



Court of Appeals Rejects Challenge to City of Albuquerque's ART Bus Rapid Transit Project

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On December 13, 2016, the U.S. Court of Appeals for the Tenth Circuit gave Firm client the City of Albuquerque another important court decision allowing the City continue construction of a new bus rapid transit project – Albuquerque Rapid Transit or ART. The ART Project is a centerpiece of Albuquerque's revitalization efforts and will operate on a 14-mile section of Central Avenue, along the route of Route 66, connecting many neighborhoods and employment centers. Earlier this year, two groups of plaintiffs representing individuals and businesses along Central Avenue sought an injunction to stop construction. Judge Kenneth Gonzales of the U.S. District Court for New Mexico issued a 14 page decision denying the injunction and finding, in particular, that allowing the ART Project to proceed was in the public interest. Plaintiffs appealed that decision to the Tenth Circuit. In a thorough and thoughtful 57 page decision, the Court affirmed Judge Gonzales' decision finding that none of Plaintiffs' arguments have any merit. Construction of ART began in September and today's decision allows construction to continue. ART is expected to begin operations in 2017.

The Firm represented the City throughout the case, including prevailing in the three-day preliminary injunction hearing in July, successfully defeating two requests for an emergency injunction from the Tenth Circuit, and arguing the appeal before the Tenth Circuit.