

Bond Case Briefs

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INFRASTRUCTURE FUNDING - COLORADO

Zeppelin v. Federal Highway Administration

United States District Court, D. Colorado - November 9, 2017 - F.Supp.3d - 2017 WL 6947923

City residents brought action against Federal Highway Administration and Colorado Department of Transportation (CDOT), under Administrative Procedure Act, seeking to enjoin CDOT from funding city and county stormwater project.

The District Court held that:

- Court had power to enjoin CDOT from sending money to city and county to fund project; and
- Court lacked subject matter jurisdiction over claims.

District Court had power, under Administrative Procedure Act, to enjoin Colorado Department of Transportation (CDOT) from sending money to city and county to fund stormwater project, despite fact that CDOT was not federal agency, where CDOT actively consented to federal involvement in its operations and requested federal funds.

District Court lacked subject matter jurisdiction over claims by city residents against Federal Highway Administration and Colorado Department of Transportation (CDOT), brought under Administrative Procedure Act, seeking to stop CDOT from funding city and county stormwater project, since stoppage of state funding would likely not deter city and county from proceeding with project, meaning that any injury to city residents would likely not be redressed by favorable ruling.