

For the International Municipal Lawyer's Association - IMLA's 5 things to know for December 20th.

1. The federal Circuit Court of Appeals for the District of Columbia reversed an unusually bizarre ruling by a lower court judge that had stymied the construction of a major transportation solution for the DC area. Long on the books what is called the "Purple Line" was held up when the judge concluded that the FTA needed to do a supplemental environmental impact statement based on a citizen's group's claims that ridership on the Metro had declined due to accidents and other issues with the system. A nice quote from the panel reminded the lower court that NEPA does not require repeated assessments based on insubstantial changes: "NEPA does not require agencies to needlessly repeat their environmental impact analyses every time such information comes to light." The case gained some backstory interest when the Governor of Maryland asserted that the judge had a conflict. The Washington Post discounted that claim and probably rightly so, but it's certainly hard to understand the lower court's ruling in this case. While we can all recognize that our ancestors needed to be more aware of the environmental effects of their activities, the transcontinental railroad was built in less time than this Purple Line and without the substantial advances in technology. Paralysis by analysis.

FRIENDS OF THE CAPITAL CRESCENT TRAIL v. FEDERAL TRANSIT ADMINISTRATION

[https://www.cadc.uscourts.gov/internet/opinions.nsf/0/DEC248DB85F057DE852581FB0053803C/\\$file/17-5132-1709425.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/0/DEC248DB85F057DE852581FB0053803C/$file/17-5132-1709425.pdf)

https://www.washingtonpost.com/local/trafficandcommuting/md-governor-accuses-judge-involved-in-purple-line-lawsuit-of-conflict-of-interest/2017/04/20/427b33ce-25e1-11e7-b503-9d616bd5a305_story.html?utm_term=.f456a582f164

2. In Palm Beach County its commissioners voted to ban therapists from trying to change the sexual orientation of children, becoming the first Florida County to adopt such a measure and buoying efforts to prohibit the practice elsewhere in the State.

www.sun-sentinel.com/local/palm-beach/fl-reg-conversion-therapy-finalized-20171219-story.html

3. In an unreported decision the 10th Circuit recently had the opportunity to discuss what seems like a pretty frivolous claim. Apparently Kansas has a mandatory minimum sentence for DUI and Garden City Kansas has its own mandatory minimum that requires a longer sentence. The Plaintiff incurred two DUI's and got the longer mandatory minimum sentences and some years later filed a class action asserting her rights were denied. She actually was given much longer sentences with the remainder suspended. The Tenth Circuit held that the court lacked jurisdiction under the Rooker Feldman doctrine.

<https://www.ca10.uscourts.gov/opinions/16/16-3293.pdf>

4. The City of Providence Rhode Island as lead Plaintiff in a class action seeking damages based on manipulative and deceptive conduct was successful in getting the 2nd Circuit to allow its case to move forward against several brokerages and stock exchanges. Congratulations to Providence City Attorney and IMLA Board member Jeff Dana for protecting the taxpayers of Providence.

http://www.ca2.uscourts.gov/decisions/isysquery/a3422e59-67a2-41ac-8c0d-5f7e4a2ef3e3/1/doc/15-3057_complete_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/a3422e59-67a2-41ac-8c0d-5f7e4a2ef3e3/1/hilite/

5. A coalition of groups including IMLA, led by GFOA was able to convince Congress to retain the tax status of Private Activity Bonds in the tax reform legislation. These bonds enable local governments to fund infrastructure more cost effectively. While IMLA does not lobby, we thank GFOA and others who do for protecting the interests of local government.

IMLA's distance learning programs are not just for lawyers. The issues discussed inform policies and discussions across the spectrum of local government officials' need to know. Joining IMLA allows members to get up to date training and information on a wide range of legal issues. Sign up at www.imla.org. Not a member? Contact us. Have a great day and make it an inspirational one.