, Meyers Nave has served as counsel in connection with development and implementation of the Los Angeles International Airport Master Plan, a \$13 billion expansion of one of the world's busiest airports, including defense against four consolidated lawsuits challenging the approval of the airport's expansion plans under CEQA, NEPA and the California Coastal Act: *Alliance for a Regional Solution v. City of Los Angeles et al.*; *City of El Segundo v. City of Los Angeles et al.*; *County of Los Angeles v. City of Los Angeles et al.*; and *Federation of Hillside and Canyon Associations v. City of Los Angeles et al.* We provided guidance to LAWA in preparing Part 161 Studies for LAX and the Van Nuys Airport, essential components of the LAX Master Plan. Additionally, we acted as outside counsel during the environmental review of the \$240 million South Airfield Improvement Project, the first project initiated under the Master Plan. Meyers Nave continues to support further developments stemming from the Master Plan, including updates to the Northside Plan and the reconfiguration of the Tom Bradley International Terminal.
- **Investigative Order Regarding PFAS in Groundwater at LAX.** Meyers Nave is currently representing LAWA in responding to administrative water quality orders, including an investigative order issued by the State Water Resources Control Board (SWRCB), regarding perfluoroalkyl and polyfluoroalkyl substances (PFAS) in groundwater around the Los Angeles International Airport.
- **Modernizing Air Cargo Facilities at LAX.** Meyers Nave provided land use and environmental counsel for a project to redevelop and modernize existing air cargo facilities along the Century Boulevard corridor at the Los Angeles International Airport (LAX), which will optimize land use and cargo throughput with improved technology and efficiency while also retaining and creating jobs in the region. We also advise on the Airfield and Terminal Modernization Program, which includes airfield enhancements, new terminal facilities, and an improved system of roadways leading to the central terminal.
- **Correcting Matters Before Air Quality Regulators.** Meyers Nave supported LAWA in negotiating and filing a short variance petition with the South Coast Air Quality Management District (SCAQMD) to allow testing of a mobile fueling device. We had previously represented LAWA in matters before the same regulators concerning a portable generator breakdown that resulted in excess nitrogen oxide (NOx) emissions. Additionally, we advise LAWA on operations involving diesel-fueled equipment and mobile emission sources, addressing enforcement issues and providing legal analysis on taxi regulations under SCAQMD's oversight.
- **Ground Leases, Leases, and Licenses at Van Nuys Airport.** Meyers Nave represents LAWA with negotiation and preparation of a ground lease for a ground mount photovoltaic solar system on LAWA property and rooftop leases and licenses for installation of photovoltaic solar panels at Van Nuys Airport buildings as part of LAWA's Sustainability Action Plan. Upon completion, the ground-mount unit will become one of the largest ground-mount solar electric systems in LADWP's service territory in the L.A. Basin.

Los Angeles World Airports (LAWA) – Alliance for a Regional

Solution to Airport Congestion, et al. v. City of Los Angeles – LAX Specific Plan Amendment Study (SPAS) CEQA Defense

Meyers Nave played a key role in successfully defending Los Angeles World Airports (LAWA) against three separate lawsuits challenging the LAX Specific Plan Amendment Study, and settling a lawsuit against LAWA to the benefit of LAWA and the City of Los Angeles in anticipation of the 2028 Olympic Games. Case No. 56-2014-00451038-CU-WM-ONX; Court of Appeal, Second District, Division Six, Case No. B272457.

Los Angeles World Airports (LAWA) – LAX Landside Access Modernization Program (LAMP) EIR

As part of a long-standing role as special CEQA counsel to Los Angeles World Airports, Meyers Nave reviews planning documents and associated EIRs for critical LAWA projects, including the Los Angeles International Airport Landside Access Modernization Program, a multibillion-dollar update to the ground transportation system at LAX with an emphasis on alternative modes of access.

Los Angeles World Airports (LAWA) – LAX Master Plan (Litigation and Implementation)

For more than a decade, Meyers Nave has served as counsel in connection with development and implementation of the Los Angeles International Airport Master Plan, a \$14 billion expansion of one of the world's busiest airports, including defense against four consolidated lawsuits challenging the approval of the airport's expansion plans under CEQA, NEPA and the California Coastal Act: *Alliance for a Regional Solution v. City of Los Angeles et al.*; *City of El Segundo v. City of Los Angeles et al.*; *County of Los Angeles v. City of Los Angeles et al.*; and *Federation of Hillside and Canyon Associations v. City of Los Angeles et al.* We provided guidance to LAWA in preparing Part 161 Studies for LAX and the Van Nuys Airport, essential components of the LAX Master Plan.

Santa Clara Valley Transportation Authority (VTA)

Meyers Nave has provided VTA with comprehensive legal services on a range of transformative, complex public rail transit projects throughout the South Bay and Silicon Valley, including those relating to numerous BART extension projects. We have provided assistance in the development of multiple long-range plans and associated environmental reviews, and we have represented SCVTA in numerous litigated matters, including: *Sharks Sports & Entertainment, LLC v. SCVTA*; *SCVTA v. Eastridge Shopping Center, LLC*; and *CWCA Wrigley Creek 13, LLC v. SCVTA*.

- **BART Extension into Silicon Valley.** For more than a decade, Meyers Nave has assisted VTA on land use and environmental matters for implementation of long-range plans to expand public rail transit into the South Bay and Silicon Valley. Our work on this multi-phased, six-station project, which runs through several local jurisdictions, spans the CEQA and NEPA process (from review of plans through litigation and appeals), Section 404 permitting, and coordination with FTA and other local, state, and federal agencies.
- **Eastridge to BART Connector and Light Rail Extensions.** Meyers Nave advised on the Eastridge to BART Connector/Capitol Expressway Light Rail project, as well as a 3-mile extension of an elevated transit line where we collaborated with the Federal

Transit Administration on NEPA review processes and addressing project funding issues.

- **U.S. 101 Auxiliary Lanes Project.** Meyers Nave joined the team after complaints and motions by in-house counsel, facing opposition from developers, Google, a water district, and a city. We worked with in-house counsel to secure possession orders and swiftly settled with all property owners involved. The project included filing actions to acquire property rights for traffic improvement by adding auxiliary and extending HOV lanes on Highway 101 from State Route 85 in Mountain View to Embarcadero Road in Palo Alto. These settlements involved coordination with property owners and Caltrans, utilizing innovative strategies.
- **Multimodal Station Concept.** Meyers Nave advises VTA on governance, property acquisition and development issues associated with the Diridon Integrated Station Concept. The Diridon Station is the central rail passenger station in San Jose and is currently served by Caltrain, ACE, VTA Light Rail and Amtrak as well as multiple bus service agencies and providers. The Diridon Integrated Concept Plan is being conducted through a cooperative agreement amongst VTA, Caltrain, City of San Jose and California HSR. This project underscores our capability to support significant urban infrastructure developments through strategic legal counsel and partnership.

Santa Clara Valley Transportation Authority (VTA) – VTA BART Extension – Land Use and Environmental Counsel for Long-Range Rail Transit Plans (since 2011)

Meyers Nave began the engagement by advising the Santa Clara Valley Transportation Authority (VTA) on CEQA compliance for the BART extension into the City of San Jose. The project involves complex issues relating to providing CEQA coverage for various options for the rail route and design and potential project revisions during construction.

Los Angeles Department of Water & Power (LADWP)

Meyers Nave is the primary outside law firm for land use and environmental services for the Los Angeles Department of Water & Power (LADWP), the largest municipal utility in the United States. Through our decade-long partnership with LADWP on over 25 significant litigation and regulatory matters, we have addressed issues ranging from CEQA, NEPA, land use, environmental and water rights, contamination, and contractual disputes to federal and state Endangered Species Acts, the California Coastal Act, and other natural resource laws. We ensure compliance, foster sustainable practices, and safeguard vital water and environmental resources.

- **Major Prop 26/Water Litigation Involving LADWP, MWD and Other Agencies.** Meyers Nave represents the LADWP in complex litigation in which the San Diego County Water Authority (SDCWA) challenges the rates and charges for imported water charged by Metropolitan Water District of Southern California (MWD) under a variety of legal theories, including Proposition 26 and common law. Millions of dollars of past and future rates and charges are involved in the case. The First District Court of Appeal ruled in favor of our client on the primary issue of whether State Water Project transportation costs are appropriately recovered in MWD's transportation rate. The appellate proceedings are now to move forward.
- **County of Mono, et. al. v. City of Los Angeles et al.** Successfully represented LADWP

in appeal overturning trial court's decision that LADWP's annual water allocations to ranchers leasing land from LADWP in Mono County were subject to CEQA. The Court's decision allows LADWP to continue to manage its water resources to meet the many competing customer, environmental, and regulatory demands on LADWP's water free from annual litigation on these decisions.

- **Elysian Reservoir and Stone Canyon Reservoir.** Advised on the environmental review of the Elysian Reservoir and Stone Canyon Reservoir water quality improvement projects, helping to bring these open reservoirs into compliance with updated Environmental Protection Agency drinking water quality standards.
- **Multibillion Dollar Dust Control Program at Owens Lake.** Guiding LADWP through the regulatory process for implementing a multi-billion dollar dust control program on Owens Lake, involving thousands of acres of federal property owned by the Bureau of Land Management (BLM). This effort includes coordinating with BLM, U.S. Department of Fish and Wildlife, and other federal agencies to secure necessary approvals, prepare CEQA/NEPA reviews, and negotiate lease/access agreements.
- **Rates and Charges.** Representing LADWP in complex litigation challenging rates and charges, protecting water rights, and defending against CEQA challenges to individual projects. This includes litigation related to LADWP's water rights on Mammoth Creek and the Owens River, and actions proposed by the Mammoth Community Services District that could impact those rights.
- **San Fernando Basin.** Counseling LADWP on transactional matters regarding recycled water, environmental permitting compliance, and water rights for numerous projects. Notably, we advised on a project to use 30,000 acre-feet annually of recycled water to replenish the San Fernando Basin, among other initiatives in the City's recycled water master plan.

Transbay Joint Powers Authority – The Portal, Downtown Rail Extension

Lead construction counsel on The Portal, the Downtown Rail Extension bringing Caltrain and future high-speed rail underground into the Salesforce Transit Center, an estimated \$7 billion program, and lead transactional counsel on the 40-CT Contract, a progressive design-build agreement expected to exceed \$2 billion for the civil and tunnel work. The work covers the decisions that determine whether a program this size can be delivered: the contractual delivery model, allocation of risk and insurance, and how the RFQ, RFP and contract documents address organizational conflicts of interest, including drafting ordinances and proposed findings on that question. Because the project is federally funded, the firm advises on the Uniform Requirements and Circular 4220.1G, which govern how change orders may be made. [Read the case study.](#)

San Francisco International Airport – \$2.4 Billion Expansion Program

Lead transactional counsel on the \$2.4 billion expansion, covering design and construction of the 2.5 million-square-foot international terminal, the AirTrain system connecting the terminals, two new parking garages, and improvements to airport access from Highway 101 and BART. The AirTrain system was procured through a design-build contract, and the engagement spanned more than 40 separate contracts.

Port of Oakland – Vision 2000 Airport and Seaport Expansion

Lead transactional counsel on the \$1.5 billion Vision 2000 program, which delivered a new concourse, gates and baggage claim areas along with renovations to airport roadways, curbsides and parking. The Port procured the new terminal using a Master Builder approach incorporating design-build components, and the firm subsequently prepared reusable templates for the Port's future design-build procurements.

Los Angeles World Airports (LAWA) – LAX Construction Claims and Project Disputes

Lead litigation counsel across the airport's construction docket, including close-out negotiations with the joint venture on the Bradley West Core and Gates Projects procured under a construction-manager-at-risk contract; the claims, discovery and settlement of \$23 million in delay and differing-site-condition claims arising from construction of Taxilane S; disputes over a boring contract; litigation with the designer and contractor over concrete deterioration on Runway 25L; and prevailing wage enforcement disputes settled in chambers on the first day of trial. [Read the case study.](#)

County of San Mateo – \$631 Million Capital Improvement Program

Provided the template general, design-build and construction-manager-at-risk contracts for a \$631 million, five-year capital program, and reviewed the specific design-build, CM-at-risk and OSHPD renovation contracts, along with advice on Labor Code compliance and construction claims. The program covers hospital and jail facilities and a new five-story office building for 600 county employees with an adjoining 1,022-space parking structure.

Washington Hospital Healthcare District – \$300 Million Acute Care Facility

Contracting, contract administration, closeout and dispute resolution for a \$300 million-plus acute care program. Phase 1 covered a central utility plant, the Center for Joint Replacement and utility infrastructure; Phase 2 delivered the 224,800-square-foot acute care facility and parking structure. The work included advance contracting for base isolation, contractor procurement and competitive selection, design professional procurement, and contractor replacements.

BNSF Railway – California High-Speed Rail Corridor

Advising BNSF on its partnership with the California High-Speed Rail Authority to redevelop existing rail corridors across multiple jurisdictions for high-speed passenger service on a BNSF-owned segment running from Los Angeles Union Station to the Anaheim Regional Transportation Intermodal Center, including coordinated NEPA review and Section 404 consultation with the Federal Railroad Administration and the U.S. Army Corps of Engineers. [Read the case study.](#)

Los Angeles County Metropolitan Transportation Authority (LA Metro)

Meyers Nave proudly supports the LA Metro in their commitment to easing traffic, reducing carbon emissions, and providing cost-effective public transit solutions through

the Purple Line extension and related rail projects. We provide LA Metro with essential support in eminent domain and inverse condemnation actions, serving as lead litigation counsel in both jury and bench trials.

- **The Purple Line Extension: Tunneling Beneath the Beverly Hills High School.** The Purple Line Extension project involved acquiring underground subway tunnel rights beneath Beverly Hills High School, which is owned by the Beverly Hills Unified School District. A bench trial in December 2019 confirmed that Metro could legally obtain these rights through eminent domain, deeming the use as necessary and compatible with public interests. In July 2022, a jury trial evaluated the school district's request for \$53,814,000 in compensation. The jury awarded \$1,046,000, significantly favoring Metro's position.
- **The Purple Line Extension: Acquisition in Beverly Hills' Golden Triangle.** In November 2023, we successfully concluded a jury trial on the value of a subsurface subway tunnel easement located in the City of Beverly Hills, on Wilshire Boulevard, across the street from the "Golden Triangle." The landowner's appraiser valued the subsurface easement and alleged severance damages at \$25,620,000. LA Metro's appraiser concluded that the total appraised value was \$90,000. The jury verdict was in the sum of \$235,000.

BNSF Railway

Meyers Nave proudly serves BNSF, the largest freight railroad network in the U.S., in several transformative projects that bolster infrastructure and enhance environmental sustainability across Southern California. This includes the Barstow International Gateway and the Southern California International Gateway projects, both of which dramatically improve logistics from the bustling ports of Los Angeles and Long Beach. We've also advised BNSF on partnering with the California High Speed Rail and supported BNSF through complex administrative appeals.

- **Barstow International Gateway Project.** Meyers Nave serves as lead outside counsel for BNSF in the Barstow International Gateway project, a 4,500-acre new integrated rail facility that will allow the direct transfer of containers from ships at the Ports of Los Angeles and Long Beach to trains for transport to Barstow. This state-of-the-art master-planned rail facility, the first being developed by Class 1 railroad, will help reduce highway congestion, transform the regional economy, and unlock critical efficiencies to meet our nation's supply chain demands.
- **Southern California International Gateway.** Meyers Nave represents BNSF, the largest freight railroad network in the U.S., in seven consolidated lawsuits and related appeals challenging the company's planned \$700 million rail transfer facility on CEQA and other environmental impact and environmental justice grounds, as well as federal preemption issues. The Project will transform the process for moving imported shipping containers from the ports of Los Angeles and Long Beach to a new state of the art near dock rail yard, reducing regional air pollution and traffic by eliminating 1.3 million short-haul truck trips per year.
- **Partnership with California High Speed Rail.** Meyers Nave advised BNSF on partnering with the California High Speed Rail Authority for CEQA and NEPA review of a project to redevelop existing rail corridors, in coordination with multiple jurisdictions, to operate high speed passenger service on a segment of BNSF owned track from Los Angeles Union Station to Anaheim Regional Transportation Intermodal Center. The

project includes coordinated NEPA and Section 404 consultation with the Federal Railroad Administration and the U.S. Army Corps of Engineers.

- **Needles Third Main Track Project.** Meyers Nave successfully represented BNSF in an administrative appeal challenging a denial by the Regional Water Quality Control Board of a Water Quality Certification in connection with BNSF's proposal to build a third main track along approximately twenty-nine miles of rail corridor running west of Needles, California. The matter involved Section 401 of the federal Clean Water Act ("CWA"), controlling case law, recently adopted federal rulemaking, as well as an argument that the federal Interstate Commerce Commission Termination Act ("ICCTA") categorically preempts state preclearance requirements for transportation improvements by a private freight rail carrier.

Plenary Group/Facebook, P3 for \$2 Billion Passenger Rail Infrastructure Project

Meyers Nave acted as the primary legal advisor on land use, environmental issues, and CEQA/NEPA for a groundbreaking public-private initiative between Facebook, Plenary Group, and the San Mateo County Transit District (SamTrans). This partnership aimed to develop a new \$2 billion commuter rail corridor linking Silicon Valley and the East Bay, offering a significant solution to the region's traffic congestion. Although the pandemic curtailed the project, Meyers Nave's strategic overlay of the project management framework with the approval process remains a model for future public-private infrastructure collaborations. We know how to sell projects to decision-makers, agencies, and the public.

Santa Clara Valley Transportation Authority – Property Acquisition and BART Construction Claims

Handled the acquisition program for the BART Silicon Valley extension and the Capitol Expressway and Vasona light rail projects, defeating ten separate right-to-take challenges brought by the owner of the Eastridge Shopping Center and returning jury verdicts at or near the Authority's own appraised values, including a verdict \$6.75 million below the landowner's appraisal.

On the construction side, after four years of litigation, more than 100 depositions and 40 experts, the firm secured a \$25 million affirmative recovery for the Authority and a complete defense of contractor claims exceeding \$50 million arising from the nearly \$1 billion design-build extension from Fremont to San Jose. [Read the case study.](#)

City of San Diego – State Route 56 Freeway Acquisitions

Lead counsel in the eminent domain actions acquiring property for the State Route 56 freeway, tried to verdict on highest and best use, severance damages and project benefits. The trials produced three published appellate decisions clarifying California condemnation law, including *City of San Diego v. Barratt American* (2005) 128 Cal.App.4th 917 and *City of San Diego v. Rancho Penasquitos Partnership* (2003) 105 Cal.App.4th 1013.

Transportation Agency for Monterey County – 16-Mile Commuter Rail Extension

Counsel on the pre-condemnation phase of a 16-mile commuter rail extension, advising

on eminent domain strategy, valuation, project timeline and coordination across the corridor, and handling hardship acquisitions ahead of the formal acquisition program.

County of Santa Clara – Construction Contract Program

After serving as litigation counsel defending construction claims arising from the Santa Clara Medical Center, revised and rebuilt the County's standard form construction contracts, delivering new templates for design-bid-build, construction-manager-at-risk and design-build delivery.

Alameda County Transportation Commission – Toll System

Termination Arbitration

The matter settled weeks before hearing on terms that secured millions of dollars for the Commission. Meyers Nave advised on terminating two design-build-operate-maintain toll system contracts covering two East Bay highways after the contractor failed to perform, then carried the arbitration that followed. The firm defeated a motion for summary adjudication, took and defended 19 depositions, produced more than 57,000 documents and prepared four expert witnesses against significant counterclaims.

Santa Clara Valley Water District – Rinconada Water Treatment Plant

Lead litigation counsel in the disputes arising from design and construction of the Rinconada Water Treatment Plant. Before the Disputes Review Board overseeing the project, the contractor asserted nearly 1,000 days of owner-caused delay across four separate time impact analyses and was awarded zero days. The firm then pursued design negligence claims against the designers of the associated residuals facility, recovering more than \$4.5 million.

City of Hayward – State Route 238 Reconstruction Claims

After construction delays and more than \$10 million in change orders, the contractor on a \$60 million contract to rebuild a state highway sued for more than \$14 million in changes, delay and measured-mile lost productivity. Shortly before expert disclosures, the firm secured summary judgment on the affirmative claims for failure to follow the contract's administrative dispute procedures. The matter settled with the City retaining the contract retention and the contractor recovering nothing on its affirmative claims.

City of Berkeley – Central Library Construction Litigation

The contractor recovered nothing. Not on affirmative claims exceeding \$10 million, and not on its claim to more than \$2 million in retention. Meyers Nave prevailed twice at trial, was reversed twice on appeal, and resolved the matter before a third trial by enforcing the contract's claim procedures. The litigation produced two published opinions, *Arntz Builders v. City of Berkeley* (2008) 166 Cal.App.4th 276 and *Westamerica Bank v. City of Berkeley* (2011) 201 Cal.App.4th 598.

City of Oakland – Embarcadero Channel Bridge

Defense and cross-claims arising from construction of a bridge over the Embarcadero Channel, with the City cross-complaining against the contractor and design engineers for project delay, design and construction defects and violations of the Professional

Engineers Act. The City faced millions of dollars of potential liability; the outcome was reversed, resolving instead with a \$250,000 payment to the City.

City of Palmdale – High-Speed Rail Alignment and Light Rail Manufacturing

Represented the City in a strategic action against the California High-Speed Rail Authority to preserve the Antelope Valley alignment selected through the prior joint environmental process, requiring detailed analysis of Federal Railroad Administration regulations, grant documents, prior environmental analysis and funding restrictions. The firm also represented the City in the approval of the Kinkisharyo light rail vehicle manufacturing and assembly facility built to serve LA Metro, addressing CEQA and state and local planning issues.

City of Los Angeles – Willits Sidewalk and Curb Ramp Class Action

Defense of one of the largest disability class actions in the country, in which plaintiffs sought to compel more than \$1.4 billion of curb ramp construction and sidewalk repair. Discovery reached more than ten City departments, each with its own network and document management protocols, along with current and archived email for more than 30 custodians and several legacy systems. After roughly two dozen depositions and two appeals to the Ninth Circuit, the matter resolved on favorable settlement terms.

Southern California Regional Rail Authority (Metrolink)

Meyers Nave advises Metrolink on CEQA compliance and environmental review for several new and expanded commuter rail projects, including Surface Transportation Board regulatory issues related to a multi-year \$1 billion system-wide improvement program.

- **Cutting-Edge Issue.** We represent Metrolink in responding to a directive from the California Regional Water Quality Control Board (Los Angeles Region) concerning the dewatering system at Tunnel 26 near Chatsworth, California. This is a cutting-edge issue related to previously unregulated activity, involving innovative legal considerations.
- **Air Quality Emissions.** Meyers Nave supports Metrolink in a pioneering evaluation of air quality emissions from its Central Maintenance Facility in Los Angeles, and in implementing strategies to reduce these emissions and their effects. This representation is a groundbreaking effort at environmental analysis conducted for the purpose of responding to concerns expressed by the surrounding urban community.

San Diego Association of Governments (SANDAG)

We are proud to have a long-standing partnership with the San Diego Association of Governments (SANDAG), providing comprehensive legal support across a variety of critical areas. Our collaboration includes offering expert guidance on land use and environmental issues for numerous projects, alongside engagements in litigation support, open government law, and eminent domain services. Additionally, we handle sensitive internal employment investigations involving high-level employees and advise on the implementation and enforcement of complex tolling system contracts.

- **Environmental Law Analysis for Coastal Rail Corridor Improvements.** Meyers Nave advised SANDAG on issues related to improvement of the LOSSAN Rail Corridor,

including the applicability of CEQA, federal preemption under the Interstate Commerce Commission Termination Act, and the California Supreme Court decision in *Friends of the Eel River v. North Coast Railroad Authority*.

- **Regional Housing Needs Allocation (RHNA) Litigation.** Meyers Nave represented SANDAG in writ action brought by four cities challenging the share of new housing units allotted to them under the most recent RHNA cycle. The suit's demands included requests for a new hearing and a re-calculation of the final RHNA allocation numbers for the entire region. The Court of Appeal rejected the cities' claims and the California Supreme Court denied a Petition for Review.
- **Buena Vista Lagoon Enhancement Project.** Meyers Nave represented SANDAG in the development of the EIR for this complicated and controversial project. We also provided advice on legal and financial risks relating to timing of EIR certification and potential litigation and future supplemental review.
- **San Dieguito W-19 Restoration Project.** Meyers Nave assisted SANDAG in developing an MOU for the San Dieguito Restoration Project to create 150 acres of coastal wetlands. The MOU was developed to address the scope of the impacts of the W-19 project on Southern California Edison mitigation efforts, and to ensure joint maintenance of the wetlands.

LA Streetcar Project

Meyers Nave served as general counsel for Los Angeles Streetcar Inc. (LASI), a non-profit partnership promoting P3 development of a modern streetcar system in downtown Los Angeles. LASI oversees the development, fundraising, planning, CEQA and NEPA environmental review, engineering, and outreach for the project. Meyers Nave effectively garnered support from property owners and voters, securing local capital and operational funding for the project. Additionally, the firm played a key role in establishing the community facilities district and navigating the environmental review process.

The Boring Company Tunnel/City of Los Angeles

Meyers Nave defended the City's decision to permit construction of an initial test track for the underground transportation tunnels proposed by Elon Musk. Neighborhood groups sued, arguing that because the test tunnel could be part of a larger transportation network beneath the entire city, a full environmental review was required. Meyers Nave facilitated an expedited settlement that allowed The Boring Company to proceed with developing new projects using their novel transportation technology.

CONSTRUCTION

PUBLIC CONTRACTS & PROCUREMENT

A California Transit Agency – Tunneling Contractor Dispute – Transit Agency Tunnel Boring Litigation (Differing Site Conditions, Chemical Grouting)

Defended a transit agency in litigation involving competing claims brought by a tunneling contractor, and the agency's own cross-claims. The action involved disputes over differing site conditions, defective specifications, delay, liquidated damages, and chemical grouting

costs.

LABOR & EMPLOYMENT

San Diego Metropolitan Transit System – Figueroa v. MTS (Fletcher) – Harassment and Retaliation Summary Judgment

Meyers Nave is lead counsel to MTS in multiple matters. We recently won a motion for summary judgment in the front-page lawsuit, *Figueroa v. MTS*, involving a former employee who sued MTS and Nathan Fletcher, the former Chair of the Board, for harassment and retaliation. The case has garnered significant media attention and television coverage and involved complex electronic discovery into social media and text messages.

A California Transit Agency – Transit Agency COO Investigation – \$200 Million Clean Technology Trains Project Misreporting

Transit Agency COO Investigation. Investigated allegations that a COO misreported information regarding a \$200 million project to implement clean technology trains to the Board of Directors.

Metrolink (Southern California Regional Rail Authority) – Forensic Analysis of Forged Emails – Employment Discrimination Lawsuit (Former HR Manager)

Meyers Nave defended this joint powers public transportation agency in an employment discrimination lawsuit filed by a former human resources manager.

LAND USE & ENVIRONMENTAL

CEQA & NEPA

Los Angeles World Airports LAX Modernization Projects – CEQA/NEPA Counsel

Meyers Nave provides ongoing CEQA advice to Los Angeles World Airports on its multibillion-dollar effort to modernize Los Angeles International Airport.

Walton CWCA Wrigley Creek 13, LLC v. Santa Clara Valley Transportation Authority

Successfully defended the Santa Clara Valley Transportation Authority (VTA) in a CEQA action challenging the adequacy of a supplemental EIR for the BART Silicon Valley Project, which extends the BART system from Fremont to Santa Clara.

City of Los Angeles, Los Angeles World Airports – LAX Landside Access Modernization Program EIR

As part of a long-standing role as special CEQA counsel, serve as special CEQA counsel for the \$5.5 billion LAX Landside Access Modernization Program, focusing on planning documents and the EIR, particularly alternative access modes.

Los Angeles World Airports (LAWA) – LAWA Real Property Improvement Projects (ground/rooftop solar leases, EV charging lease, Airtel Hotel lease)

Meyers Nave is a cornerstone legal partner to LAWA, supporting the Los Angeles International Airport (LAX) and Van Nuys Airport (VNY) through critical infrastructure expansions, sweeping modernizations, regulatory challenges, key transactions, and high-stakes litigation.

TRIAL & LITIGATION

EMINENT DOMAIN

Santa Clara Valley Transportation Authority (VTA) – VTA BART Extension Project – Eminent Domain and Property Acquisitions Program

Santa Clara Valley Transportation Authority (VTA). Meyers Nave, including our Eminent Domain Group, has represented the Santa Clara Valley Transportation Authority on numerous eminent domain cases over the years for the BART Extension Project.

Los Angeles County Metropolitan Transportation Authority – LA Metro – Subsurface Subway Tunnel Easement Jury Trial, Office Building (November 2023)

Meyers Nave's Eminent Domain Team is proud to continue its partnership with the Los Angeles County Metropolitan Transportation Authority on its property acquisition needs to extend the Westside Purple Line Subway Extension Project from Downtown Los Angeles to Westwood/UCLA.

Los Angeles County Metropolitan Transportation Authority – LACMTA v. Southeast Corner, LLC (2019) – Subsurface Tunnel Easement (pending)

Los Angeles County Metropolitan Transportation Authority v. Southeast Corner, LLC (2019)

Meyers Nave is currently representing LACMTA in an eminent domain case involving the acquisition of a 3,761 square foot subsurface tunnel easement.

Los Angeles World Airports (LAWA) – Michaelis, Montanari & Johnson v. Superior Court – Public Records Act Case on Van Nuys Airport RFP Lease Proposals

Represented LAWA in the California Supreme Court in a significant Public Records Act case to compel LAWA to disclose proposals received in response to an RFP for a property lease at the Van Nuys Airport.

Santa Clara Valley Transportation Authority (VTA) – BART Extension (BART Silicon Valley Phase I & II)

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.

San Diego MTS – Zero-Emission Campus (\$390M Clean Transit Advancement Campus) + Mid-Coast Trolley ED defense

Securing key properties for the \$390 million Clean Transit Advancement Campus, resolving valuation disputes through negotiation and litigation, and defending MTS in the eminent domain litigation arising from Mid-Coast Trolley utility relocation.