



Metrobús Reforma

Factual Record Regarding Submission SEM-18-002

Prepared in accordance with Article 15 of the
North American Agreement on Environmental Cooperation



COMMISSION FOR
ENVIRONMENTAL
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Commission for Environmental Cooperation

1001 Blvd Robert Bourassa, Suite 1620

Montréal, Québec, Canada H3B 4L4

t 514.350.4300; f 514.350.4314

info@cec.org / www.cec.org

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Acronyms and Abbreviations

AIA	Environmental impact approval of the Metrobús Reforma project contained in administrative decision no. SEDEMA/DGRA/DEIA/014363/2016, issued by the Ministry of the Environment (<i>Secretaría del Medio Ambiente—Sedema</i>) of Mexico City, dated 30 November 2016
AVA	areas of environmental value (<i>áreas de valor ambiental</i>)
ALDF	Federal District Legislative Assembly
BRT	bus rapid transit
CDMX	Mexico City
CEC	Commission for Environmental Cooperation
DCOP	Public Works Construction Branch of Sobse (<i>Dirección de Construcción de Obras Públicas</i>)
DGBUEA	Urban Forests and Environmental Education Branch of Sedema (<i>Dirección General de Bosques Urbanos y Educación Ambiental</i>); today, Natural Protected Areas and Areas of Environmental Value Branch (<i>Dirección General del Sistema de Áreas Naturales Protegidas y Áreas de Valor Ambiental</i>)
DGCOP	Public Works Construction Branch of Sobse (<i>Dirección General de Construcción de Obras Públicas</i>); formerly, DGOP
DGOP	Public Works Branch of Sobse (<i>Dirección de Construcción de Obras Públicas</i>)
DGPE	Special Projects Branch of Sobse (<i>Dirección General de Proyectos Especiales</i>)
DGRA	Environmental Regulation Branch of Sedema (<i>Dirección General de Regulación Ambiental</i>); today, Environmental Impact Assessment and Regulation Branch (<i>Dirección General de Evaluación de Impacto y Regulación Ambiental—DGEIRA</i>)
DOF	Official Gazette of the Federation (<i>Diario Oficial de la Federación</i>)
ECA	Environmental Cooperation Agreement
EIS	environmental impact statement
FAP	Federal District Public Environmental Fund (<i>Fondo Ambiental Público</i>)
GDF	government of the Federal District
INAH	National Institute of Anthropology and History (<i>Instituto Nacional de Antropología e Historia</i>)
INBAL	National Institute of Fine Arts and Literature (<i>Instituto Nacional de Bellas Artes y Literatura</i>)
LAPT	Environmental Act for Land Protection in the Federal District (<i>Ley Ambiental de Protección a la Tierra en el Distrito Federal</i>)

Acronyms and Abbreviations *(continued)*

LTAIPRC	Mexico City Transparency, Access to Public Information, and Accountability Act (<i>Ley de Transparencia, Acceso a la Información Pública y Rendición de Cuentas de la Ciudad de México</i>)
NAAEC	North American Agreement on Environmental Cooperation
NOM	Mexican Official Standard (<i>Norma Oficial Mexicana</i>)
PAOT	Mexico City Environmental and Land Use Planning Attorney (<i>Procuraduría Ambiental y del Ordenamiento Territorial</i>)
PNT	National Transparency Platform (<i>Plataforma Nacional de Transparencia</i>)
RIAR	Environment Impact and Risk Regulation (<i>Reglamento de Impacto Ambiental y Riesgo</i>)
Sacmex	Mexico City Water System (<i>Sistema de Aguas de la Ciudad de México</i>)
Sedema	Mexico City Ministry of the Environment (<i>Secretaría del Medio Ambiente</i>)
Seduvi	Mexico City Ministry of Urban Development and Housing (<i>Secretaría de Desarrollo Urbano y Vivienda</i>)
Semarnat	Ministry of the Environment and Natural Resources
Semovi	Mexico City Ministry of Mobility (formerly, Ministry of Transportation and Mobility)
Sobse	Mexico City Ministry of Works and Services
UN-Habitat	United Nations Human Settlements Programme
USMCA	United States-Mexico-Canada Agreement

Definitions

Agreement	North American Agreement on Environmental Cooperation
Council	Council of the Commission for Environmental Cooperation
Decision no. DGRA/4234	Decision no. DGRA-Sedema, file no. SEDEMA/DGRA/004234/2017 (25 April 2017) issued by the Environmental Regulation Branch of Sedema
Guidelines	<i>Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation</i>
Metrobús	Decentralized public agency of Mexico City whose purpose is to plan, administer, and control the Metrobús mass transit system; operating agency for the system
Metrobús Reforma	Project titled “Construction of the road corridor for Metrobús line 7, which will follow Avenida Paseo de la Reforma in the section from Indios Verdes to Fuente de Petróleos, with influence on the boroughs of Gustavo A. Madero, Cuauhtémoc, and Miguel Hidalgo”
Mexico	United Mexican States
Notification	SEM-18-002 (<i>Metrobús Reforma</i>), Article 15(1) Notification (17 December 2018)
Party	The government of Mexico
Parties	The governments of Canada, the United States, and Mexico
Submission	SEM-18-002 (<i>Metrobús Reforma</i>), Article 14(1) Submission (2 February 2018)
Submitters	Academia Mexicana de Derecho Ambiental, A.C. and La Voz de Polanco, A.C.
Resolution	Council Resolution 20-05 instructing the Secretariat of the Commission for Environmental Cooperation (CEC) with respect to submission SEM-18-002 (<i>Metrobús Reforma</i>), which asserts that the authorities of Mexico City are failing to effectively enforce its environmental law in connection with the environmental impact assessment procedures prescribed by the Environmental Act for Land Protection in the Federal District and the Environmental Impact and Risk Regulation, in relation to the construction of the “Metrobús Reforma” mass transit corridor (18 December 2020)
Response	SEM-18-002 (<i>Metrobús Reforma</i>), Party Response (25 July 2018)
Secretariat	Secretariat of the Commission for Environmental Cooperation

Terminology

Mexico's environmental law includes definitions serving as a reference for determining which authority is competent to enforce the environmental law in question. The table below identifies the main definitions included in the law applicable to this factual record.

Term	Definition	Reference
areas of environmental value	Greenspaces in which the original environment has been modified by anthropogenic activities and needs to be restored or preserved, given that they retain certain biophysical and scenic characteristics whereby they contribute to maintaining the environmental quality of the city.	LAPT Article 5
city center	A central area of the Federal District (now Mexico City) composed of the boroughs Benito Juárez, Cuauhtémoc, Miguel Hidalgo, and Venustiano Carranza.	C. Salazar y J. Sobrino <i>La ciudad central de la Ciudad de México: ¿espacio de oportunidad laboral para la metrópoli?</i> , Estudios Demográficos y Urbanos vol. 25 no. 3 Sept/Dec 2010, at: < https://bit.ly/3PoKlrn >
environmental impact approval	Approval issued by the Ministry of the Environment (<i>Secretaría del Medio Ambiente</i> —Sedema) of Mexico City as a result of the submission and assessment of a declaration of environmental compliance, a preventive report, an environmental impact statement (EIS), or a risk study, as applicable. Such approval is issued prior to the execution of a work or activity where the legal requirements established for the avoidance or minimization of environmental harm, the restoration of the environment, or compensation for environmental harm are met.	LAPT Article 5
environmental impact assessment	Procedure whereby the authority assesses the effects that a proposed work or activity would have on the environment, were it to be carried out.	LAPT Article 44
environmental impact	Modification of the environment by the action of human beings or nature.	LAPT Article 5
environmental impact statement	Document whereby the significant and potential environmental impacts, as per studies conducted, that would be caused by work or an activity are disclosed, along with the manner in which these impacts can be avoided or mitigated where they are negative.	LAPT Article 5

Term	Definition	Reference
project technical narrative	Narrative made up of detailed information on the project and specific required documentation, including, among many other items, maps of geomorphology and hydrology, description of status of ecosystems and natural elements (e.g., vegetation types) on the site where the project is to be carried out, as well as location of protected natural areas and conservation lands in the vicinity thereof.	RIAR Article 41 <i>Guidelines for the production of environmental impact statements, specific modality</i> , Sedema, Environmental Regulation Branch (<i>Dirección General de Regulación Ambiental</i> —DGRA), Environmental Impact Assessment Division (<i>Dirección de Evaluación de Impacto Ambiental</i> —DEIA), online at < https://bit.ly/30A35UE >.
descriptive narrative	Printed or electronic document explaining the overall conception of the preliminary project being submitted, and including a description of the various elements of which it is composed, its functionality, its overall built and non-built areas, the planned construction methods and materials to be employed, as well as the criteria applicable to water, sanitary, electrical, and special facilities.	Construction Standards of the Public Administration of Mexico City, book 2, <i>Technical Services</i> , part 1, “Planning and Preliminary Projects,” section 2 “Preliminary Projects,” chapter 4, “Building.”

Clarifications

Due to the length of some Internet addresses referenced in this document, and for ease of reading, Bitly <<https://bitly.com/>> was used as an URL shortener. In all cases, the corresponding links were tested at the time the Draft Factual Record was sent to the Parties.

The maps and other illustrations included in this factual record were produced from available sources and are for purposes of illustration only.

Unless otherwise indicated, all official documents cited herein are found in the archives of the Secretariat. Furthermore, the page numbers cited in the submission and the response correspond to those of their original Spanish versions.



1. Background to the Submission

1. Articles 14 and 15 of the North American Agreement on Environmental Cooperation (the “NAAEC” or the “Agreement”)¹ provide for a process allowing any person or nongovernmental organization residing or established in Canada, the United States, or Mexico to file a submission with the Secretariat of the Commission for Environmental Cooperation (“CEC Secretariat” or “Secretariat”) asserting that a Party to the NAAEC is failing to effectively enforce its environmental law. The CEC Secretariat initially considers submissions to determine whether they meet the criteria contained in NAAEC Article 14(1). When the Secretariat finds that a submission meets these criteria, it then determines, pursuant to the provisions of NAAEC Article 14(2), whether the submission merits a response from the concerned Party. In light of any response from the concerned Party, and in accordance with NAAEC Article 15(1), the Secretariat may notify the Council that the matter warrants the development of a factual record, providing its reasons for such recommendation. Where the Secretariat decides that the existence of certain circumstances precludes the preparation of a factual record, it then proceeds no further with the submission.² Where the Council of the CEC so resolves, by a two-thirds vote of its members, the Secretariat produces a factual record as instructed by Council.
2. On 1 July 2020, the United States-Mexico-Canada Agreement (USMCA or “the Agreement”) and the Environmental Cooperation Agreement (ECA) entered into force. Pursuant to ECA Article 2(3), the CEC “will continue to operate under the modalities in place as of entry into force of [the ECA].” This factual record was prepared in conformity with the provisions of NAAEC Article 15.
3. On 2 February 2018, the organizations Academia Mexicana de Derecho Ambiental, A.C. and La Voz de Polanco, A.C. (hereinafter, the “Submitters”) filed a submission with the Secretariat in accordance with Article 14(1) of the Agreement.³ The Submitters assert that the approvals, permits, and concessions for the project to build line 7 of the Metrobús Reforma Mass Transit Corridor (*Corredor de Transporte Público Colectivo de Pasajeros Metrobús Reforma*) (hereinafter, “Metrobús Reforma project”), developed by the Mexico City government (CDMX), were granted “opaquely and unlawfully.” They contend in particular that the legally prescribed procedure for environmental impact assessment of the Metrobús Reforma project, now completed and being operated by the Mexico City authorities, was not followed.
4. After the Secretariat requested the correction of minor errors of form in the submission,⁴ the Submitters made the relevant adjustments. On 1 May 2018, the Secretariat found that submission SEM-18-001 (*Metrobús Reforma*) met the eligibility requirements of Article 14(1) of the Agreement and, pursuant to the criteria of Article 14(2), merited a response from the Party; it therefore proceeded to request a response from the government of Mexico.⁵
5. On 26 July 2018, the Secretariat received Mexico’s response under Article 14(3) of the Agreement.⁶ Reviewing the revised submission in light of the response, the Secretariat found that the response left central issues unresolved related to the effective enforcement of provisions of the Environmental Act for Land Protection in the Federal District (*Ley Ambiental de Protección a la Tierra en el Distrito Federal*—LAPT) and the Environmental Impact and Risk Regulation (*Reglamento de Impacto Ambiental y Riesgo*—RIAR) of CDMX in relation to alleged deficiencies in the environmental impact statement for the Metrobús Reforma project. It therefore found, on 17 December 2018, that submission SEM-18-001 (*Metrobús Reforma*) warranted the preparation of a factual record regarding the alleged failures to enforce the provisions in question.⁷

6. On 18 December 2020, in Resolution 20-05, the Council instructed the Secretariat to prepare a factual record for submission SEM-18-002 regarding the effective enforcement of LAPT Articles 47 and 53 and RIAR Articles 41, 44, 50, 52, 54, and 62.⁸ The Council's reasoning is summarized in the following paragraphs.
7. In relation to LAPT Articles 44 and 46 paragraphs IV(a), VIII, and IX and RIAR Article 6 paragraph D(II) (no. 131), the Council observed that the primary purpose of these provisions is to establish the end goal of the environmental impact assessment process, set out its different phases, and regulate the modalities according to which environmental impact statements must be produced. The Council concluded that, regarding the Metrobús Reforma project, there was no direct violation of these provisions because: a) the obligation to produce an environmental impact statement (EIS) was fulfilled; b) the EIS was produced with respect to the construction and operation of the public works, facilities, and activities devoted to the provision of mass transit service, and c) the production of the EIS met the requirements set out in the provisions in question. Therefore, the Council resolved that a factual record should not be prepared for these provisions included in the Secretariat's recommendation.⁹
8. Concerning the provisions covered in this factual record—LAPT Articles 47 and 53 and RIAR Articles 41, 44, 50, 52, 54, and 62—the Council considered the Submitters' assertion of alleged failures of effective enforcement by Ministry of the Environment (*Secretaría del Medio Ambiente—Sedema*) in that it granted environmental impact approval (*autorización de impacto ambiental—AIA*) for the Metrobús Reforma project without having adequately identified various prevention, mitigation and compensation measures for the environmental impacts.¹⁰
9. In addition, the Council found that even after the Ministry of Works and Services (*Secretaría de Obras y Servicios—Sobse*) had failed to comply with a Sedema decision from 20 September 2016 noting various deficiencies of the EIS, Sedema granted the AIA. In the AIA, Sedema included these deficiencies as conditions to be fulfilled before commencement of the project. In view of these considerations, the Council found that a factual record should be prepared with respect to LAPT Articles 47 and 53 and RIAR Articles 41, 44, 50, 52, 54, and 62.¹¹
10. Pursuant to Article 15(5) of the Agreement, the Secretariat submitted the draft factual record for submission SEM-18-002 (*Metrobús Reforma*) to Council on 26 July 2022. As of that date, the Parties had 45 working days in which to make observations on the accuracy of the document.
11. On 24 and 28 October 2022, Canada and Mexico, respectively, submitted comments on the accuracy of the draft factual record. The United States informed on 29 September 2022 that they had no observations to make. In conformity with Article 15(6) of the Agreement, the Secretariat incorporated the relevant observations into the final version of the factual record and, on 10 January 2023, submitted it to Council for a vote to make the final factual record publicly available, in accordance with Article 15(7). In accordance with Guideline 19.8 of the Guidelines, the Council may vote within 60 working days following the delivery of the factual record.

2. Scope of the Factual Record

12. Pursuant to Council Resolution 20-05, this factual record addresses matters of effective enforcement of the following provisions of environmental law in relation to the alleged deficiencies of the environmental impact statement for the Metrobús Reforma project:
- LAPT Article 47, in relation to description of the works; the relationship to the applicable law; the identification, description, and assessment of the environmental impacts; and the corresponding preventive and mitigation measures;
 - LAPT Article 53, in regard to the exercise of powers by the Mexico City Department of the Environment (*Secretaría del Medio Ambiente—Sedema*) to deny approval where the environmental impact assessment does not ensure environmental integrity;
 - RIAR Article 41, with respect to applicable information for any environmental impact statement produced in the specific modality;
 - RIAR Article 44, with respect to the documentation that must be attached to an EIS;
 - RIAR Articles 50 and 54, in relation to the possibility of submitting modifications to the project proposed in an EIS “one time only,” as well as the manner in which such modifications are to be considered;
 - RIAR Article 52, with respect to visits to the project site during the environmental impact assessment; and
 - RIAR Article 62, with respect to the preventive and mitigation or compensation measures proposed by the project developer, as well as any alternatives involving adaptation or modification of the original project that may have been proposed.



Photo: Shutterstock, Nelson Antoine.

13. The full text of Council Resolution 20-05 is given in Appendix 1 of this factual record. In addition, the text of the LAPT and RIAR provisions relevant to this factual record are given in Appendix 3.
14. NAAEC Article 21(1)(a) stipulates that where the Council or the Secretariat so requests, each of the Parties shall “promptly mak[e] available any information in its possession required for the preparation of a report or factual record, including compliance and enforcement data.” On this basis, the Secretariat requested information from Mexico for the preparation of this factual record, specifically in a letter of 12 January 2021 to the director of the International Affairs Coordinating Unit (*Unidad Coordinadora de Asuntos Internacionales*—UCAI) of the Ministry of the Environment and Natural Resources (*Secretaría de Medio Ambiente y Recursos Naturales*—Semarnat).¹² In addition, information was requested from Sedema.¹³
15. The responses from Sedema¹⁴ and Semarnat,¹⁵ containing partial replies to the Secretariat’s request, were received on 20 April 2021. The two responses contained substantially the same information.
16. With a view to gathering additional information necessary for the preparation of the factual record, the Secretariat held a working meeting and a site visit to the Metrobús Reforma project facilities on 18 August 2021. At this meeting, attended by representatives of Sobse and Sedema,¹⁶ information was requested from both government bodies pursuant to NAAEC Article 21(1)(a).¹⁷ It was further agreed that the relevant documentation would be delivered by means of requests made through the National Transparency Platform (*Plataforma Nacional de Transparencia*—PNT).¹⁸ At the time of submission of the draft factual record to Council, response to information requests to Sobse and Sedema requested over a year ago was still pending.
17. The Secretariat undertook numerous steps in order to obtain the documentation necessary for the preparation of the factual record. The summary of these actions can be found in Appendix 6 to this factual record.
18. On 23–24 March 2022, the Secretariat informed the General Standing Committee of the CEC Council of its efforts to obtain the information in the possession of Sobse¹⁹ and provided the timeline of all requests submitted through the PNT and to Sobse.²⁰
19. The Secretariat did not receive a response to its last information request made on 23 March 2022. The following documents concerning the Metrobús Reforma project were not located during the information gathering process to prepare the factual record and thus it was not possible to include them:
 - a. document approving the investment;
 - b. budgetary approval for each stage of work;
 - c. architectural proposal;²¹
 - d. complete executive project
 - e. notices of commencement of work from Sobse to Sedema, from project contractor to Sobse, and from Sobse to the comptroller.
20. The Secretariat prepared this factual record based on the information submitted by both Semarnat and Sedema on 20 April 2021. The Secretariat provides relevant clarification in cases where it was impossible to obtain governmental public information.
21. In accordance with NAAEC Article 15(4), the Secretariat has taken account of all information provided by Mexico, and any relevant technical, scientific, or other information that is publicly available, submitted by interested persons or organizations, or developed by the Secretariat or independent experts.

2.1 The Environmental Law in Question

22. The provisions to be addressed by the factual record authorized by the CEC Council in Council Resolution 21-05 form a part of the environmental impact law of Mexico City (collectively, the “environmental law in question”). The Federal District Environmental Protection Act (*Ley Ambiental de Protección a la Tierra en el Distrito Federal*—LAPT) and the Environmental Impact and Risk Regulation (*Reglamento de Impacto Ambiental y Riesgo*—RIAR) were published in the Official Gazette of the Federal District (*Gaceta Oficial del Distrito Federal*) on 13 January 2000 and 26 March 2004, respectively.
23. The provisions of the LAPT considered in the factual record: i) establish the minimum required elements of the environmental impact study corresponding to those projects requiring environmental impact approval (Article 47), and ii) set out the possible content of a decision arising from an environmental impact assessment procedure conducted by Sedema (Article 53).
24. The RIAR provisions included in the factual record: i) establish the minimum required elements of an environmental impact statement produced in the specific modality (Article 41); ii) establish the documentation that must be attached to the environmental impact approval application form (Article 44); iii) prescribe the applicable measures for cases where the environmental impact statement has deficiencies (Article 50); iv) prescribe the grounds for conducting inspection visits and the manner in which they are to be conducted (Article 52); v) govern modifications to a project during the environmental impact assessment procedure (Article 54); and vi) prescribe the criteria that Sedema must consider when reviewing environmental impact statements (Article 62).
25. One must consider the environmental impact assessment procedure; the classification of works and activities requiring environmental impact approval; and the list of those works or activities for which it is necessary to obtain environmental impact approval before commencing the work.²²
26. The concept of environmental impact assessment and the modalities of environmental impact studies (see section on terminology) must also be considered.
27. The environmental impact assessment procedure is initiated by the filing of an environmental impact study and it concludes with the resolution issued by the environmental authority. It also provides for the different environmental impact assessment modalities.²³
28. As mentioned above, the text of the environmental law in question is provided in Appendix 3.



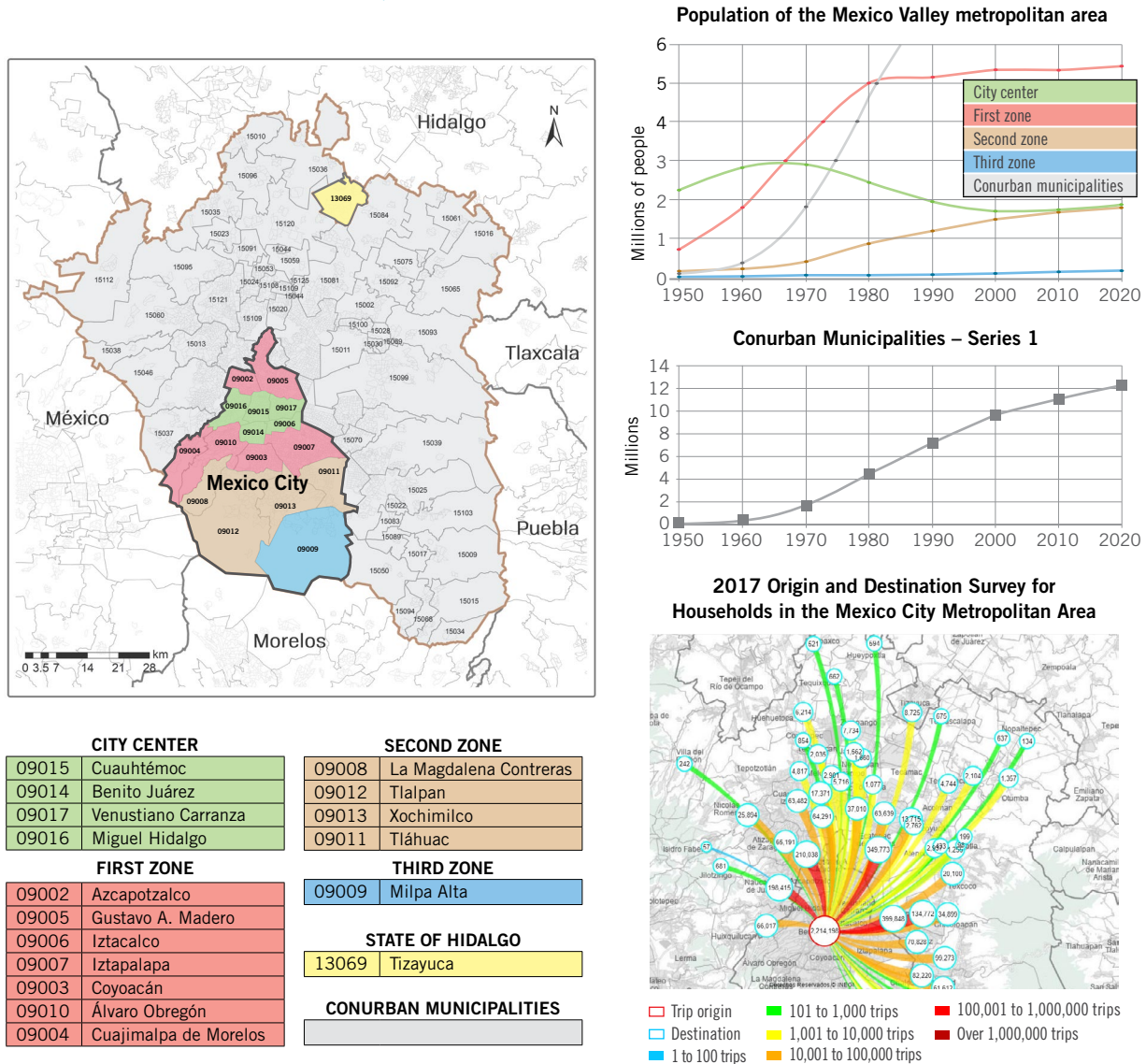
3. Description of the Area of Interest and the Metrobús Reforma Project

29. According to some researchers, the Metrobús mass transit system in Mexico City (formerly the Federal District) cannot be studied in isolation but must be considered in the context of that city's urban development since it was created when the metropolitan area was undergoing reorganization.²⁴ The following section presents the background to the growth of Mexico City.

3.1 Metrobús in the Context of Mexico City's Development

30. The early 1980s saw the inauguration of a policy of redensification of what was then called the Federal District with the primary purpose of halting urban expansion.²⁵ The justification was that downtown Mexico City was experiencing depopulation, in conjunction with significant growth in the surrounding municipalities in the State of Mexico and on the outskirts of the Federal District, affecting conservation lands in both federal areas.²⁶
31. Figure 1 shows population changes in the Mexico City metropolitan area from 1950 to 2020. The red line on the graph and the red-shaded area on the map correspond to the city center. The red line shows that from 1960 to 1970, the population effectively stopped growing in that zone, while from 1970 to 1980, it recorded a 15% decrease, representing slightly under 500,000 inhabitants. During that same period, from 1960 to 1980, the three outer zones around the city center were still exhibiting population growth. The growth rate of the first zone, however, declined while those of the second and third increased. Moreover, the overall population growth rate of the metropolitan area in the State of Mexico recorded a maximum of nearly 400% from 1960 to 1970, reaching more than 1.75 million inhabitants and, only 10 years later, in 1980, over 4.6 million inhabitants.
32. The third outer zone and the State of Mexico portion of the metropolitan area continued to exhibit very high population growth rates, although in recent years this growth has begun to taper off. The population growth rate in the third outer zone went from 50% in the 1990s to 17% in the 2010s, while the growth rate of the metropolitan municipalities in State of Mexico went from 58% in the 1980s to 11% in the 2010s.
33. Figure 1 also shows population density. It may be observed that of all the regions of the Mexico Valley metropolitan area, the city center has had the highest population density, while the first outer zone has tended to stabilize around 110 inhabitants per hectare. The population density of the city center had been declining toward that value, but as of 2000, the trend reversed and began to increase slightly.
34. In 2000, a public policy guideline known as *Bando Informativo no. 2* ("Bando 2") was promulgated. Bando 2 informed the public that population growth would be promoted in the boroughs of Benito Juárez, Cuauhtémoc, Miguel Hidalgo, and Venustiano Carranza to take advantage of underutilized infrastructure and services, and that construction of dwellings and commercial developments towards the south end of the Benito Juárez borough would be restricted.²⁷
35. This policy was implemented by means of the borough and partial urban development plans: on one hand by providing facilities for residential development in the city center, and on the other by freezing new residential development construction in what were believed to be the destination boroughs for outmigrants from the city center. The key instrument for implementation of this policy was the Specific Land Use and Feasibility Zoning Certificate (*Certificado Único de Zonificación de Uso de Suelo Específico y de Factibilidades*) which was granted for development in the city center.²⁸

Figure 1. Zones, Population, and Geographical Distribution of Mexico City and Conurban Municipalities



Source: INEGI, "Encuesta Origen-Destino en hogares de la Zona Metropolitana del Valle de México, 2017," Mapa Digital de México <<http://gaia.inegi.org.mx/mdm6/?s=MTM4MjExMzc=>>; Paquette (2008), "El Metrobús en el contexto de la redensificación urbana: implicaciones y oportunidades", based on Programa General de Desarrollo Urbano del Distrito Federal, 1996, Diario Oficial de la Federación, 15 July 1996, online at <<https://bit.ly/3UBjprQ>>.

36. The densification policy corresponds with a global trend that contends that compact cities have certain advantages: more efficient mobility, more efficient land use, greater environmental sustainability, greater social equality, and greater economic opportunity.²⁹ But in reality, densification will result in different effects for different cities; densification strategies must not only be adapted for each city, but also the risks of such densification have to be considered, with corresponding action plans in the event of negative impacts. It should be noted that another school of thought prevailing until the 1990s postulated that population density was the cause of innumerable problems afflicting cities. The UN-Habitat agenda, for example³⁰ includes a commitment to promoting the development of urban planning and design instruments that support "appropriate compactness and density," even though the word "appropriate" was left undefined.

37. Now, as Figure 1 shows, success was undeniably achieved in containing the depopulation of the city center, while the growth of the first and second outer zones was all but halted. The third zone, however, which may be classified as “rural with conservation areas,” continued to grow at an average annual rate of 3.5% from 2000 to 2010. In any case, the portion of the metropolitan area within State of Mexico exhibited the highest population growth with an increase of 1.4 million from 2000 to 2010. Part of this trend may be attributable to the restrictions of Bando 2 having caused real estate developers to move their projects to the municipalities of State of Mexico on the northern and western periphery of the city.³¹
38. It should further be noted that some of the most populous municipalities of State of Mexico grew quickly, thus giving rise to tremendous social and environmental pressures.³²
39. Another consequence of the reurbanization of the city center was an increase in housing prices in that zone. The high cost of living in the city center has two consequences: first, those who can afford to live there hold high-paying jobs and not the type of jobs that deliver the services the zone demands; second, those who work the low-paid service jobs cannot afford to live in that zone and are obliged to commute from the periphery of the city.³³
40. Since 2000, the population has increased only marginally in both the city center and the first and second outer zones. This fact in itself does not explain why transportation has become insufficient, nor would it justify the need for new modes of transportation such as the Metrobús. The density analysis summarized in Figure 1 does not take account of the number of people who, for various reasons, have activities in certain zones but do not live there. It has been suggested³⁴ that population densification strategies should consider the flows of jobs that attract more people to the urban core: those people who commute daily from their homes to their workplaces and back increase the demand for transportation in the zone, beyond what is required for the internal mobility of the local residents. In addition, there is a need for a transportation network connecting the periphery of the city to the center, entailing longer routes.
41. In 2003, the government of the Federal District took the initiative to identify elements of urban infrastructure that constituted concrete problems or opportunities, with a view to implementing an initial phase of the Federal District Metrobús Mass Transit Corridor System (*Sistema de Corredores de Transporte Público de Pasajeros del Distrito Federal Metrobús*). To this end, a study was commissioned from the Colegio de México, consisting of a multidimensional analysis which included detailed consideration of Metrobús along the entire length of Avenida Insurgentes in a context of residential redensification of the city center. This study assessed the success of the Bando 2 policy and the extent to which it could, along with the implementation of the Metrobús, drive the transformation of Mexico City toward a sustainable city. As a result, in 2004, the creation of the Metrobús system of dedicated mass transit corridors was approved, with the inaugural bus rapid transit line making its appearance in 2005.³⁵
42. On 7 February 2007, the government of the Federal District announced that Bando 2 would be voided³⁶ and eventually, the Secretary of Urban Development and Housing stated that the policy arising from Bando 2 had concluded.³⁷ During the 27 August 2007 session, the Joint Housing and Urban Development and Infrastructure Commissions (*Comisiones Unidas de Vivienda y de Desarrollo e Infraestructura Urbana*) of the ALDF adopted a resolution urging the head of government to void Bando 2.³⁸ On 18 October 2007, the ALDF adopted the report on the proposal accompanied by the resolution on Bando 2 that had been presented by the Joint Housing and Urban Development and Infrastructure Commissions.³⁹

43. Prior to the promulgation of Bando 2, urban development in the Federal District had been governed by General Zoning Standard (*Norma de Ordenación General*) no. 26 (“Standard 26”). The purpose of Standard 26 was to promote and facilitate construction of social interest and affordable housing on urban land. This standard was applied in accordance with the 1997 borough urban development plans in areas with renewal potential⁴⁰ and mentioned in the borough urban development plans in specific districts. “Areas with renewal potential” refers to zones with a high capacity for more densified use that would result in greater cost-efficiency and that already possessed adequate urban services and road and transportation infrastructure.⁴¹ Standard 26 was not repealed or suspended by that promulgation: it remained in force under the terms prevailing at that time, but could not be applied outside the central boroughs of the city.⁴² Even so, some authors argue that when Standard 26 was updated, it voided Bando 2.⁴³
44. Bando 2 became null and void as of 2007. While the loss of population of the city center had been curtailed, its population density did not return to the levels of the 1960s. Meanwhile, growth in the areas outside the city center had been reined in, and the population density of the conurban municipalities around Estado de Mexico increased significantly. This led to intense pressure on the mass transit system throughout the city. In this context and due to its importance, the expansion of Metrobús has continued to this day.⁴⁴
45. Currently, the Mexico City bus rapid transit system is made up of 7 lines and a total of 279 stations covering 158.5 km. Its 660 buses run along reserved tracks, including the 90 Metrobús Reforma double-decker buses with Euro VI official environmental certification, to provide service to more than 1.2 million passengers per day (see Table 1).⁴⁵ In addition, the Metrobús system has strategic plans with respect to gender⁴⁶ and for handicap persons.⁴⁷ Electric buses have recently been incorporated into the system on a trial basis, representing a further step toward a system with zero direct atmospheric emissions.⁴⁸

Table 1. Metrobús System Statistics⁴⁹

Line	Length (km)	Stations	Terminals	Demand (passengers/day)
1	30	44	3	480,000
2	20	34	2	180,000
3	17	33	5	155,000
4	28	32	4	65,000
5	28.5	50	3	70,000
6	20	36	2	150,000
7	15	29	2	130,000
TOTAL	158.5	279		1,230,000

3.2 Development of Metrobús System

46. Bus rapid transit systems (BRT) are considered an economical mass transit solution in urban localities that have expanded via uncoordinated planning schemes and are lacking sufficient or well-organized transit systems, leading to continual traffic congestion.⁵⁰
47. The origins of BRT systems date back to 1974 in Curitiba, Brazil.⁵¹ The drafting of an urban development plan for that city had been in progress since 1965 in an attempt to supplant the radial growth model with one offering incentives for linear growth by creating backbone north-south and east-west axes. Such linear urban expansion would serve to decentralize businesses and services, but a new mass transit system would have to be implemented along these axes in order to drive the planned growth. This was the genesis of the first formal BRT system.⁵²
48. In 2002, in collaboration with EMBARQ, a program of the Ross Center for Sustainable Cities of the World Resources Institute (WRI), the Federal District government created the Mexico City Sustainable Transportation Center (*Centro de Transporte Sustentable*—CTS México) to develop a sustainable transportation plan for Mexico City. That same year, the idea arose of implementing a BRT system—the Metrobús—in the Federal District as a sustainable mass transit alternative for residents of the metropolitan area.⁵³ The following year, in 2003, in consultation with CTS México, the Federal District government began a feasibility study for the various lines of the Metrobús system.⁵⁴
49. The Federal District government predicated the Metrobús mass transit corridor system on the need for a radical improvement in mass transit along Mexico City arteries with high concentrations of supply and demand. It was asserted that this BRT system would contribute to the city's environmental stewardship through the application of new technologies,⁵⁵ and that it would be consistent with the Mobility Act (*Ley de Movilidad*), which provides for the gradual incorporation of mass transit concessions into an integrated system with physical, operational, informational, appearance, and payment coordination, working as a complementary, multimodal system of transportation.⁵⁶
50. The Metrobús system offered the opportunity to increase average occupancy and average boardings per unit and hence overall cost-efficiency; make better use of street capacity; introduce a vehicle fleet with advanced ultra-low-emission technology; allow for continuous communication and monitoring from a control center; offer better user accessibility and quality; and provide safe, efficient, more environmentally friendly public service with more efficient use of the resources of time, space, and energy, resulting in a favorable impact on quality of life.⁵⁷
51. In order to achieve this, the Metrobús system—like any other system of mass transit corridors—necessitated modification of the street infrastructure for its routes. Such modifications may have environmental impacts, such as felling trees and generating emissions and waste during construction. LAPT requires such projects to file an environmental impact statement before beginning work.
52. During the implementation and construction process for the Metrobús corridors, there were various reports obtained by the Secretariat of premature commencement of construction work. In some cases, the projects associated with the Metrobús corridors began without the necessary permits, particularly environmental permits. The Office of the Environmental and Zoning Attorney (*Procuraduría Ambiental y del Ordenamiento Territorial*—PAOT) of the Federal District found, for example, in 2008 that work began on Metrobús Line 1 along Avenida Insurgentes before approval of the corresponding environmental impact study.⁵⁸

53. In the case of another Metrobús line, PAOT documents reveal cases of lack of communication between city government agencies with respect to the authorization of related works.⁵⁹ A total of 24 citizen complaints of impacts on trees were received in connection with the project.⁶⁰ One complaint filed by a citizen noted that five days before the granting of conditional environmental impact approval, 22 trees were felled for the work,⁶¹ prior to the infrastructure contract award decision including pruning and removal of trees that could interfere with construction.⁶²

3.3 Metrobús Line 7

54. This section of the factual record describes the project that gave rise to submission on enforcement matters SEM-18-002 (*Metrobús Reforma*). Specifically, the submission addresses alleged failures to effectively enforce the environmental law in connection with the “Metrobús Reforma” mass transit project in Mexico City.
55. The Metrobús Reforma project was approved by the head of the Department of Transportation (*Secretaría de Movilidad*—Semovi) of the Federal District on 29 June 2015⁶³ as part of the “Federal District Mass Transit Corridors” project (Metrobús), previously approved by the Secretary of Transportation and Roads of the Federal District on 24 September 2004.⁶⁴
56. The Submitters assert that the Metrobús Reforma project was built in violation of environmental laws applicable to:
1. environmental impact;
 2. management of vegetation and trees;
 3. soil protection;
 4. activities in AVAs and protected natural areas;
 5. waste management; and
 6. air emissions.

3.3.1 Geographical Location

57. The Metrobús Reforma corridor operating as Metrobús Line 7 in Mexico City runs from the Indios Verdes Intermodal Hub (*Centro de Transferencia Modal*—Cetram) to the intersection between Paseo de la Reforma and the Anillo Periférico (Boulevard Manuel Ávila Camacho, the outer beltway of Mexico City), along the following route, which constitutes the corridor:⁶⁵

Westbound:

- i. Calzada Ticomán, from the outlet of the Indios Verdes Intermodal Hub to its intersection with Calzada de los Misterios.
- ii. Calzada de los Misterios, from its intersection with Calzada Ticomán to its intersection with Avenida Paseo de la Reforma.
- iii. Avenida Paseo de la Reforma, from its intersection with Calzada de los Misterios to its intersection with the Anillo Periférico.

Northbound:

- iv. Avenida Paseo de la Reforma, from its intersection with the Anillo Periférico to its intersection with Calzada de los Misterios.

- v. Calzada de los Misterios, from its intersection with Avenida Paseo de la Reforma to its intersection with Fray Juan de Zumárraga.
- vi. Fray Juan de Zumárraga, from its intersection with Calzada de los Misterios to its intersection with 5 de Febrero.
- vii. 5 de Febrero, from its intersection with Fray Juan de Zumárraga to its intersection with Cantera.
- viii. Cantera, from its intersection with 5 de Febrero to its intersection with Calzada de los Misterios and Calzada Ticomán.
- ix. Calzada Ticomán, from its intersection with Calzada de los Misterios and Cantera to the entrance to Indios Verdes Intermodal Hub.

58. Two lanes were reserved on the streets making up the corridor, along with other lanes necessary for bus turnaround, putting buses into service and removing them from service, as well as all streets necessary for the operation of the new corridor.

59. The locations of the stations and terminals authorized for passenger boarding and disembarking along the Metrobús Reforma corridor are presented in Appendix 5.

Figure 2. Route of Reforma Corridor



Source: Satellite images of the project, L7MB.pdf presentation map, provided to the CEC Secretariat as an appendix to document no. SEDEMA/DGEIRA/DEIAR/001735/2021 (12 April 2021).

3.3.2 Main Avenues along the Metrobús Reforma Route

60. Paseo de la Reforma is probably Mexico City's most emblematic street and has been declared a historical monument by virtue of its overriding importance as a space of collective memory, its great historical value, and its aesthetic and symbolic attributes. Its origin dates back to the era of the Second Mexican Empire (1864–67), designed by Emperor Maximilian I as a central element of a beautification project for the city, with the idea of creating a commercial, financial, residential, and cultural corridor that would blend the infrastructure of modernity with nature. The original route began at the equestrian statue of Charles IV, popularly known as “el Caballito,” running from there in a straight line to the entrance of Bosque de Chapultepec at the foot of the castle, with the probable intent of symbolizing the monarchical origin and royal lineage of the governing system at the time. In fact, it was initially reserved for the exclusive use of the emperor and members of his court until the fall of Maximilian when it was opened to the general public. Its construction, and its final configuration, took more than four decades, encompassing periods of national reformation and restoration of the republic, the long reign of Porfirio Díaz, and his resignation with the onset of the revolutionary movement. A great deal of improvement and beautification of what became known as Paseo de la Reforma took place between 1900 and 1910 in preparation for the festivities held in conjunction with the centennial of independence. On 16 September 1910, President Díaz inaugurated the emblematic Angel of Independence (*Monumento a la Independencia*) before he resigned from the presidency due to the impending armed conflict that was crystallizing during the Revolution. By the end of this period, the avenue already had significant monuments; it was flanked by trees that had been planted, including eucalyptus, ash, and willow, and the four traffic circles between Glorieta de la Palma and Avenida Juárez had been built, so that the boulevard had been turned into a space with sculptural monuments commemorating national eras and historical figures.⁶⁶
61. There is currently a high concentration of private and transnational capital along this avenue, which incorporates elements of the most advanced, turn-of-the-century European urban planning. The historical section has 72 sculptures of illustrious Mexicans from different eras and from every state of the Republic, and the avenue was extended so that it now runs from the Nonoalco-Tlatelolco area at its north end to Fuente de Petróleos at its west end, crossing the Bosque de Chapultepec area of environmental value. Expansion along this route was beholden to various factors, such as the building of new neighborhoods for the emerging elite in the wake of the revolutionary period; the city's explosion in population during the mid-twentieth-century period of stability and prosperity, and the development of notable infrastructure projects such as the National Museum of Anthropology.⁶⁷
62. Another of the emblematic avenues modified by the construction of Metrobús Reforma is Calzada de los Misterios, running from Paseo de la Reforma to the Basílica de Guadalupe in the north end of Mexico City. The origins of Calzada de los Misterios date back to the pre-Hispanic city of Tenochtitlán. Established on an island in Lake Texcoco, this city was divided into districts by streets connecting the island to the shore. Present-day Calzada de los Misterios was formerly Calzada Tepeyac, meaning hilltop, in reference to Tepeyac, the hill adjacent to the street.⁶⁸

Photo 1. Paseo de la Reforma



Photo: Abel González, iStock, online at <<https://bit.ly/3zpvqQU>>.

63. On Tepeyac Hill, the Mexicas worshipped Tonantzin, a Náhuatl word meaning “our revered mother.” However, after the Conquest, in an attempt to replace the natives’ religious values, the Franciscan monks built the first shrine to the Virgin of Guadalupe on the hill. The settlement in this area was known as Tepeaquilla, but it later became Villa de Guadalupe. This zone was connected to Mexico City by Calzada Tepeyacac, which had acquired the status of a royal road (*camino real*) in the sixteenth century. In 1675, the idea arose of building fifteen chapels on this road, depicting stages in the life of Jesus and the Virgin Mary; these significant events or moments are known as the Mysteries of the Holy Rosary. Ultimately, the chapels were replaced by small baroque monuments which came to be referred to simply as the “mysteries.” The first of these served as a model for the remaining ones as to their form, dimensions, and ornaments, with the themes and the images adorning their niches and finials varying from one to the next. The prayers were said at the little chapels and then the priests and the faithful would sing hymns and villancicos to the Virgin as they processed to the next chapel. The distances between chapels (235 meters) were calculated for the length of time required to sing the songs. The street was renamed Calzada de Los Misterios in honor of these monuments and became an obligatory stop for viceroys and other persons of distinction. Today, only eight of the original monuments remain; the other seven are reconstructions.⁶⁹
64. The original vegetation along Calzada de los Misterios consisted of trees such as Bonpland willow (*Salix bonplandiana*), a tree originally from Central-South Mexico, used in pre-Hispanic times to secure the corners of floating gardens (*chinampas*). These trees declined in number over the years, so that by 2015, little vegetation remained along the street and most of the area was paved. There were still a few trees along the median and on the sidewalks, including Mediterranean cypress (*Cupressus sempervirens*), box elder (*Acer negundo*), eucalyptus (*Eucalyptus globulus*), pepper tree (*Schinus molle*), and rubber plant (*Ficus elastica*). There were also shrubby species such as privet (*Ligustrum lucidum*) and arborvitae (*Platycladus orientalis*), which, along with cypress, were the dominant species along the median.⁷⁰

Photo 2. Calzada de los Misterios

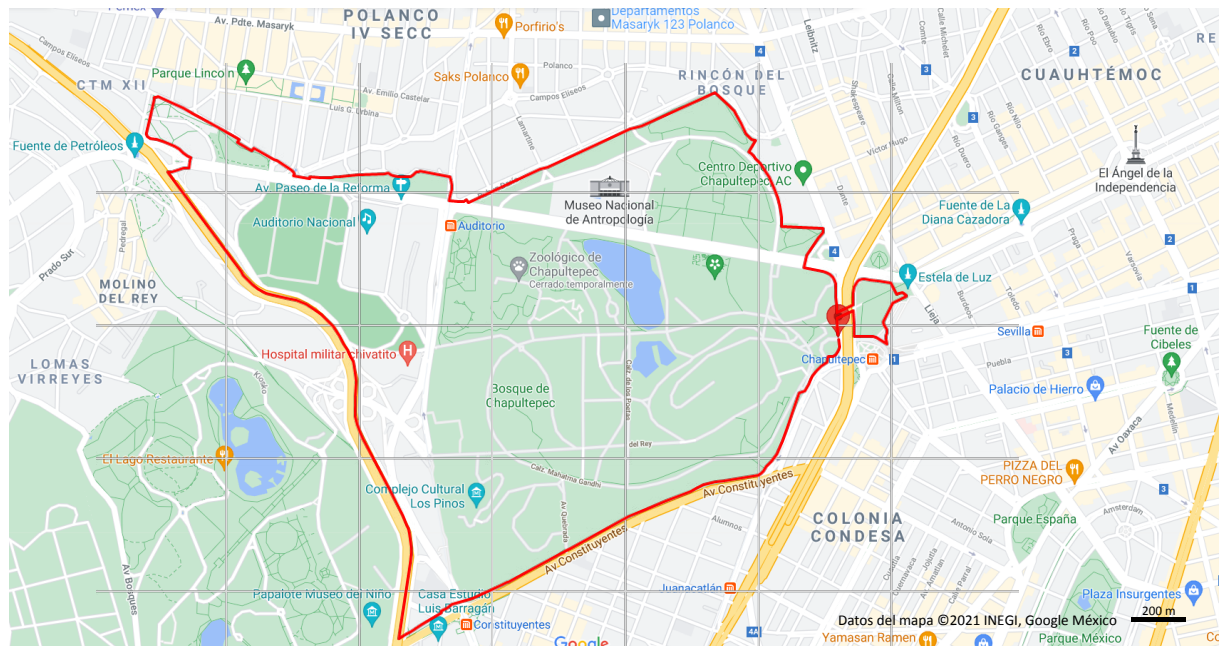


Photo: Shutterstock, Aberu.Go.

3.3.3 Areas of Environmental Value

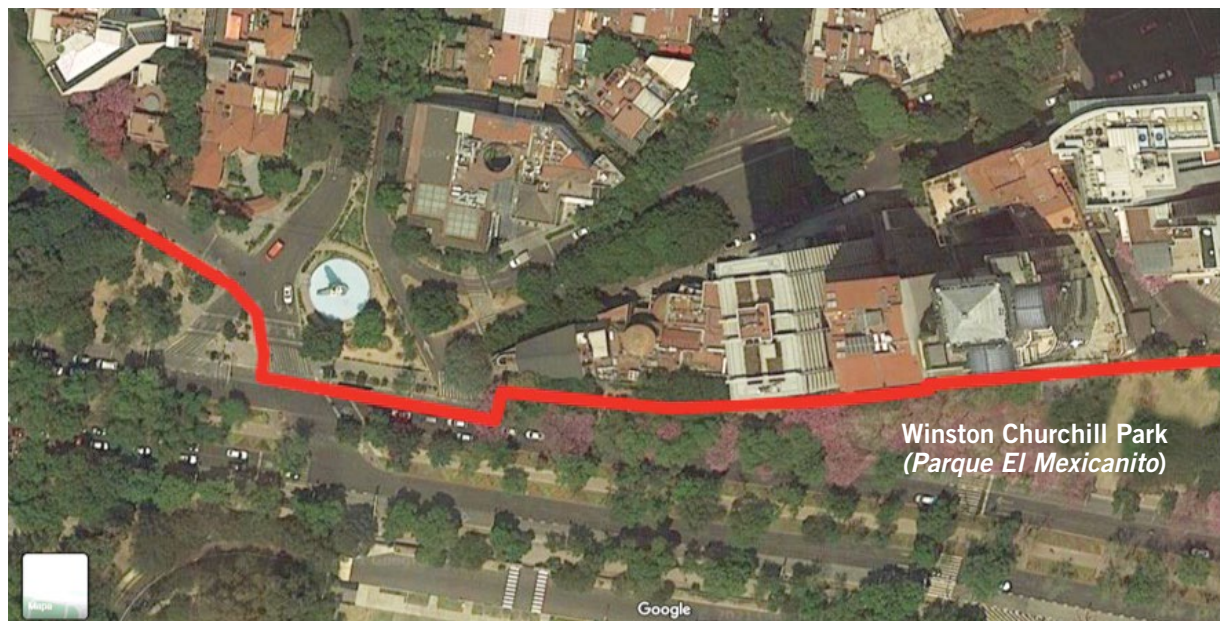
65. For the purposes of the LAPT, the areas of environmental value (*áreas de valor Ambiental*, AVA) are defined as *greenspaces* “in which the original environment has been modified by anthropogenic activities and needs to be restored or preserved, in that it retains certain biophysical and scenic characteristics enabling it to contribute to maintaining the environmental quality of the city.”⁷¹
66. The AVAs under Federal District jurisdiction are classified as either: a) urban forests or b) ravines.⁷²
67. The administration of AVAs is governed by the corresponding management plan, the planning and regulation document that sets out the basic activities, measures, and guidelines for the management and administration of the AVA in question.⁷³
68. The power to issue orders establishing areas of environmental value under Federal District jurisdiction rests with the head of government of the Federal District (now Mexico City).⁷⁴
69. On 2 December 2003, the order declaring the Bosque de Chapultepec, with an area of 686.018 hectares, as a Federal District area of environmental value was published in the Official Gazette of the Federal District (*Gaceta Oficial del Distrito Federal*).⁷⁵
70. Nearly three years later, on 17 November 2006, the management plan for the Bosque de Chapultepec AVA, classified as an “urban forest,” was published.⁷⁶
71. The boundaries of the Bosque de Chapultepec AVA are described in the order declaring Bosque de Chapultepec a Federal District AVA (*Decreto por el que se declara como área de valor ambiental del Distrito Federal al Bosque de Chapultepec*) and are shown schematically in Figure 3.
72. Figure 4. Detail of Bosque de Chapultepec AVA showing Winston Churchill Park is included within the area of environmental value. As may be seen, the AVA includes fully developed urban zones in Mexico City.

Figure 3. Boundaries of Bosque de Chapultepec AVA



Source: Produced by the Secretariat based on Google Maps and with information obtained from the order declaring Bosque de Chapultepec as a Federal District area of environmental value published 2 December 2003 in the *Official Gazette of the Federal District*.

Figure 4. Detail of Bosque de Chapultepec AVA showing Winston Churchill Park⁷⁷



Source: Produced by the Secretariat based on Google Maps.

73. On 11 July 2014, the office of the head of government of the Federal District issued an order modifying the boundaries of Bosque de Chapultepec AVA (the “2014 Order”).⁷⁸
74. It should be underscored that the LATP provides for the restoration of greenspace where the original environment has been modified by anthropogenic activities.⁷⁹ The submission argues that the 2014 Order is null and void for contravening the LATP in that regard; it further argues that the order violates city residents’ human rights to a healthy environment and to health.⁸⁰
75. Figure 5 depicts the area of Bosque de Chapultepec AVA affected by the 2014 Order. Figure 6 depicts the area affected by the 2014 Order and the route of the Metrobús Reforma line.
76. The area affected by the 2014 Order is not part of the route of the Metrobús Reforma line. Note also that the original boundaries assigned to the Bosque de Chapultepec AVA in 2003 did not include the “Metro Chapultepec” bus stop, which was established decades earlier.
77. The 2014 Order was issued to allow for the construction and operation of the “Cetram Chapultepec” project, a mixed-use building (offices, hotel, businesses)⁸¹ that would house the intermodal hub (Cetram) and take the form of two towers, one of 49 stories and the other of 10 stories, with eight underground levels. An analysis of this project is beyond the scope of this factual record.

Figure 5. Bosque de Chapultepec AVA with Area Affected by the 2014 Order in Red

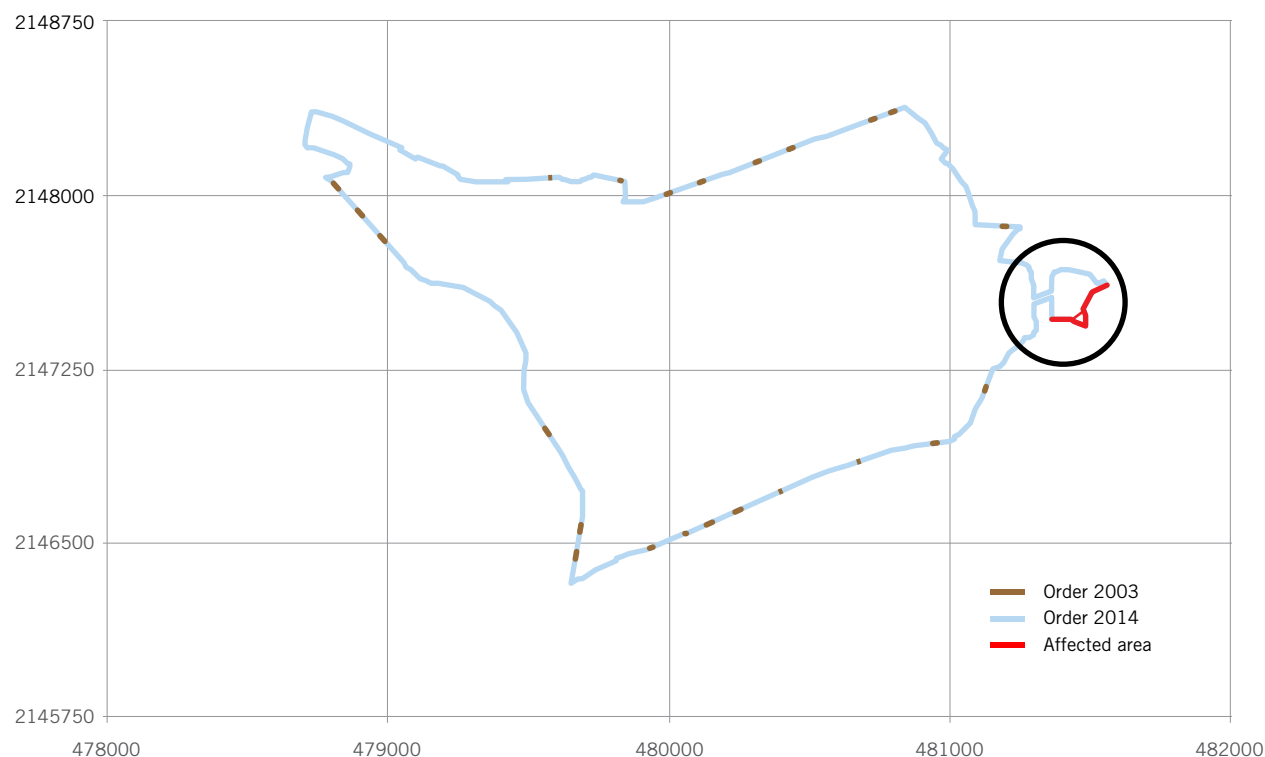


Figure 6. Area Affected by the 2014 Order and the Route of the Metrobús Reforma Line



Source: Created by the Secretariat with Google Maps.

3.3.4 About the *ahuehuetes* (Montezuma bald cypresses)

78. During the environmental impact assessment process, there was a technical report on three Montezuma bald cypresses (*Taxodium mucronatum*) along with a recommendation that they be felled.⁸² In Mexico City, some trees are revered as historical urban monuments, including the Montezuma bald cypress (*Taxodium mucronatum*).⁸³
79. The *ahuehuetes* or “old man of the water” (from Nahuatl *atl*: water and *huehuetl*: old man) merit particular mention; also known as the Mexican cypress or Montezuma bald cypress. Since prehistoric times, the inhabitants of the Mexico Valley have revered the *ahuehuete*: they consider these trees sacred, amongst other reasons due to their longevity and close association with water.⁸⁴ The journal of the friar Diego Durán (1581) states:

“Sources of water rose at the feet of the Mexican cypress, which in their language they called *ahuehuetl* [...]. These were very large, colossal trees, which the Indians revered, for always beneath them lay a source of water, and that gave them a sense of divinity and mystery [...].”⁸⁵
80. The myth of the *ahuehuete* beckoning the water is very popular: that it makes water gush out from the soil and rise from underground. The *ahuehuete* of Lord Chalma’s sanctuary, currently an important religious center, is sacred and iconic because it is said to have created a strong river; and the *ahuehuete* of Tepetitlán, Hidalgo is said to have been planted in a very arid area, but today it is surrounded by water.⁸⁶ Certainly, the ecology and habitat of this tree species is linked to water. It has adapted to a wide range of climates (it prospers at almost all altitudes up until 2,500 meters above sea level). The *ahuehuete* grows on the shores of streams, rivers, and lakes.

81. The rulers (*tlatoanis*) Nezahualcōyotl, Moctezuma, and Cuitláhuac in their time ordered the planting of these trees at various places in the Mexico Valley.⁸⁷ It is said that the *ahuehuete* known as “Sergeant” was planted around 1460 for Nezahualcōyotl during one of his trips through the *Bosque de Chapultepec*. Notably, this forest was considered a sacred place where the royalty would come to rest. Moreover, Nezahualcōyotl is credited with the planting of a row of *ahuehuetes* at Calzada del Rey, which continues to be one of the main avenues of the first section of the *Bosque de Chapultepec*.⁸⁸
82. As it has long been present in the history of the country, the *ahuehuete* is inextricably linked to Mexican culture from pre-Hispanic times to today, and because it is a native species with a large geographic footprint, spanning practically the entire territory of the Mexican Republic, the *ahuehuete* was designated national tree of Mexico in 1921.⁸⁹
83. In addition to their majestic beauty, the *ahuehuetes* are the largest and oldest trees in Mexico. For example, the tree “Tule” in Oaxaca has already lived 2,000 years.⁹⁰ The *ahuehuete* of Lagos de Moreno, Jalisco, is around 370 years old and due to its colossal dimensions is one of the living organisms with the biggest biomass on the planet.⁹¹

Photo 3. Ahuehuete known as “El Sargento”



Photo: Another Believer – self-published, in conformity with Creative Commons CC BY-SA 4.0, online: <https://bit.ly/3Pv44pt>.

3.4 Environmental Impact of the Metrobús System and Other BRT Systems

84. Although guides to filing an environmental impact statement may have existed, Sedema lacked a standardized process for producing the environmental impact study.⁹² Thus, the parties responsible for the preparation of an EIS whatever information they consider relevant. Generally, an adequate assessment of the impacts of a project makes it possible to determine its viability, establish mitigation measures, and identify its cumulative and residual impacts. Since impact identification and assessment can be conducted using different methodologies, it is the role of the technical director of each project to select the most appropriate method for the project in question and justify its application.⁹³
85. The Mexico City mass transit corridor system has been developed on a site whose natural conditions have been altered repeatedly from the original environment. Any new developments in the system can be expected to have similar impacts—those generated during the construction, maintenance, and demolition phases of the system's infrastructure, as well as those generated by the provision of transportation services—to those identified in previous studies conducted in relation to the other various lines of the Metrobús system, as shown in Table 2.
86. Certain environmental impacts depend on how activities are carried out; therefore, it is important to consider the following elements, at a minimum, during the project design phase:⁹⁴
- pavement design and material specifications;
 - definition of intersections, interchanges, and modal interfaces;
 - geometric design, including coordinated track alignment, adequate cross sections, and sight distances;
 - drainage design, including stormwater runoff;
 - design of transitway borders, including median strips, road furniture, lighting and signage, facilities for pedestrians and cyclists, landscaping, and acoustic barriers; and
 - geotechnical design, such as earth movement design.
87. Moreover, there are environmental impacts that do not occur directly at the project site, but in the areas where materials are extracted.⁹⁵
88. Other aspects to consider include: use of, and impact on, nonrenewable and renewable resources, including water resources; electricity requirements and consumption; hazardous and nonhazardous waste generation; CO₂-equivalent emissions and emissions of fine particles and ozone-depleting substances; potential for photochemical oxidant (summer smog) formation; acidification; photochemical oxidation; eutrophication; and ecotoxicity.
89. Finally, it is also necessary to consider the positive environmental impacts of BRT systems such as Mexico City's Metrobús, among them and, most significantly, reduced emissions in the operating phase of both criteria air pollutants (impact on air quality) and greenhouse gases (impact on climate change).

Table 2. Impacts of Various Activities Associated with Metrobús System Projects in Mexico City⁹⁶

Phase	Project activities	Impact
Site preparation	Tree clearing and removal	Shrinkage of plant and tree cover Displacement of wildlife
	Sidewalk and pavement demolition	Generation of construction waste Generation of suspended particles and exhaust gases High noise levels
	Excavation for platforms and dedicated lane base	Generation of excavation waste Soil compaction, erosion Shrinkage of recharge areas Generation of suspended particles and exhaust gases High noise levels
	Worksite fencing and traffic rerouting	Landscape alteration Increased traffic-related vehicle emissions
Construction of terminals and stations	Foundations	Generation of suspended particles and exhaust gases High noise levels Alterations to original soil geomorphology Generation of construction waste
	Construction of platform substructure and access ramps	Generation of suspended particles and exhaust gases High noise levels Generation of construction waste
	Metal structure, roofing, finishing	Shrinkage of recharge areas
	Facilities, signage, and equipment	Shrinkage of recharge areas
Dedicated lane or track	Hydraulic concrete and asphalt road surface	Generation of suspended particles and exhaust gases
	Formwork and pouring concrete for walkways	High noise levels Generation of suspended particles and exhaust gases Landscape alteration Solid waste generation Wastewater generation
	Pruning	Shrinkage of plant and tree cover Displacement of wildlife
Operation and maintenance	Service use and delivery	Solid waste generation Generation of specially managed waste Wastewater generation Drinking water demand Social behavior modification Reduction in exhaust gas emissions Urban mobility
	Maintenance	Waste generation

4. Measures Taken by Mexico to Enforce the Environmental Law in Question

90. This section describes enforcement measures taken by Mexico in relation to LAPT Articles 47 and 53 and RIAR Articles 41, 44, 50, 52, 54, and 62. It should be noted that information was requested from Sobse for the preparation of this section of the factual record, but the Secretariat did not receive a response (see section 2). In this regard, the Secretariat refers to specific cases in which requested information could not be obtained and includes, in Appendix 4, the list of documents from Semarnat and from Sedema to which it had access.

4.1 Background

91. On 24 August 2016, the Special Projects Branch (*Dirección General de Proyectos Especiales*—DGPE) of Sobse (hereinafter, “DGPE-Sobse”) filed with what was then the Environmental Regulation Branch (*Dirección General de Regulación Ambiental*—DGRA) of Sedema (hereinafter, “DGRA-Sedema”) an environmental impact assessment application for the Metrobús Reforma project in the form of an environmental impact statement (EIS) in the specific modality.⁹⁷ The mass transit project in question would be developed in Mexico City with the object of connecting, by means of a bus rapid transit system, Avenida Paseo de la Reforma (center) with Calzada de los Misterios (north). In this regard, the following executive orders (*declaratorias*) issued by the Mexico City government must be taken into account:
- Order of 11 July 2014 modifying the declaration of the “Bosque de Chapultepec” Area of Environmental Value under the category “urban forest.”⁹⁸
 - Order of 21 June 2016 published in the *Official Gazette of the Federal District* on the necessity of mass transit service in the “Metrobús Reforma” corridor.⁹⁹
92. On 20 September 2016, DGRA-Sedema requested additional information on the project from DGPE-Sobse. The request contained 42 points requiring attention, including project objectives and rationale, a legible work schedule, a description of works included in the project, and investment in mitigation, prevention, and compensation measures.¹⁰⁰
93. In addition, DGRA-Sedema notified DGPE-Sobse that pursuant to RIAR Article 50, a request to the developer for clarifications on a project may be made “one time only” where the EIS exhibits deficiencies.¹⁰¹
94. On 14 October 2016, DGPE-Sobse sent a response to the request made by DGRA-Sedema.¹⁰² In various sections of its response, the developer stated that it did not have a finalized project and that the only thing available at that time was a preliminary project; or rather, since the project was at the call for tenders stage, the requested information was unavailable. The information missing from the Metrobús Reforma project included the description of the associated works in the project area,¹⁰³ the project narrative¹⁰⁴ and description of the related works,¹⁰⁵ and the investment required for the project, with an indication of the amount devoted to mitigation, prevention, and compensation measures,¹⁰⁶ among others.
95. On 30 November 2016, DGRA-Sedema issued an environmental impact decision on the Metrobús Reforma project (i.e., the AIA) approving the construction and operation of the bus rapid transit system on Avenida Paseo de la Reforma from Fuente de Petróleos to Indios Verdes.¹⁰⁷ The AIA includes, among other features, the construction of two confined roadways over a length of 15 km, covering an area of 99,282.40 m², the construction of 26 intermediate stations and 6 terminals, and the rehabilitation of the roadway over an area of 274,167.91 m², and the sidewalks over an area of 41,541.00 m². The total project area of 523,151.83 m², including the area of influence, runs through what are now the boroughs of Gustavo A. Madero, Cuauhtémoc, and Miguel Hidalgo.¹⁰⁸

4.2 Environmental Impact Statement for the Metrobús Reforma Project

96. LAPT Article 47 provides that in order to obtain environmental impact approval for a work or activity, interested parties must file with the Ministry an environmental impact study or statement in the appropriate modality before commencing the work in question. This provision stipulates that the study must contain the following, at a minimum:
 - I. Name, company name ... of the party intending to carry out the work or activity covered by the [environmental impact] statement and name ... of the natural or legal person responsible for [producing it]...
 - II. Description of the projected work or activity...
 - III. General aspects of the natural and socioeconomic environment of the area where the work or activity is to be carried out.
 - III *bis*. Demarcation and justification of the project's area of influence.
 - IV. Relationship to the land use-related standards and regulations in the corresponding area.
 - V. Identification, description, and assessment of the environmental impacts that would be caused by carrying out the various phases of the project or activity, determining the environmental indicators of the project.
 - VI. Prevention and mitigation measures for the environmental impacts identified at each of its phases, as well as the modified environmental scenario.¹⁰⁹
97. Regarding the "appropriate modality" that LAPT Article 47 alludes to, this law establishes a number of modalities for environmental impact studies, which includes the specific form of the EIS.
98. The modality of the environmental impact study is determined with reference to the applicable regulation, in this case the RIAR, and may therefore be specified in applicable manuals of procedures and services, technical guides, forms, and administrative agreements.
99. The RIAR provides that an EIS must be filed in the specific modality where it refers to programs, works, or activities included in this regulation.
100. In this regard, the declaration of need concerning Metrobús line 7 constitutes a *plan*, and both the road-work and the operation of Metrobús are located in or cross the Bosque de Chapultepec AVA.
101. Therefore, the EIS for the Metrobús Reforma project was filed under the specific modality.¹¹⁰
102. Regarding the general modality of the EIS, RIAR provides that this must contain information such as description of the plan or project for the intended work or activity; plans for site preparation; tree transplanting; amount allotted to the implementation of environmental impact prevention, mitigation, and compensation measures; type and quantity of natural resources on which there may be impacts waste management plan, among others.
103. The specific modality of the EIS, for its part, must contain the following, in addition to the information required for an EIS in the general modality information on the project technical narrative (maps describing the geomorphology and hydrology, the status of the ecosystems on the site, and the location of natural protected areas); a description of the biological characteristics of the project area, the ecosystems and landscape, as well as the description of the modified environmental scenario

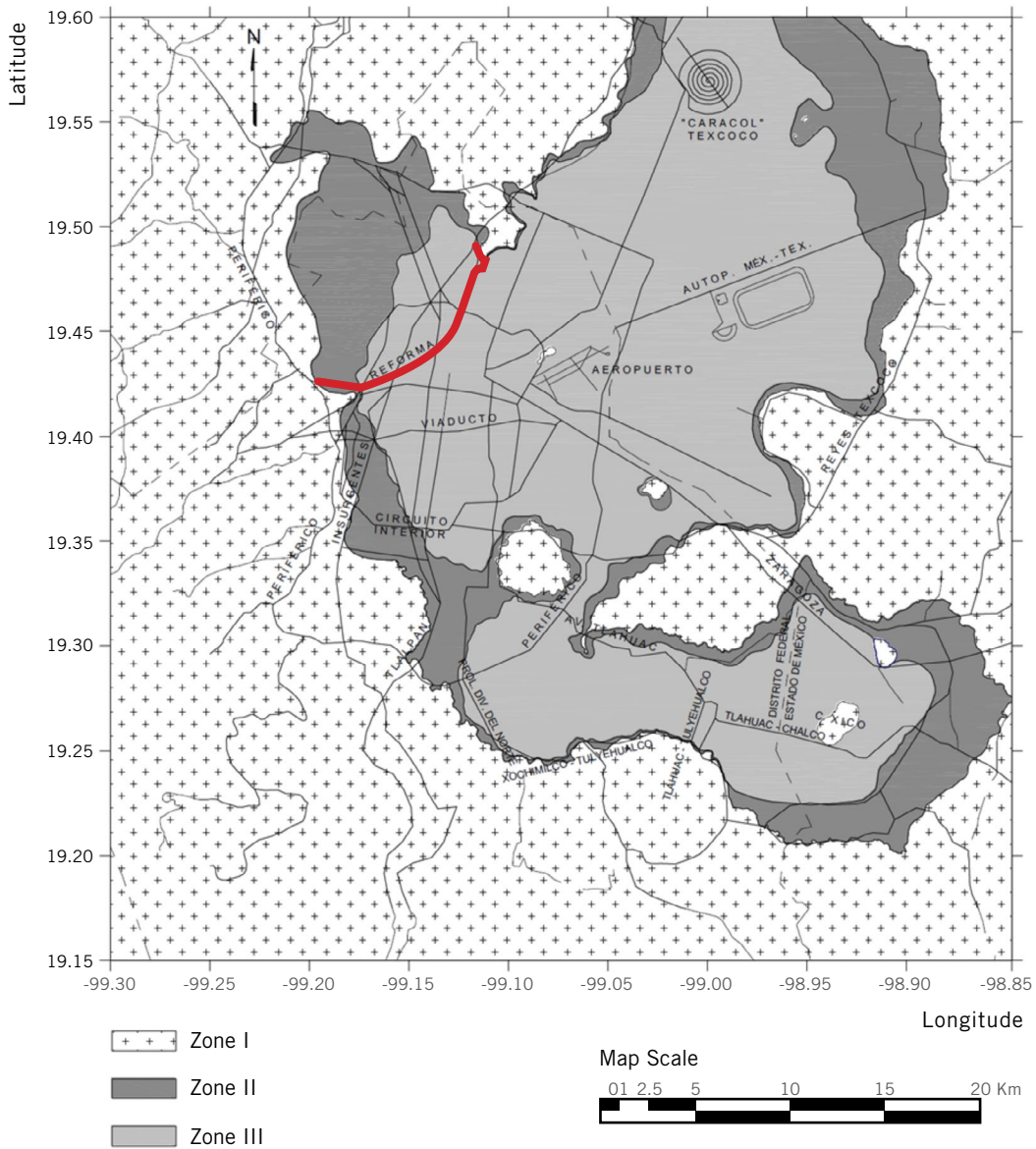
104. The specific modality of the EIS for the Metrobús Reforma project was submitted for assessment by the director of the Paving Division (*Dirección de Pavimentos*) of DGPE-Sobse. In this regard, it should be noted that the available information on the professional background of that official does not demonstrate experience with preparing environmental impact studies. In addition, the production of environmental impact studies is not one of the responsibilities of the Paving Division or of either of its two subdivisions.¹¹¹
105. Both the project developer (Sobse) and the agency responsible for approving the project (Sedema) were governmental agencies of the Federal District. In this regard, the Secretariat found no information on the mechanism to ensure the impartiality of the environmental impact assessment process.
106. The EIS for the project exhibited various deficiencies, as evidenced in the administrative decision issued by DGRA-Sedema on 20 September 2016¹¹² and as indicated below. The references to the corresponding sections of the Guidelines for Production of Environmental Impact Statements in the Specific Modality (*Lineamientos para elaborar la manifestación de impacto ambiental, modalidad específica*; hereinafter, the “Guidelines”),¹¹³ or to the legal provisions applicable to the preparation of an EIS, are given in parentheses. The following items were missing from the EIS for the project:
- i. The justification or reasoning giving rise to the work, including the economic and social benefits associated with the project (Guidelines, II.1.3).
 - ii. A clear timeline with the phases for the execution of the project (Guidelines, II.1.4).
 - iii. Related projects or ancillary works. For example, inclusion of bicycle paths, a necessary feature in that Metrobús Reforma was to run over areas then being used by cyclists.¹¹⁴ Consideration of restoring the monuments known as *misterios* that were erected in 1675 (see paragraph 64, above) and situated along the street of the same name (Guidelines, II.1.5).
 - iv. The project narrative with the following information about the site preparation and construction phase (Guidelines, II.3):
 - summary of distribution of areas, including greenspace or permeable areas to be affected, as well as volume of excavation and demolition;
 - description of expansion of Indios Verde station on Metrobús line 1;
 - clarification of whether the Hospital Infantil La Villa station on Metrobús line 6 would be used or whether another station would be built;
 - description of the impact on the median of Calzada de los Misterios, since it is shown in the attached information as falling in the middle of the lane dedicated to Metrobús;
 - clarification of the number of terminals, since the EIS has inconsistencies in this regard (it refers to five stations in some cases and six in others);
 - description of the two types of stations (“terminals” and “intermediate stations”) in the project EIS;
 - overall plan view of project indicating coordinates of the route and of greenspaces to be permanently or temporarily affected;
 - forest survey as per environmental standard NADF-001-RNAT-2015, with information about the trees to be affected by pruning, felling, and transplanting in the project area.
 - v. A description of site preparation, with indication of greenspaces or permeable areas that would be affected by the project, particularly along Calzada de los Misterios (Guidelines, II.3.2).
 - vi. The provisional works and support services necessary for each phase of the project, such as installation of portable toilets to be used during the work, corresponding to the number of workers (Guidelines, II.3.5).

- vii. Estimates of air pollutant emissions that would be generated during the site preparation, construction, and operation phases of the project; for example, the emissions generated by the machinery and equipment used during the work and also the emissions generated by the interruption of vehicle traffic (Guidelines, II.3.10).
 - viii. Estimates of waste generated during the site preparation and construction phases, with identification of type (including hazardous and specially managed waste), volume, management plan, storage place and period, transportation, and final disposal (Guidelines, II.3.9).
 - ix. Maps of the principal ecosystems, geomorphology, and hydrology nor the location of AVAs, protected natural areas, and conservation land (Guidelines, II.6.1, II.6.2, and II.6.3).
 - x. A description of the physical characteristics of the project site and its area of influence, including aspects such as climatological conditions, geomorphology and relief, soil types, and underground hydrology and drainage (Guidelines, III.2).
 - xi. An inventory of wildlife in the project area and area of influence, describing their status and information on endemic, rare, threatened, endangered, or specially protected wildlife species, taking into account that Bosque de Chapultepec and adjacent areas are areas of importance for wildlife (Guidelines, III.4.1).
 - xii. A description of protected natural areas, AVAs, or conservation lands on or adjacent to the project site explaining their current status and relationship with the project (LAPT Articles 47 paragraphs III, III bis, and IV; RIAR Articles 40 paragraphs VI and VII and 41 paragraphs II and III).
 - xiii. A detailed description of the methodology employed to identify the environmental impacts, stating and justifying the criteria used in assigning values to the interactions or impacts contemplated at each phase of the project (LAPT Article 47 paragraph V).
 - xiv. A matrix of impacts that take into account the various activities of each phase of the project and their effects on the site's natural environment and area of influence (Guidelines, IV.1).
 - xv. Description of each of the impacts identified regarding the degree or level of impact at different scales; it may be noted that the impacts must be related to the matrix of impacts developed and correspond to the various project phases (Guidelines, IV.2).
 - xvi. The project EIS proposed preventive, mitigation, restoration, and compensation measures; all that it included was the protection of trees of the species *Eucalyptus globulus* along the route of the Inner Circuit, which does not correspond to the project area (Guidelines, V).
 - xvii. A soil mechanics study since the project is located in an area of mines or unstable soils (Guidelines, II.3.1.7).
107. In addition, the technical standards applicable to the construction of works and structures in the city¹¹⁵ state that it must be determined whether the project area includes old foundations, archaeological remains, old or recent surface fill, large variations in stratigraphy, unstable or landslide-prone soils, or any other factor that could cause significant amounts of differential settlement. Added to that, the existence of cracks in the ground should have been investigated, primarily in the abrupt transition areas between zones I and III that can be seen on the map in Figure 7.
108. On 22 September 2016, notice of the aforementioned administrative decision was given to the Paving Division whereby DGRA-Sedema requested additional information on the project from DGPE-Sobse, which responded to the request with information submitted on 14 October 2016. In this regard, DGRA-Sedema, the authority responsible for approval of the project, found that the information received was insufficient to issue the AIA, and requested information a second time.¹¹⁶



109. RIAR Article 50 provides that where the EIS exhibits insufficiencies impeding the assessment of the project, the Ministry may ask the developer *one time only* to submit clarifications, rectifications, or elaborations of relevant content. In the case of the Metrobús Reforma project, the assessment authority *made a second request* for the following information in order to issue the corresponding environmental impact decision:¹¹⁷

Figure 7. Geotechnical Zoning of Mexico City



This figure may only be used to define the zone to which a given site belongs in cases of light- or medium-duty (4 t/m^2), limited-area (perimeter $< 120 \text{ m}$) construction with shallow excavation (soil removal to depth of $< 2.5 \text{ m}$).

Note: The red line indicates the route of the Metrobús Reforma project.

Source: GDF (2004), "Normas Técnicas Complementarias para Diseño y Construcción de Cimentaciones," *Gaceta Oficial del Distrito Federal*, 6 October 2004.

- i. Project narrative.
 - ii. Georeferenced satellite image of project route in UTM Zone 14N coordinates with WGS84 datum.
 - iii. Characteristics, locations, and areas of the greenspaces and gardens planned for the project.
 - iv. Overall view of project indicating greenspaces to be affected permanently or temporarily.
 - v. Project profile, with indication of stations as well as chain survey.
 - vi. Map of intermediate stations.
 - vii. Map of terminals.
 - viii. Map of complete forest survey in DWG format.
 - ix. Site preparation and construction for project.
 - x. Bicycle path and parking project, with information about maintenance.
 - xi. Estimate of air pollutant emissions generated by machinery and equipment to be used during the site preparation, construction, and operation phases of the project, further considering, as applicable, emissions generated as a result of impacts on traffic caused by temporary narrowing of the roadway while the work is being carried out in the project area and the areas of influence.
 - xii. Estimate of waste generated (including hazardous and specially managed waste) specifying type, volume, management plan, storage place and period, transportation, and final disposal.
 - xiii. Solid waste management plan taking account of the calculation of management indicators.
 - xiv. Statement of estimated urban solid waste to be generated during the development of the project, specifying type, volume, management plan, storage place and period, transportation, and final disposal.
 - xv. Description of project operation and maintenance phases.
 - xvi. Documentation of the contribution to the Federal District Public Environmental Fund (*Fondo Ambiental Público*—FAP) in an amount equivalent to 2% (two percent) of the total amount invested in the project to offset its residual negative impacts.
110. Despite repeated requests to Sobse, the Secretariat was unable to obtain proof that the required information had in fact been submitted to DGRA-Sedema (see section 2, “Scope of the factual record”). Moreover, Sedema did not include the second request for information to the project developer in the background information when issuing the approval.
111. From 9 to 16 November 2016, DGRA-Sedema staff made a series of technical survey visits to the site, during which it was observed that the work had not yet commenced; the trees in the project area, as per the forest survey submitted by DGPE-Sobse, were verified; the nonexistence of fauna along the affected section was ascertained; and it was concluded that no facts or omissions had been detected that would warrant information additional to that which had already been filed by DGPE-Sobse.¹¹⁸
112. On 30 November 2016, DGRA-Sedema issued conditional AIA for the Metrobús Reforma project.¹¹⁹ This AIA set out 62 conditions to be fulfilled, notable among them the first (condition 1.0), which made commencement of site preparation and construction work by DGPE-Sobse conditional upon filing of the required documentation—project narrative, maps of terminals, required investment, forest survey, overall view of project, solid waste management plan, and air emissions estimates for the construction, operation, and maintenance phases, among other items—and approval of this documentation.
113. In summary, the conditions of the AIA, notably condition 1.0, contained a requirement to submit the elements missing from the EIS, which DGPE-Sobse had been notified about by the administrative decision issued by DGRA-Sedema on 20 September 2016 and by the second request a little over a month later, on 27 October. Since these items and information had not been submitted for the project assessment, Sedema approved the project but made commencement of the work conditional upon correction of the omissions or deficiencies identified in the EIS.

4.3 Measures to Enforce the Conditions of the Environmental Impact Approval for the Metrobús Reforma Project

114. LAPT Article 53 provides that once the EIS for a project has been assessed, the environmental authority shall issue a decision grounded in law and fact that either grants or denies approval for the work or activity. It also provides that in all cases in which environmental impact approval is given, either as requested or with the work being made conditional upon “modifying the project or putting additional prevention and mitigation measures in place,” the authority must establish a system for monitoring compliance with the environmental impact prevention, mitigation, and compensation provisions and measures.¹²⁰
115. As mentioned earlier, the conditional AIA for the Metrobús Reforma project, issued by DGRA-Sedema on 30 November 2016, contains a total of 62 conditions for phases 1 (preparation, construction, installation) and 2 (operation, maintenance) of Metrobús Reforma. Valid throughout the useful life of the project. This administrative decision on environmental impact is effective for a period of one year regarding the construction work and activities. In addition, all the conditions set out in the AIA must be met within a given period of time.¹²¹
116. DGRA-Sedema established, as the mechanism for enforcement of the conditions in the AIA, the filing of quarterly reports during the site preparation and construction phases, as well as a final report at the conclusion of the work.¹²² The quarterly reports were to have specified the time period for each one and were to contain a description of progress on the work, the activities carried in compliance with the environmental conditions, and supporting information including documents and photographs.¹²³
117. Of the 62 conditions in the AIA, those listed in Table 3 below were decisive, either for commencement of work on the project or because they were required to have been met before the filing date of the first quarterly compliance report.

Table 3. Key Conditions of the Project AIA

Condition	Description
1.0	Project information, including narrative, total required investment, forest survey or report, overall view, emissions estimate, and approval by various authorities, among other items. ¹²⁴
1.1	Filing and compliance with a solid waste management plan. ¹²⁵
1.2	Monitoring of progress on works and activities through filing of reports. ¹²⁶
1.4	Designation of an environmental supervisor. ¹²⁷
5.0	Obligation to use recycled materials for structures such as sidewalks and curbs, with corresponding technical narrative. ¹²⁸
6.0	Narrative of plumbing facilities and how they will be used. ¹²⁹
8.0	Installation of signage to avoid affecting construction performance, adjacent lots, or street infrastructure. ¹³⁰
9.8	Coordination with the Urban Forests and Environmental Education Branch (<i>Dirección General de Bosques Urbanos y Educación Ambiental</i> —DGBUEA) for relocation of bicycle parking affected by the project. ¹³¹

4.3.1 Enforcement Measures for Condition 1.0 of the AIA

118. Condition 1.0 of the AIA contains, for the most part, information required to have been provided in the EIS pursuant to RIAR Article 41. This is information which DGRA-Sedema requested from the project developer with the administrative decision of 20 September 2016¹³² (see also paragraphs 101 and 104 of this factual record). This missing information consists of:
- i. Project narrative with details of rehabilitation of sidewalks and ancillary works.
 - ii. Georeferenced satellite image with route of project in UTM Zone 14N coordinates with WGS84 datum.
 - iii. Project profile, with indication of stations as well as chaining survey.
 - iv. Plan of intermediate stations in both plan view and cross-section, in DWG format.
 - v. Plan of terminals in both plan view and cross-section, in DWG format.
 - vi. Detailed description of project site preparation, construction, operation, and maintenance.
 - vii. Narrative of project electrical facilities.
 - viii. Total investment required for the project.
 - ix. Plan of complete forest survey in DWG format.
 - x. Forest report with characteristics specified therein.
 - xi. Narrative, locator map, and plant species selection for planters.
 - xii. Overall plan of project indicating greenspaces to be permanently or temporarily affected.
 - xiii. Solid waste management plan for environmental impact procedures.
 - xiv. Estimates of air pollutant emissions during the site preparation, construction, operation, and maintenance phases of the project, generated by the machinery and equipment to be used during the work, with consideration of the emissions generated by effects on vehicle traffic due to temporary narrowing of roadway during the work in the project area and the areas of influence.
 - xv. Bicycle path project, including maintenance of the specified areas as well as bicycle parking spaces.
 - xvi. Documentation of the contribution to the FAP in an amount equivalent to 2% (two percent) of the total amount invested in the project.
119. The first document obtained by the Secretariat in relation to enforcement of condition 1.0 of the AIA dates from 21 March 2017, when Public Works Construction Division “B” (*Dirección de Construcción de Obras Públicas “B”*) of Sobse (hereinafter, DCOP“B”-Sobse) submitted information intended to meet the requirements of that condition, which was a prerequisite to commencement of the site preparation and construction work.¹³³
120. On 25 April 2017, by means of an administrative decision (hereinafter, “decision no. DGRA/4234”) exhibiting the documentation submitted by the developer in compliance with condition 1.0 of the environmental impact decision, DGRA-Sedema found that the information submitted by DCOP“B”-Sobse for compliance with the condition was insufficient and found that site preparation and construction could not begin until the following deficiencies and inconsistencies found in the EIS were rectified:¹³⁴
- i. The narrative indicates impacts on greenspace, but the area of greenspace to be permanently affected is not quantified.
 - ii. The narrative indicates impacts on 25 m² of greenspace for construction of a regulator station at the Cuicláhuac traffic circle; however, the area impacted on the plan is 42.25m², and approval has not been obtained from the Ministry of Urban Development (*Secretaría de Desarrollo Urbano*) or other competent authorities.

- iii. The project narrative indicates that the project will include planters, but other documents produced by the developer state the contrary: “we hereby notify you that the project does not include planters.”¹³⁵
 - iv. The impact on Winston Churchill park can be detected on the sketches titled “Bahía Metrobus” and “Bahía para transporte del Estado de México,” but it is not included in the forest survey. This contradicts the developer’s statement: “Two plans are attached ... demonstrating that there will be no impact on Winston Churchill park.”¹³⁶
 - v. The plan for the rehabilitation of the sidewalks located on the east and west sides of Calzada de los Misterios and along the Indios Verdes section was not submitted.¹³⁷
121. DGRA-Sedema also pointed out that:¹³⁸
- i. It was not stated whether the trees and greenspace at the Indios Verdes station would be affected by the geometric modifications, which were also not quantified. Similar cases were identified with respect to the Fuente de Petróleos and Hospital Infantil La Villa stations.
 - ii. A complete estimate of air emissions was not submitted, and the study of the preparation and construction phases was not performed. Information was not submitted on the operation and maintenance phases because the developer requested an extension.
 - iii. It was stated that the water from the sinks at the terminals would drain directly into the municipal sewer; however, the EIS had indicated that it would be reused in the toilets.
 - iv. It was stated that there was no budget for construction and maintenance of the bicycle path.
122. On another note, Sedema noted inconsistencies between the footprint stated during the environmental impact assessment process (3,904.52 m²)¹³⁹ and the one stated in the documentation of 21 March 2017, which indicates a footprint of 4,462.86 m². This in turn does not coincide with the footprint observed on the attached plans (3,983.27 m²).¹⁴⁰
123. Sedema granted DCOP“B”-Sobse a period of five days in which to respond to the inconsistencies noted by the authority; however, it did authorize commencement of the work for replacement of the road surface along the section between Indios Verdes and Eje 2 and also for installation of station platforms, with the exception of those located in the Bosque de Chapultepec AVA.¹⁴¹
124. On 6 June 2017, Sedema granted an additional period of 15 working days for Sobse to gather and submit the items necessary for compliance with conditions 1.0 and 1.4.¹⁴²
125. On 28 June 2017, DCOP“B”-Sobse submitted documentation whereby it claimed to have demonstrated compliance with the requirements of conditions 1.0, 1.2, 1.4, and 2.0 of the AIA:¹⁴³ the construction and demolition waste management plan; the description of the Cuitláhuac station and documents relating to custody of that building; the spreadsheet for estimation of emissions from the site preparation, construction, and operation phases of the project, and information relating to soil mechanics (location of soundings and stratigraphy of boreholes).
126. After analyzing the information submitted on 28 June, Sedema concluded that the documentation provided by DCOP“B”-Sobse to demonstrate compliance with condition 1.0 of the AIA was sufficient to reach a finding that it was permissible to allow continuation of the site preparation and construction phase of the project.¹⁴⁴
127. Despite Sedema greenlighting work on the project, it is important to review several central aspects of condition 1.0, discussed below, because they are considered relevant as to the effective enforcement of the law in relation to the Metrobús Reforma project.

A. Enforcement Measures Relating to Impacts on Trees

128. According to the information in the inventory attached to the response submitted by Sobse in October 2016¹⁴⁵ to the first additional request for information,¹⁴⁶ it was estimated that there would be impacts on 640 trees and 49 stumps. Subsequently, Sobse submitted a forest survey to obtain approval for impacts on 468 tree specimens, including 23 stumps.¹⁴⁷ It also submitted a technical report on three Montezuma bald cypresses (*Taxodium mucronatum*) along with a recommendation that they be felled.¹⁴⁸
129. The Secretariat observes that 345 of the 468 trees listed in the inventory are located along Calzada de los Misterios, either in planters on the sidewalks (30) or on the median strip (315). Nearly 90 affected trees were catalogued as having a further life expectancy of over 20 years. In addition, of the 468 trees inventoried, 17 would be affected by pruning, 5 were considered viable for transplanting, and the remainder would be felled.
130. Condition 1.1 of the AIA authorized the commencement of activities that would not affect standing urban trees; specifically, the construction of the confined lane and the intermediate safe crossings along the section from Eje 2 Norte to Fuente de Petróleos, as well as maintenance of the road surface and installation of traffic lights and signage along the section from Indios Verdes to Fuente de Petróleos.
131. For compliance with condition 1.1, on 30 January 2017, DGPE-Sobse informed DGRA-Sedema that it was planning to “intervene” (i.e., carry out maintenance on the asphalt surface and build the confined lane) on the section from Eje 2 Norte to Avenida Hidalgo along Paseo de la Reforma in both directions,¹⁴⁹ while, with the intention of complying with condition 1.2, Sobse gave notice that it would adhere to the project construction period as per the contract, from 1 December 2016 to 15 October 2017.
132. On 25 April 2017, Sedema approved impacts on trees as indicated in Table 4 of this factual record.¹⁵⁰
133. The compensation measures set out in paragraphs a) and b) were ratified by Sedema several days later,¹⁵¹ after Sobse filed objections in relation to the amounts to be contributed.¹⁵²

Table 4. Approval of Impacts on Trees

Section	No. of trees/Condition	Approved action	Mitigation or compensation measure
a	56 / good condition	Felling	New planting of 280 trees, 5–6 m
a	2 / standing dead	Felling	New planting of 2 trees, 3 m
a	3 Montezuma bald cypresses	Felling	New planting of 12 Montezuma bald cypresses, 5 m
b	302 / in declining condition	Felling	Contribution of \$15,598,272.23 to FAP
c	12 jacarandas	Pruning	Less than ¼ the volume of their foliage
d	23 stumps	Removal	
e	5 trees and 3 palms	Transplanting	

Note: For the replacement prescribed by paragraph a), it was required that a reforestation, landscape architecture, and maintenance plan for the project area be submitted within a period of 30 working days, considering a maintenance period of at least two years. Concerning the monetary contribution established in paragraph b), proof of this was to be provided within 30 working days. In the case of paragraph c), a photographic record of the condition of the trees *before and after* pruning was required.

B. Contributions to the Public Environmental Fund of the Federal District

134. Condition 1.0 of the AIA calls for a contribution equivalent to 2% of the total amount invested in the project for compensation for its synergistic and residual impacts. To fulfill this requirement, Sobse proposed to make the total payment in four nearly equal installments.¹⁵³ Sedema, for its part, stated its approval of Sobse's proposal on 25 April 2017 by means of decision no. DGRA/4234.¹⁵⁴ Table 5 provides the corresponding amounts and dates of these payments to the FAP.

Table 5 Schedule of Installments to Cover the 2% Contribution to the FAP (for the Synergistic and Residual Impacts of the Project)

No.	Amount	Date agreed	Date of payment	Notice of payment
1	\$ 4,736,685.48	13 April 2017	17 April 2017	CDMX/SOBSE/DGOP/DCOP"B"/17-04-17-004
2	\$ 4,736,685.48	16 May 2017	16 May 2017	CDMX/SOBSE/DGOP/DCOP"B"/17-05-16-010
3	\$ 4,736,685.49	14 June 2017	8 November 2017	CDMX/SOBSE/DGOP/DCOP"B"/17-11-09/010
4	\$ 4,736,685.49	13 July 2017	22 January 2018	CDMX/SOBSE/DGOP/DCOP"B"/18-01-24/002

135. In addition to the contribution to the FAP for the synergistic and residual impacts of the project in four installments for a total of \$18,946,741.94, as shown in Table 5, Sedema required payment of \$15,598,272.23 as environmental compensation for the felling of 302 trees.¹⁵⁵
136. On 20 June 2017, Sobse submitted to Sedema a list indicating the synergistic and residual environmental impacts of the project that would be covered by the 2% contribution to the FAP, as well as the itemized monetary value of each one.¹⁵⁶ DCOP"B"-Sobse claimed that environmental compensation for the felling of the 302 trees for the construction of the project would be covered by the 2% contribution. Sedema rejected this claim three months later, on 18 September 2017, in a document¹⁵⁷ in which it again established a new deadline for the developer to submit the reforestation, landscape architectural, and maintenance plan already required under Decision DGRA/4234. In addition, it gave Sobse an opportunity to respond regarding compensation for the felling of 302 trees and in relation to the third installment corresponding to the 2% contribution to the FAP.¹⁵⁸
137. According to the investigation file prepared by the PAOT,¹⁵⁹ as of 20 February 2018, only 131 of the 363 approved trees had been felled. Although it is worth noting that on 20 June 2017, staff of the Environmental Protection Studies and Reports Division (*Dirección de Estudios y Dictámenes de Protección Ambiental*) of the Animal Protection and Welfare Branch (*Subprocuraduría Ambiental de Protección y Bienestar a los Animales*) of the PAOT had counted six (6) more felled trees than those counted by DGRA-Sedema (i.e., 137 of the 363 approved trees).
138. On two occasions, that branch of the PAOT asked DCOP"B"-Sobse to report the number of trees to be restored and the sites where they would be planted, but did not receive a response until late November 2018.¹⁶⁰
139. It is important to note that the information provided to the Secretariat does not identify any proof of payment of environmental compensation deriving from the felling of the trees, in the spirit of Decision DGRA/4234.

C. Air Emissions and Waste Management

140. The operating agency of the Mexico City Metrobús system submitted its estimates of air pollutant emissions for the site preparation, construction, and operation phases of the Metrobús Reforma project¹⁶¹ to Sedema.¹⁶² There are inconsistencies in the values submitted. For example, the greenhouse gas emissions estimates given in the document are 10,757 tCO₂-eq/year, while the summary table attached to the same document gives the number 15,119 tCO₂-eq/year. Furthermore, neither the methodology nor the spreadsheet used to produce the estimate is presented.¹⁶³
141. As to management of the waste to be generated during the execution of the project, condition 1.0 established the submission of a solid waste management plan as a requirement for proceeding with construction on the Eje 2 Norte to Fuente de Petróleos section.
142. On 4–5 May 2017, Sobse submitted information on the waste management plan.¹⁶⁴ Sedema analyzed the information submitted and presented its analysis in a document dated 19 May 2017.¹⁶⁵ While Sedema acknowledged receipt of several documents submitted by Sobse, information was still missing regarding what was required by condition 1.0 of the AIA, and a new compliance deadline was therefore granted. It should be noted that Sobse stated that the work commenced on 1 December 2016, even while the construction and demolition waste management plan and the spreadsheet of emissions generated during the site preparation and construction phases were still outstanding. Also pending were the bicycle path project and the clarification of whether or not the project included planters.

D. Other Measures for Enforcement of Condition 1.0

143. On 23 June 2017, DGRA-Sedema received a document from Sobse containing information claiming to comply with the requirements of condition 1.0 regarding approval by the National Institute of Fine Arts and Literature (*Instituto Nacional de las Bellas Artes y Literatura*—INBAL), the National Institute of Anthropology and History (*Instituto Nacional de Antropología e Historia*—INAH), the Mexico City Ministry of Urban Development and Housing (*Secretaría de Desarrollo Urbano y Vivienda*—Seduvi), and the Urban Forests and Environmental Education Branch (*Dirección General de Bosques Urbanos y Educación Ambiental*—DGBUEA) of Sedema. The document also requested approval to fell some trees that would be affected by the construction of the project.¹⁶⁶
144. On 7 July 2017, DGRA-Sedema acknowledged receipt of the approval documents and technical report from INAH and Seduvi, respectively, favorable to execution of the project. The opinion from INBAL remained pending (within a period of five days) in order to inform DGRA-Sedema of the protection and conservation measures for historical and artistic assets along the route and for the infrastructure in El Mexicanito park (15 days).¹⁶⁷
- 4.3.2 Commencement of Work on the Metrobús Reforma Project
145. The Secretariat was unable to determine the date when the Metrobus Reforma project started as several dates are mentioned in documents publicly available. DGPE-Sobse reported on 30 January 2017 that it would adhere to the project construction period stipulated in the contract, with 1 December 2016 as the commencement date for the work and that it would comply with the conditions set in the AIA, including condition 1.2 to give 5 working days notice of commencement of work on the project.¹⁶⁸ However, on 21 March 2017, DCOP“B”-Sobse clarified that the work had actually begun on 30 January 2017. In a press release dated 23 January 2017,¹⁶⁹ Sobse reported that various work was underway, including excavation of areas along Avenida Reforma, and that at the same time work had begun on replacing the asphalt surface from Fuente de Petróleos to Santa Fe (see next section on work complementary to the project).¹⁷⁰

146. In this January 2017 press release, Sobse informed the public that construction on the Metrobús line 7 corridor had commenced on 1 December 2016, and that the topographical survey, the protection and confinement of work areas, various ancillary works, and the installation of traffic lights at various points along the corridor were in progress. For example, on the date of the press release, collaborative work was already being done with the Mexico City Water System (*Sistema de Aguas de la Ciudad de México—Sacmex*) to reinforce the water and sewer systems.
147. Another document indicating that the work commenced prior to 30 January 2017 is a construction and demolition waste delivery, transportation, and receipt manifest noting the generation of 1,527 m³ of type-C waste (from asphalt concrete milling) in the period from 16 December 2016 to 16 January 2017. This manifest was acknowledged as received but was not approved by DGRA-Sedema precisely due to this discrepancy in the commencement date of the work.¹⁷¹
148. It should be noted that condition 1.2 of the AIA established a period of 5 working days in which to give notice of commencement of work on the project. In addition, that condition was also required to be met with respect to the complementary works contemplated in section 4.3.4 (i.e., asphalt resurfacing along the Fuente de Petróleos-Santa Fe section).
149. The documentation submitted by Sobse to Sedema on 30 January 2017¹⁷² does not contain additional information seeking to achieve full compliance with condition 1.0 of the AIA. The Secretariat was unable to identify any additional information that might substantiate compliance to date with that condition for the purpose of permitting commencement of the work.

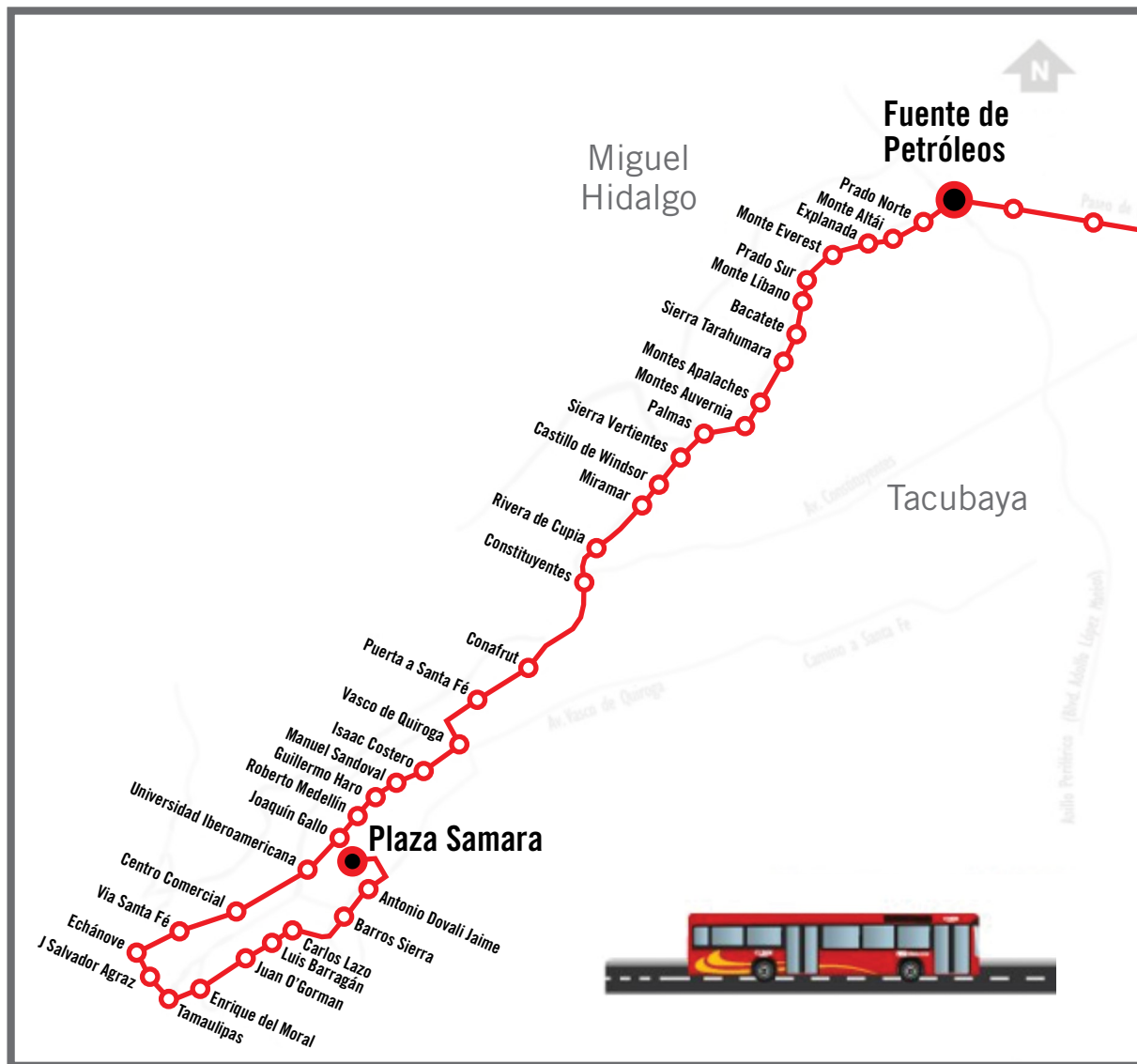
4.3.3 Enforcement Measures for Condition 1.2 (Quarterly Reports)

150. Concerning the quarterly compliance reports established as a requirement in condition 1.2, four quarterly reports should have been submitted, as well as a final report, in order to fully comply with this condition as regards phase 1 of the project (preparation, construction, installation).
151. On 21 March 2017, the director of DCOP“B”-Sobse informed DGRA-Sedema that it would substitute DGPE-Sobse in following up on compliance with the AIA conditions,¹⁷³ in accordance with the assignment received in early February 2017.¹⁷⁴
152. On 18 August 2017, DCOP“B”-Sobse submitted the first progress report on works and activities, covering 30 January to 30 July 2017, a period of six months.¹⁷⁵ In this regard, DGRA-Sedema ruled that it would allow, for one time only, the submission of a semiannual report instead of the quarterly report required by condition 1.2 of the AIA. In this first compliance report, DCOP“B”-Sobse reported and recorded compliance with 49 of the 62 conditions in the AIA.¹⁷⁶
153. Condition 1.0 should have been complied with prior to commencement of work on the project, while conditions 1.1, 1.4, 5.0, 6.0, 8.0, and 9.8 should have been complied with as of the submission date of the first report (three months after commencement of the work), given that the environmental impact decision had established specific terms of compliance. Nevertheless, conditions 1.1 and 5.0 are not mentioned in the first compliance report (submitted six months after commencement of the work).
154. On 17 November 2017, DCOP“B”-Sobse submitted a second report, this one quarterly (August-October 2017) on compliance with the conditions, presenting follow-up on the project activities in relation to 51 conditions.¹⁷⁷ In this regard, DGRA-Sedema did not certify compliance with the conditions and required DCOP“B”-Sobse to continue reporting on progress and compliance in subsequent reports.¹⁷⁸

155. On 26 April 2018, DCOP“B”-Sobse submitted the third quarterly report of compliance with the conditions (November 2017-January 2018), discussing progress on 48 conditions.¹⁷⁹ In response to the report, on 23 October 2018, DGRA-Sedema certified compliance with conditions 1.5, 6.3, 9.1, and 9.8, requiring DCOP“B”-Sobse to submit a final report on compliance with the remaining 58 conditions within a period of 10 working days.¹⁸⁰
 156. On 14 November 2018, DCOP“B”-Sobse extemporaneously submitted the final report to DGRA-Sedema on compliance with conditions 1.0 to 13.0.¹⁸¹ It should be noted that phase 2 (operation and maintenance) did not include a monitoring mechanism based on periodic compliance reports.
 157. The documentation provided by Sedema does not contain any document that includes a finding to the effect that the Metrobús Reforma project had complied with all the conditions of the AIA or that all the work on the project had been completed. This is in accordance with the sixth paragraph of the AIA,¹⁸² which stipulates that once the work is completed, a request was to have been made to DGRA-Sedema through the environmental supervisor for an administrative decision certifying total compliance with all the conditions. The Secretariat requested this information from Sobse and Sedema without receiving any response.
 158. Following the final report, the only existing documentation of monitoring of compliance with the conditions is a document dated 30 January 2019 that refers to the lack of an environmental supervisor since 2017, in violation of condition 1.4 of the AIA.¹⁸³
- 4.3.4 Incorporation of Other Projects Associated with the Metrobús Reforma Project
159. On 2 December 2016, one day after the AIA was issued, DGPE-Sobse asked DGRA-Sedema to include in the AIA the work necessary to replace the asphalt surface along the 18.5 km section between Fuente de Petróleos and Santa Fe.¹⁸⁴ These works are located outside the area included in the EIS for the original project; their extent is considerably longer than in the original project (18.5 km vs. 15 km). These works had been included in the call for tenders on the Metrobús Reforma project,¹⁸⁵ but were not included in the EIS, since, as the developer stated, the project was “comprehensive,” meaning that in addition to the executive project, it included other ancillary and complementary work, such as the 18.5 km section presented below.¹⁸⁶
 160. Sobse based its request on the ninth paragraph of the AIA, which states:

where there is an intention to make modifications, replace equipment and/or facilities, expand, or carry out remodeling of the project, the DGRA must be consulted in advance so that it may, within the scope of its jurisdiction, determine the appropriate course of action.¹⁸⁷
 161. On 14 December 2016, Sedema issued a decision incorporating Sobse’s request for modification into the Metrobús Reforma project file.¹⁸⁸ Sedema’s decision essentially established a compliance monitoring system for the file¹⁸⁹ and found that documents resulting from compliance with the conditions of the AIA and from inspection and surveillance conducted by Sedema should be incorporated into the file.¹⁹⁰
 162. In addition, Sedema concluded that rehabilitation of the 18.5 km section consisted of complementary work to the Metrobús Reforma project and decided to issue approval subject to the conditions of the AIA (with the exception of condition 1.0).¹⁹¹ Sedema based its ruling on RIAR Article 55 paragraph III, which provides for the possibility of making modifications to a project after environmental impact approval is granted.¹⁹² It should be noted that RIAR Article 55 does not allow for “expanding or carrying out activities to remodel the project.”

Figure 8. Extension of Project from Fuente de Petr6leos to Santa Fe



Source: Mexico City Government, at <<https://bit.ly/3OA0qt2>>.

5. Ongoing Commitment to Transparency

163. Factual records provide detailed information regarding asserted failures to effectively enforce environmental laws in Canada, Mexico or the United States that may assist submitters, the Parties, and other interested members of the public in following up on the matters addressed. This factual record draws no conclusions regarding Mexico's alleged failures to effectively enforce its environmental law, as asserted by the Submitters, nor does it draw conclusions regarding the effectiveness of the Party's enforcement efforts.
164. In accordance with NAAEC Article 15(3), this factual record was produced "without prejudice to any subsequent measures that may be adopted" in regard to submission SEM-18-002 (*Metrobús Reforma*).
165. In 2014, the CEC Council issued instructions for the NAAEC Parties to provide annual updates on the measures taken in relation to submissions closed during the previous year (including those for which a factual record was prepared):¹⁹³

This year, we implemented a new reporting approach for submissions on enforcement matters (SEM) as part of our continued commitment to transparency and to the SEM modernization process. Following a proposal by the Joint Public Advisory Committee, each country provided an update on actions taken in connection with submissions concluded in the past year.

166. To facilitate follow-up by the public or the competent authorities of México, this factual record provides relevant information on the matters raised in submission SEM-18-002 (*Metrobús Reforma*), as instructed by the CEC Council in its Resolution 20-05.

Endnotes

1. North American Agreement on Environmental Cooperation, published in the Official Gazette of the Federation (*Diario Oficial de la Federación*—DOF) on 21 December 1993.
2. For detailed information on the various stages of the process, as well as the Secretariat's determinations and factual records, please visit the submissions on enforcement matters page of the CEC website at <<http://www.cec.org/submissions-on-enforcement/>>.
3. SEM-18-002 (*Metrobús Reforma*), NAAEC Article 14(1) Submission (2 February 2018), online at <<https://bit.ly/3OR4CWW>> [Submission].
4. On two occasions, the Secretariat requested corrections of minor errors of form pursuant to paragraph 3.10 of the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation*. The Submitters made the relevant corrections and filed revised versions of the submission on 2 February and 3 April 2018.
5. SEM-18-002 (*Metrobús Reforma*), NAAEC Article 14(1) and (2) Determination (1 May 2018), online at <<https://bit.ly/3KE6Qp2>>.
6. SEM-18-002 (*Metrobús Reforma*), NAAEC Article 14(3) Response of Mexico (26 July 2018), online at <<https://bit.ly/3ya0H1B>> [Response].
7. SEM-18-002 (*Metrobús Reforma*), Article 15(1) Notification (17 December 2018), at <<https://bit.ly/3OVb67e>> [Notification].
8. SEM-18-002 (*Metrobús Reforma*), Council Resolution 20-05 (18 December 2020), online at <<https://bit.ly/3LF5coJ>> [Council Resolution].
9. SEM-18-002 (*Metrobús Reforma*), Reasons for Council Instructions Regarding Submission SEM-18-002 (18 December 2020), online at <<https://bit.ly/3LTQM4l>>.
10. *Ibid.*
11. *Ibid.*
12. CEC Secretariat, doc. no. A14/SEM/18-002/51/REQ (12 January 2021).
13. CEC Secretariat, doc. no. A14/SEM/18-002/54/REQ (9 April 2021).
14. DGEIRA-Sedema, file no. SEDEMA/DGEIRA/SAJAO/01917/2021 (15 April 2021).
15. UCAJ, file no. 112/500 (20 April 2021).
16. Minutes of meeting held 18 August 2021 with representatives of the CEC Secretariat, Sedema, and Sobse.
17. NAAEC Article 21(1): "On request of the Council or the Secretariat, each Party shall, in accordance with its law, provide such information as the Council or the Secretariat may require, including:
 - a) promptly making available any information in its possession required for the preparation of a report or factual record, including compliance and enforcement data..."
18. National Transparency Platform (*Plataforma Nacional de Transparencia*—PNT), online at <www.plataformadetransparencia.org.mx/>.
19. CEC Secretariat, *Aide memoire*, General Standing Committee session (23 March 2022).
20. CEC Secretariat, *Status of Metrobus Reforma* (email, 24 March 2022).
21. While access to various plans of the preliminary project in Autocad were obtained, including the plan view of several stations, all were produced in 2014 and the existence of updated versions thereof could not be confirmed. In addition, these plans were incomplete.
22. *Cfr.* LAPT, Articles 44 y 46 and RIAR, Article 6.
23. *Cfr.* LAPT, Article 44.
24. C. Paquette (2008), "El Metrobús en el contexto de la redensificación urbana: implicaciones y oportunidades," in C.E. Salazar and J.L. Lezama, eds., *Construir ciudad: un análisis multidimensional para los corredores de transporte en la Ciudad de México*, El Colegio de México, at 195.
25. *Ibid.* at 201.
26. *Ibid.* at 200–1.
27. S.A. Flores Peña, ed. (2011), *Programa de ordenación de la zona metropolitana del valle de México: actualización 2011*, Fondo Metropolitano del Valle de México, Programa Universitario de Estudios sobre la Ciudad, at 120.
28. C. Paquette (2008), at 202.
29. E. Gómez Mata and D. Rosas Chavarria (2018), "Ciudad compacta, ciudad difusa: políticas de redensificación en México," in *Perspectivas teóricas, globalización e intervenciones públicas para el desarrollo regional*, Universidad Nacional Autónoma de México and Asociación Mexicana de Ciencias para el Desarrollo Regional A.C., at 322.
30. UN-Habitat (1996), *Habitat Agenda*, Article 113, and UN-Habitat (2017), *New Urban Agenda*, Articles 51, 52, and 69.
31. C. Paquette (2008), at 203.
32. This fact is documented by several studies. See, e.g., A. Pineda Chávez *et al.* (2016), "Proceso de urbanización y asentamientos irregulares en el municipio de Ecatepec de Morelos, 1970–2015," paper given at XXI Encuentro Nacional sobre Desarrollo Regional en México, held in Mérida, Yucatán from 15–18 November 2016, online at <<https://bit.ly/3RWUr4s>>; J.L. Escobar Delgadillo and J.S. Jiménez Rivera (2009), "Urbanismo y sustentabilidad: estado actual del desarrollo urbano de la ZMVM," *Revista Digital Universitaria*, UNAM, vol. 10, no. 7, online at <<https://bit.ly/3yjZgO1>>; V. Mugica Álvarez *et al.* (2010), "Evaluación y seguimiento del programa para mejorar la calidad del aire en la zona metropolitana del valle de México 2002–2010," Universidad Autónoma Metropolitana-Azcapotzalco, at 34–5, online at <<https://bit.ly/37ohJxP>>.

33. E. Gómez Mata and D. Rosas Chavarría (2018), at 330.
34. *Ibid.* at 322.
35. C.E. Salazar and J.L. Lezama (2008), *Construir ciudad: un análisis multidimensional para los corredores de transporte en la Ciudad de México*, El Colegio de México, at 25.
36. R. Llanos and G. Romero (2007), “Anuncian el fin del bando 2 en las 4 delegaciones centrales,” *La Jornada*, 8 February 2007. See also PAOT (2014), *Uso del suelo en el Distrito Federal: elementos básicos*, at 114.
37. ALDF (2007), *Diario de los debates de la ALDF*, IV Legislatura, 12 September 2007.
38. ALDF (2007), *Comisiones Unidas de Vivienda y de Desarrollo e Infraestructura Urbana (reunión de trabajo)*, parliamentary stenography, IV Legislatura, 27 August 2007.
39. ALDF (2007), *Diario de los debates de la ALDF*, IV Legislatura, 18 October 2007.
40. See, e.g., DOF (1997), *Programa delegacional de desarrollo urbano de Miguel Hidalgo*, paragraph 4.5.1, and *Programa delegacional de desarrollo urbano de Cuajimalpa de Morelos*, paragraph 4.5.1.
41. M.J.L. Rodríguez Luna (2017), *Política de zonificación inclusiva para la construcción de vivienda asequible en la Ciudad de México: el caso de la norma de ordenación general número 26*, dissertation, Centro de Investigación y Docencia Económica, at 31.
42. *Ibid.* at 34.
43. See, e.g., R. Pascoe Pierce (2018), “En el filo,” *Excélsior*, opinion column, 2 April 2018.
44. CDMX-Metrobús, “Nueva línea: Circuito Interior,” Gobierno de Mexico City, online at <www.metrobus.cdmx.gob.mx/circuito>.
45. CDMX-Metrobús, “Nuestra flota,” at <https://bit.ly/3Mey07s>.
46. CDMX-Metrobús, “Metrobús y el plan de acciones inmediatas de atención a la violencia contra las mujeres,” at <https://bit.ly/3OINbNM>.
47. CDMX-Metrobús, “Movilidad como un derecho,” at <https://bit.ly/3xDcEfK>.
48. CDMX-Metrobús, “Inicia pruebas operativas el Metrobús eléctrico,” at <https://bit.ly/3rBfgXX>.
49. CDMX-Metrobús, “Fichas técnicas,” at <www.metrobus.cdmx.gob.mx/dependencia/acerca-de/fichas-tecnicas> (viewed 23 August 2021). Demand (expressed as passengers per day) on Line 7 is estimated. See CDMX-Metrobús (2017), *Línea 7 Metrobús Reforma: proyecto conceptual*, 3 March 2017, at 47; online at <https://bit.ly/3vrMzxy>.
50. H. Suzuki *et al.* (2014), *Transformando las ciudades con el transporte público*, World Bank, at 3, 7, and 8; J.S. Orozco and F.A. Arenas (2013), “Aproximación al desarrollo de un sistema de transporte masivo a través de la dinámica de sistemas,” *Revista S&T* (Universidad ICESI) 11(24): 92.
51. J.A. Allen Monge (2011), *TransMilenio Bogotá – Colombia (BRT)*, *Boletín Técnico PITRA* 2(22), October 2011, Programa de Infraestructura del Transporte, LanammeUCR, Universidad de Costa Rica; online at <https://bit.ly/3xxW9BM>.
52. F. de A. Rosa (2018), *Principios, instrumentos y evolución del sistema de planeamiento urbanístico y ambiental de Curitiba (1965-2004)*, PhD diss., Universitat Politècnica de Catalunya, Barcelona, at 299.
53. CTS México (2008), “Acerca del CTS México,” at <https://bit.ly/392bFf0>; WRI (2015), “Mexico City’s Metrobús celebrates 10 years of service,” World Resources Institute, Ross Center for Sustainable Cities, at <https://bit.ly/3L9ft2>.
54. The General Urban Development Plan for the Federal District (*Programa General de Desarrollo Urbano del Distrito Federal*; GDF (2003), *Decreto por el que se aprueba el Programa General de Desarrollo Urbano del Distrito Federal*, published in the Official Gazette of the Federal District on 31 December 2003, at 114) states that as part of the urban development strategies, impetus would be given to the development of 33 strategic transit corridors using advanced, non-polluting technology. The Comprehensive Transportation and Roads Plan (*Programa Integral de Transporte y Vialidad 2001-2006* (GDF, 2002, *Acuerdo por el que se ordena la publicación del Programa Integral de Transporte y Vialidad 2001-2006*, published in the Official Gazette of the Federal District on 5 November 2002, at 45) establishes that in the period 2002–2006, five strategic mass transit corridors would be implemented with preferential infrastructure and equipment for the units in service; sufficient financial resources to initiate the studies for a pilot corridor in the year 2002, and to develop the corresponding studies and definitive projects in the year 2003, would be available from the World Environment Fund (WEF), the World Bank, and the Shell Foundation.
55. Semovi (2016), *Declaratoria de necesidad para la prestación del servicio de transporte público colectivo de pasajeros en el corredor “Metrobús Reforma,”* published in the Official Gazette of Mexico City (*Gaceta Oficial de la Ciudad de México*) on 21 June 2016, at 6, online at <https://bit.ly/3sd46Je>.
56. Mexico City Mobility Act, Articles 74–5.
57. Setravi (2004), *Declaratoria de necesidad para la prestación del servicio público de transporte de pasajeros en el corredor de transporte público de pasajeros “Metrobús Insurgentes,”* published in the Official Gazette of the Federal District on 12 November 2004, at 33–5.
58. PAOT (2008), *Segundo informe PAOT*, at 12.
59. On 20 January 2010, representatives of the PAOT, the borough of Cuauhtémoc, and other agencies of Sedema agreed to refrain from felling further trees until all institutions involved obtained approval of the environmental impact statement and a tree inventory in relation to the Metrobús Line 3 project. This demonstrates that the institutions involved had not officially received the environmental impact decision issued on 18 December 2009. See PAOT (2012), *Resolución administrativa, folio núm. PAOT-05-300/200-1390-2012. II.8.3*, at 120.
60. *Ibid.*

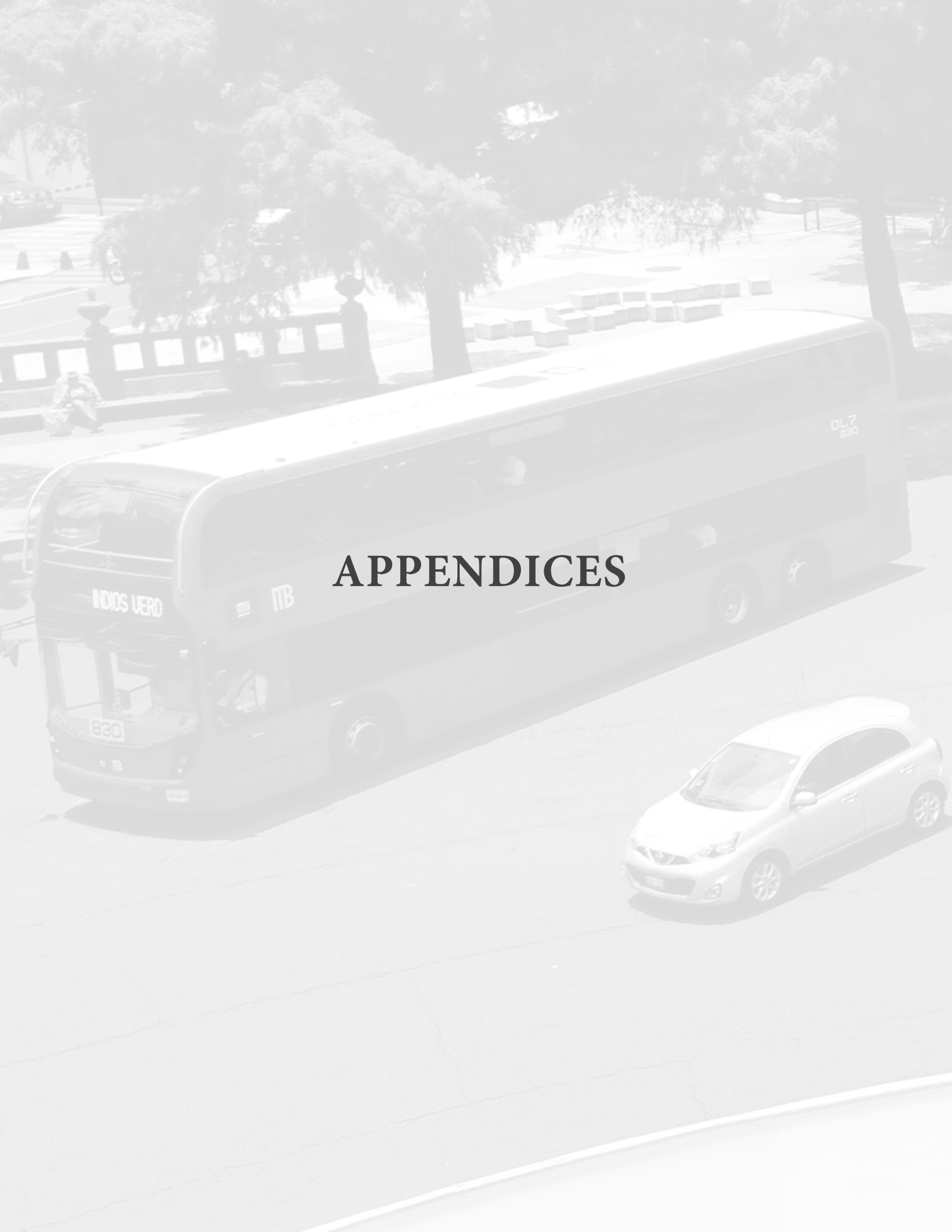
61. Sobse (2010), *Acta de fallo: Licitación Pública Nacional* núm. SOS/DGA/LPN/PPS-30001044-001-09, 26 January 2010, at 3–6.
62. Sobse (2010), “V.9.3 Propuesta económica” for national call for tender no. SOS/DGA/LPN/PPS-30001044-001-09, in *Memoria institucional: línea 3 del Metrobús Tenayuca – Etiópia*, 7 January 2010, at 9, 66.
63. Semovi (2015), *Aviso por el que se aprueba el corredor de transporte público colectivo de pasajeros “Metrobús Reforma” y se establecen las condiciones generales para su operación*, published in the Official Gazette of the Federal District on 29 June 2015, at 92–8.
64. Setravi (2004), *Aviso por el que se aprueba el establecimiento del sistema de transporte público denominado “Corredores de Transporte Público de Pasajeros del Distrito Federal,”* published in the Official Gazette of the Federal District on 24 September 2004, at 33–4.
65. Semovi (2015), *Aviso por el que se aprueba el Corredor de Transporte Público Colectivo de Pasajeros “Metrobús Reforma” y se establecen las condiciones generales para su operación*, published in the Official Gazette of the Federal District on 29 June 2015, at 92–8.
66. GCDMX, *Expediente técnico Paseo de la Reforma*, Historical, Artistic, and Cultural Heritage Branch, Ministry of Culture of Mexico City, online at <<https://bit.ly/3PS9iLX>>.
67. *Ibid.*
68. C.A. Cruz Guerrero (2015), “Regeneración urbana Calzada de los Misterios: peregrinando hacia un futuro mejor,” bachelor’s thesis, Instituto Politécnico Nacional (IPN), at 37–8.
69. D. Chargoy Ruiz (2020), “Evolución urbana de la Villa de Guadalupe durante los siglos XVIII a XX,” *Historias*, Journal of the Division of Historical Studies (*Dirección de Estudios Históricos*) of INAH, no. 102, January–April 2019, at 25–43 (28–30 in particular), online at <<https://bit.ly/3onGzml>>.
70. C.A. Cruz Guerrero (2015), at 47–8.
71. ALDF (2000), *Ley Ambiental de Protección a la Tierra en el Distrito Federal*, VI Legislatura, published in the Official Gazette of the Federal District on 13 January 2000; text of the revision published in the Official Gazette of Mexico City on 8 September 2017, Article 5. The term “greenspace” is in turn defined in the LAPT as “any area covered with vegetation, whether natural or induced, that is located in the Federal District.”
72. *Ibid.*, art. 90 Bis.
73. *Ibid.*, art. 5.
74. *Ibid.*, art. 8 paragraph IX.
75. GDF (2003), *Decreto por el que se declara como área de valor ambiental del Distrito Federal al Bosque de Chapultepec*, published in the Official Gazette of the Federal District on 2 December 2003.
76. GDF (2006), *Acuerdo por el que se aprueba el Programa de Manejo del Área de Valor Ambiental del Distrito Federal, con la categoría de bosque urbano denominada “Bosque de Chapultepec,”* published in the Official Gazette of the Federal District on 17 November 2006.
77. *Ibid.*
78. GDF (2014), *Decreto por el que se modifica el diverso por el que se declara como área de valor ambiental del Distrito Federal al Bosque de Chapultepec, respecto a la poligonal que se indica*, published in the Official Gazette of the Federal District on 11 July 2014.
79. ALDF (2000), *Ley Ambiental de Protección a la Tierra en el Distrito Federal*, VI Legislatura, published in the Official Gazette of the Federal District on 13 January 2000; text of the revision published in the Official Gazette of Mexico City on 8 September 2017, Article 5.
80. *Cf.* Submission at 13.
81. DGRA-Sedema (2016), administrative decision no. SEDEMA/DGRA/DEIA/005226/2016, 6 June 2016.
82. Decision no. DGRA/4234, subparagraph f.
83. ALDF (2000), “Law for the Protection of Urban and Architectural Heritage in the Federal District”, Federal District Legislative Assembly (*Asamblea Legislativa del Distrito Federal*), I Legislature, published in the Official Gazette of the Federal District 13 April 2000; the text of the amendment published in the Official Gazette of the Federal District 12 January 2017, article 15; online: <<https://bit.ly/3cvq70K>>.
84. D. Lorente Fernández (2020), “Historia del árbol de agua”, *Cuadernos Hispanoamericanos*, 9 November 2020, at: <<https://bit.ly/3yRnWxd>>.
85. Fray Diego Durán (1984), *History of the Indians of New Spain and the islands of hard earth*, Porrúa, México, vol. 1, cap. xix, p. 173.
86. D. Lorente Fernández (2020), *op. cit.*
87. Semarnat-Conafor (2010), “Ahuehuete (*Taxodium mucronatum*)”, infographic, Ministry of the Environment and Natural Resources – National Forestry Commission (*Secretaría de Medio Ambiente y Recursos Naturales – Comisión Nacional Forestal*), online: <<https://bit.ly/3AABizb>>.
88. CDMX (2011), “Calzada del Rey”, Chapultepec Forest, Government of Mexico City, online: <<https://bit.ly/3OVP3g6>>.
89. D. Lorente Fernández (2020), *op. cit.* See also E. Luque (1921), “Reasoned vote for selecting the national tree”, Mexican Forestry Magazine, Mexican Forestry Society, vol. 1, no. 3, pp. 9–10.
90. Conafor (2016), “El árbol nacional”, Comisión Nacional Forestal, 21 March 2016, at: <<https://bit.ly/3NWCRdI>>.
91. NIFAP (2013), *Forestry specialists from the INIFAP, measure the tree Majestuoso: the ahuehuete of Lagos de Moreno, Jalisco*, National Institute of Forestry, Agriculture, and Livestock Research, online: <<https://bit.ly/3AyHpnJ>>.
92. While Sedema has various guidelines, these do not constitute a standardized process for the preparation of an environmental impact study. See Sedema-DGRA, DEIA (undated), *Lineamientos para elaborar la manifestación de impacto ambiental, modalidad específica*, online at <<https://bit.ly/3OA35UE>>.

93. Semarnat (2002), *Guía para la presentación de la manifestación de impacto ambiental del sector industrial, modalidad: particular*, online at <<https://bit.ly/3EqfWEH>>.
94. *Idem*. See also: L. Moretti, et al. (2013), “Environmental Impact Assessment of Road Asphalt Pavements”, *Modern Applied Science*, vol. 7, no. 11, at 5.
95. For example, the paving materials for the dedicated roadway of the Metrobús system, such as gravel and sand, are quarried, which can cause environmental impacts or alterations at the quarries or in their vicinity. Additionally, the trucking of these materials can result in greenhouse gas emissions with ensuing global-scale climate impacts. On a further note, the quantities of aggregates necessary for the construction of urban transitways and highways can be significantly reduced by replacing raw materials with recycled or reused waste from a variety of sources. See: P. Newman et al. (2012), *Reducing the Environmental Impact of Road Construction*, Sustainable Built Environment National Research Centre (SBEnc), Queensland University of Technology, Brisbane, Australia, at 19. Sobse (2017), environmental impact statement, “Construcción del corredor vial para el transporte público línea 5 Metrobús, segunda etapa, sobre Eje 3 Oriente en el tramo de San Lázaro a Glorieta de Vaqueritos,” at 69–72.
96. Sobse (2017), environmental impact statement, “Construcción del corredor vial para el transporte público línea 5 Metrobús, segunda etapa, sobre Eje 3 Oriente en el tramo de San Lázaro a Glorieta de Vaqueritos,” at 69–72.
97. DGPE-Sobse, Paving Division (2016), *Manifestación de impacto ambiental, modalidad específica, del proyecto “Construcción del corredor vial de la línea 7 del Metrobús, el cual correrá sobre avenida Paseo de la Reforma en el tramo comprendido de Indios Verdes a la Fuente de Petróleos, con influencia en las delegaciones Gustavo A. Madero, Cuauhtémoc y Miguel Hidalgo,”* Mexico City, 24 August 2016.
98. GDF (2014), *Decreto por el que se modifica el diverso por el que se declara como área de valor ambiental del Distrito Federal al Bosque de Chapultepec, respecto a la poligonal que se indica*, Public Administration of the Federal District, published in the *Official Gazette of the Federal District* on 11 July 2014, online at <<https://bit.ly/3P1efm4>>.
99. Semovi (2016), *Declaratoria de necesidad para la prestación del servicio de transporte público colectivo de pasajeros en el corredor ‘Metrobús Reforma,’* published in the *Official Gazette of Mexico City* on 21 June 2016, at 6, online at <<https://bit.ly/3sd46je>>.
100. DGRA-Sedema, administrative decision no. SEDEMA/DGRA/DEIA/010045/2016 (20 September 2016), at 2–8.
101. RIAR Article 50.
102. DGPE-Sobse, Paving Division, file no. CDMX/SOBSE/DGPE/DGPV/972/2016 (14 October 2016).
103. *Ibid.* at 5.
104. *Ibid.* at 8.
105. *Ibid.* at 21.
106. *Ibid.* at 29.
107. DGRA-Sedema (2016), *Autorización en materia de impacto ambiental del proyecto Metrobús Reforma*, administrative decision no. SEDEMA/DGRA/DEIA/014363/2016 issued by DGRA-Sedema on 30 November 2016 [AIA].
108. *Ibid.* at 24.
109. LAPT Article 47.
110. DGPE-Sobse (2016), *op. cit.*
111. Sedema (2016), file no. DEIA-ME-1588/2016.
112. DGRA-Sedema, administrative decision no. SEDEMA/DGRA/DEIA/010045/2016 (20 September 2016).
113. Sedema-DGRA, DEIA (undated), *Lineamientos para elaborar la manifestación de impacto ambiental, modalidad específica*, online at <<https://bit.ly/3OA35UE>>.
114. One of the strategic axes of the 2013–18 Comprehensive Mobility Plan (*Programa Integral de Movilidad*) of the government of the Federal District was “Streets for All.” With the goal of “designing inclusive road infrastructure,” there were plans for the construction of road infrastructure with high vehicle capacity, with criteria for accessibility and safety of pedestrians, cyclists, and mass transit. See *Gaceta Oficial del Distrito Federal*, no. 1965 bis, 15 October 2014, at 76–82, online at <www.ordenjuridico.gob.mx/Documentos/Estat/Distrito%20Federal/wo99436.pdf>.
115. GDF (2004), “Normas Técnicas Complementarias para Diseño y Construcción de Cimentaciones,” *Gaceta Oficial del Distrito Federal* (6 October 2004). The update of these standards, issued in 2017 by the Mexico City Ministry of Urban Development and Housing (*Secretaría de Desarrollo Urbano y Vivienda—Seduvi*) and Sobse, was also published in the *Official Gazette of the Federal District* on 15 December 2017.
116. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/012086/2016 (27 October 2016).
117. *Ibid.*
118. AIA at 7–8.
119. *Cf.* AIA.
120. LAPT Article 53.
121. AIA at 24.
122. *Ibid.* at 25.
123. *Ibid.* at 12.

124. *Ibid.* at 10–11.
125. *Ibid.* at 12.
126. *Ibid.*
127. *Ibid.* at 12.
128. *Ibid.* at 15.
129. *Ibid.* at 16.
130. *Ibid.* at 17.
131. *Ibid.* at 18.
132. *Ibid.* at 10–11.
133. DCOP“B”-Sobse, file no. CDMX/SOBSE/DGOP/DCOP“B”/17-03-21-012 (21 March 2017) [file no. DCOP“B”/17-03-21-012]. DEIA
134. DGRA-Sedema, file no. SEDEMA/DGRA/ /004234/2017 (25 April 2017) [decision no. DGRA/4234].
135. File no. DCOP“B”/17-03-21-012.
136. *Ibid.*
137. *Ibid.*
138. Decision no. DGRA/4234.
139. DGPE-Sobse, Paving Division, file no. CDMX/SOBSE/DGPE/DGPV/972/2016 (14 October 2016), at 9.
140. File no. DCOP“B”/17-03-21-012.
141. Decision no. DGRA/4234.
142. DGRA-Sedema, administrative decision no. SEDEMA/DGRA/DEIA/005760/2017 (6 June 2017).
143. DCOP“B”-Sobse, file no. CDMX/SOBSE/DGOP/DCOP“B”/17-06-28-001 (28 June 2017).
144. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/007309/2017 (7 July 2017).
145. DGPE-Sobse, file no. CDMX/SOBSE/DGPE/DGPV/972/2016 (14 October 2016), at 26.
146. DGRA-Sedema, administrative decision no. SEDEMA/DGRA/DEIA/010045/2016 (20 September 2016), at 4.
147. Decision no. DGRA/4234, second paragraph, subparagraph d.
148. *Ibid.*, subparagraph f.
149. DGPE-Sobse, Paving Division, file no. CDMX/SOBSE/DGPE/DP/100/2017 (30 January 2017) [file no. DGPE-Sobse/DP/100/2017].
150. Decision no. DGRA/4234, third point.
151. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/004807/2017 (5 May 2017).
152. DCOP“B”-Sobse, file no. CDMX/SOBSE/DGOP/DCOP“B”/17-05-03-006 (3 May 2017).
153. File no. DCOP“B”/17-03-21-012.
154. Decision no. DGRA/4234, fifth point.
155. *Ibid.*
156. DGOP-Sobse, file no. CDMX/SOBSE/DGOP/20.06.17/001 (20 June 2017).
157. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/011880/2017 (18 September 2017). *Cf.* Table 5, section a.
158. *Ibid.*, *cf.* in particular Table 5, section b.
159. PAOT, file no. PAOT-2015-IO-21-SPA-09 and consolidated files.
160. DCOP“B”-Sobse, administrative decision included in file no. PAOT-2015-IO-21-SPA-09) (28 November 2018).
161. DCOP“B”-Sobse, file no. CDMX/SOBSE/DGOP/DCOP“B”/17-04-03-009 (3 April 2017).
162. Metrobús, operating agency of the Mexico City Metrobús system, file no. MB/DPES/090/2017 (and attached summary table) (25 April 2017).
- 163.
164. DCOP“B”-Sobse, file no. CDMX/SOBSE/DGOP/DCOP“B”/17-04-05-006 (4 May 2017); DCOP“B”-Sobse, file no. CDMX/SOBSE/DGOP/DCOP“B”/17-05-05-003 (5 May 2017).
165. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/005023/2017 (19 May 2017).
166. DGOP-Sobse, file nos. CDMX/SOBSE/DGOP/DCOP“B”/17-06-22-008, CDMX/SOBSE/DGOP/20.06.17/001 (20 June 2017).
167. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/007309/2017 (7 July 2017).
168. File no. DGPE-Sobse/DP/100/2017.

169. File no. DCOP"B"/17-03-21-012.
170. Sobse, *Inicia construcción de carril exclusivo para la Línea 7 del Metrobús sobre Reforma*, media release, 23 January 2017, online at <<https://bit.ly/3w7m5BZ>>.
171. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/012693 (20 October 2017).
172. File no. DGPE-Sobse/DP/100/2017.
173. See "Decreto por el que se reforman, adicionan y derogan diversas disposiciones al Reglamento Interior de la Administración Pública del Distrito Federal," *Gaceta Oficial del Distrito Federal*, no. 255 (31 January 2017). See also file no. DCOP"B"/17-03-21-012.
174. Sobse, file no. CDMX/SOBSE/075/2017 (1 February 2017).
175. Cited in: DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/008469/2017 (14 July 2017).
176. See DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/008469/2017 (14 July 2017), at 9.
177. Cited in: DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/004263/2018 (9 April 2018).
178. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/004263/2018 (9 April 2018), at 2.
179. Cited in: DGRA-Sedema, oficio núm. SEDEMA/DGRA/DEIA/015045/2018, Dirección General de Regulación Ambiental de la Sedema (23 de octubre de 2018).
180. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/015045/2018 (23 October 2018), at 6.
181. DCOP"B"-Sobse, file no. CDMX/SOBSE/DGOP/DCOP"B"/18-11-13/001 (13 November 2018); appendix: final report.
182. AIA at 23.
183. *Ibid.*
184. DGPE-Sobse, Paving Division, file no. CDMX/SOBSE/DGPE/DP/1178/2016 (2 December 2016).
185. See DGPE-Sobse, Paving Division, public works contract no. DGPE-LPN-F-1-007-16 (29 November 2016), first clause, online at <<https://bit.ly/3vPIBBw>>.
186. DGPE-Sobse, file no. CDMX/SOBSE/DGPE/DP/100/2017.
187. AIA at 24.
188. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/015878/2016 (14 December 2016). The approval document for the Metrobús Reforma project bears the number DEIA-ME-1588/2016.
189. LPADF Article 50 establishes the duty of the agencies and entities responsible for administrative procedures to establish an identification system for the files, and to keep records of notifications, acknowledgments of receipt, and all documents necessary to demonstrate that the relevant procedures have been carried out.
190. Cf. RIAR Article 53 paragraph VIII.
191. DGRA-Sedema, file no. SEDEMA/DGRA/DEIA/015878/2016 (14 December 2016).
192. RIAR Article 55 paragraph III:
Where the developer intends to make modifications to the project after environmental impact approval has been granted, it shall submit the modifications, prior to carrying them out, to the consideration of the Ministry, which shall determine, within a period not to exceed 10 working days:
 - I. whether a new assessment procedure must be initiated and whether the approval granted must therefore be revoked;
 - II. whether the proposed modifications do not affect the content of the approval granted, or
 - III. whether the approval granted must be modified with a view to applying new conditions to the execution of the work or activity in question. In this last case, the developer must be informed of the modifications to the approval within a maximum period of 20 working days.
193. CEC (2014), *CEC Ministerial Statement – 2014*, Twenty-first Regular Session of the CEC Council, Yellowknife, Northwest Territories, Canada, 17 July 2014, online at <www.cec.org/files/documents/comunicados_del_consejo/ministerial-statement-2014-es.pdf>.

APPENDICES



APPENDIX 1

Council Resolution 20-05

18 December 2020

COUNCIL RESOLUTION 20-05

Instruction to the Secretariat of the Commission for Environmental Cooperation regarding Submission SEM-18-002 (*Metrobús Reforma*), in connection with the assertion that Mexico City authorities failed to effectively enforce the environmental laws applicable to the environmental impact assessment procedures, established in the Federal District Environmental Protection Act (*Ley Ambiental de Protección a la Tierra en el Distrito Federal*), and Environmental Impact and Risk Regulations (*Reglamento de Impacto Ambiental y Riesgo*) regarding construction of the public passenger transport corridor “Metrobús Reforma”.

THE COUNCIL:

SUPPORTIVE of the process provided for in Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC) regarding submissions on enforcement matters and the preparation of factual records;

AFFIRMING that the process provided for in Articles 14 and 15 of the NAAEC was established by the Parties of the NAAEC to provide an opportunity for residents of Canada, Mexico, and the United States to present their concerns regarding effective enforcement of environmental law and to bring facts to light regarding those concerns;

NOTING that the United States-Mexico-Canada Trade Agreement (USMCA) entered into force on 1 July 2020 and now governs the submissions on enforcement matters process;

FURTHER NOTING that the Environmental Cooperation Agreement (ECA) among the Governments of Canada, the United Mexican States, and the United States of America entered into force on 1 July 2020 and superseded the NAAEC on that date;

RECOGNIZING that Article 2(4) of the ECA provides that any submission made pursuant to the NAAEC and not concluded as of entry into force of the ECA shall continue in accordance with the procedures established under Articles 14 and 15 of the NAAEC, unless the Council decides otherwise;

RECOGNIZING that the Submissions on Enforcement Matters (SEM) process is designed to promote information-sharing between members of the public and the governments on matters concerning the effective enforcement of environmental law;

ACKNOWLEDGING that factual records are an important way to increase public participation, transparency, and openness on issues related to the enforcement of environmental law in the United States, Canada, and Mexico;

HAVING CONSIDERED the Submission 18-002, filed on 2 February 2018 by “Academia Mexicana de Derecho Ambiental” and “La Voz de Polanco,” as well as the response provided by the Government of Mexico on 25 July 2018 (the “Response”);

HAVING REVIEWED the 17 December 2018 Notification of the Secretariat recommending the development of a factual record with respect to alleged failure to effectively enforce Articles 44; 46 paragraphs IV(a), VIII, and IX; 47; and 53 of the Federal District Environmental Protection Act (*Ley Ambiental de Protección a la Tierra en el Distrito Federal* – LAPT), as well as Articles 6 paragraph D, section II (no. 131); 41; 44; 50; 52; 54; and 62 of the Environmental Impact and Risk Regulation (*Reglamento de Impacto Ambiental y Riesgo* – RIAR);

REAFFIRMING that the purpose of a factual record is to provide an objective presentation of the facts relevant to the assertion set forth in a submission and will generally outline the history of the environmental enforcement issue raised in the submission, the relevant legal obligation of the Party, and the actions of the Party in fulfilling those obligations;

TAKING INTO ACCOUNT Guideline 10.4 of the *Guidelines for Submissions on Enforcement Matters under Articles 14 and 15 of the North American Agreement on Environmental Cooperation* in relation to the preparation of a factual record, which states that “[t]he Council will provide its reason(s) for the instructions in writing and they will be posted on the [SEM] public registry.”

HEREBY UNANIMOUSLY DECIDES:

TO INSTRUCT the Secretariat to prepare a factual record in accordance with Article 15(4) of the NAAEC, and with Section 10.4 of the Guidelines, on the following provisions:

- Articles 47 and 53 of the LAPT; and
- Articles 41, 44, 50, 52, 54, and 62 of the RIAR;

TO DIRECT the Secretariat to post the Council’s reasons for its vote on the SEM public registry;

TO DIRECT the Secretariat to conclude the preparation of the draft factual record, as provided in Section 19.5 of the Guidelines, and present it to the Council in accordance with Article 15(5) of the NAAEC; and

TO FURTHER DIRECT the Secretariat to provide the Council with its overall work plan for gathering the relevant facts; to keep the Council informed of any future changes or adjustments to such plan; and to promptly communicate with the Council in connection with any clarification required with respect to the scope of the factual record hereby authorized.

APPROVED BY THE COUNCIL:

Catherine Stewart
Government of Canada

Ivan Rico
Government of the United Mexican States

Jane Nishida
Government of the United States of America

APPENDIX 2

Submission SEM-18-002 (*Metrobús Reforma*)

AA14/SEM/18-002/01/SUB
DISTRIBUTION: General
ORIGINAL: Spanish

[UNOFFICIAL TRANSLATION]

Mexico City, 1 February 2018

Subject: Submission on the effective enforcement of environmental law with respect to the “Metrobús Reforma” mass transit corridor

To: Secretariat of the Commission for Environmental Cooperation

In accordance with Articles 14 and 15 of the North American Agreement on Environmental Cooperation (NAAEC), we hereby request opening a submission on enforcement matters (SEM) file regarding the effective enforcement of environmental law. Our goal is to promote understanding of environmental law and its enforcement in North America in relation to the “Metrobús Reforma” mass transit corridor (Metrobús Line 7), based on the information presented herein.

The construction of Metrobús Line 7 has been presented by the government as an option for addressing Mexico City’s transportation problems. However, the administrative processes underpinning the granting of the relevant approvals, permits and concessions were opaque and unlawful. This involved not only the government of Mexico City (CDMX) and the boroughs along the route of that Metrobús line, but also the federal authorities that have been remiss in relation to environmental issues.

What makes this case relevant is that CDMX is itself the project developer who should have been the first to exhibit leadership in the observance of environmental law, ensuring that the project development process provided for proper planning, outreach, civic participation, and legal compliance. This, unfortunately, has not been the case.

It is important to note that the violation of environmental law by the Metrobús Line 7 construction project dates back to 2015 with the promulgation of an irregular administrative procedure, which modified the local protected natural area (PNA) known as the Bosque de Chapultepec Area of Environmental Value (AVA). It is Mexico City’s principal PNA, not only because of the environmental services it provides, but also because of its scenic beauty and rich history.

In addition, the declarations and notices that were published before the environmental impact approval was granted and other environmental requirements were met are unlawful. Moreover, those instruments concerned only the granting of public transit concessions. As such, it is clear that the government’s priority was not to enhance living conditions for the public or to protect the environment.

This is a serious matter, as one of the objectives of the North American Free Trade Agreement (NAFTA) is to promote investment projects. In fact, this submission concerns an example of a public works investment that would generate positive environmental effects if it were carried out in accordance with the law. However, since the government itself proceeded in an unlawful manner, the project instead affords an example of what should not be done.

Consequently, it is incumbent upon the CEC to develop a factual record of this case. In so doing, it will contribute to a culture of legality and serve as an example of how a government should act when proceeding with a high-impact public works project—by complying with environmental law.

I. Submitters

1.- *Academia Mexicana de Derecho Ambiental, A.C. (AMDA)*

Founded in 1974 as *Academia Mexicana de Derecho Ecológico* and known for the better part of two decades as *Academia Mexicana de Derecho Ambiental*, AMDA is a leading civil society association active in non-profit work to protect the environment and promote sustainable development.

AMDA has participated in forums, studies, and education on a wide range of topics and issues in environmental law, such as biodiversity, water, waste, sustainable consumption, green tourism, renewable energy, climate change, environmental justice and mediation, federalism as it relates to environmental matters, and so forth.

We have also collaborated with various institutions of research and higher education, such as the *Universidad Nacional Autónoma de México* (UNAM), various state universities, the *Colegio de México*, the *Universidad Autónoma Metropolitana* (UAM), the *Instituto Tecnológico Autónomo de México* (ITAM), the *Instituto Politécnico Nacional* (IPN), UNAM's ecology and economics research institutes, among others.

At the international level, we have worked with organizations from Argentina, Bolivia, Brazil, Canada, Costa Rica, Ecuador, Greece, Luxemburg, Russia, Spain, the UK, the United States, and Uruguay.

Our founder and ex-president, Ramón Ojeda Mestre, maintains close ties with the International Court of Environmental Arbitration and Conciliation and was recently appointed to the top regional position of the International Council for Environmental Law (ICEL). In addition, Mr. Ojeda Mestre received the Brussels International Environmental Law Award in 2005, as well as international recognition from the International Union for the Conservation of Nature (IUCN) in 2008.

We are currently preparing legal studies on issues in the areas of biocultural heritage, biodiversity, and exotic invasive species. We also support socio-environmental litigation.

Address: Calle Zempoala 374-1, Colonia Narvarte, Delegación Benito Juárez, Ciudad de México, CP. 03020

Email: <academia.mexicana.a.c@gmail.com>

2.- *María Teresa Ruíz Martínez, Managing Director, La Voz de Polanco, A.C.*

Address: Homero 513 interior 101, Polanco V Sección, CP. 11560 CDMX, México

Email: <contacto@lavoizdepolanco.org>

II. Party in question

The Mexican federal government, the Government of Mexico City (CDMX), and the authorities of the boroughs of Gustavo A. Madero, Cuauhtémoc, and Miguel Hidalgo, and more specifically:

- a. Mexico City Department of Public Works and Services (*Secretaría de Obras y Servicios—Sobse*), as executing agency.
- b. Ministry of the Environment and Natural Resources (*Secretaría de Medio Ambiente y Recursos Naturales—Semarnat*), as authorizing agency.
- c. Federal Attorney for Environmental Protection (*Procuraduría Federal de Protección al Ambiente—Profepa*), as authorizing agency.
- d. Mexico City Department of Transportation (*Secretaría de Movilidad de la CDMX—Semovi*), as authorizing agency.
- e. Mexico City Department of the Environment (*Secretaría del Medio Ambiente—Sedema*), as authorizing agency.
- f. Mexico City Attorney for Environmental Protection and Zoning (*Procuraduría Ambiental y del Ordenamiento Territorial—PAOT*), as authorizing agency.
- g. Ministry of Urban Development and Housing (*Secretaría de Desarrollo Urbano y Vivienda—Seduvi*), as authorizing agency.
- h. Mayorality of Mexico City, as authorizing agency.
- i. Gustavo A. Madero Borough (*Delegación Gustavo A. Madero—GAM*), as authorizing agency.
- j. Cuauhtémoc Borough (*Delegación Cuauhtémoc*), as authorizing agency.
- k. Miguel Hidalgo Borough (*Delegación Miguel Hidalgo*), as authorizing agency.

III. Environmental law¹

a. Mexican Constitution (*Constitución Política de los Estados Unidos Mexicanos*)²

- Articles 1, 4 paragraphs 4 and 5, and 25 paragraph 7.

b. International treaties

- NAAEC.
- *Convention on the Rights of the Child* (CRC).³
- *Convention concerning Indigenous and Tribal Peoples in Independent Countries* (Convention C169).⁴
- *Convention on Biological Diversity* (CBD).⁵
- *American Declaration of the Rights and Duties of Man and Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* (Protocol of San Salvador).⁶
- *Rio Declaration on Environment and Development* (Rio Declaration).⁷
- *International Covenant on Economic, Social and Cultural Rights* (ICESCR).⁸
- *North American Free Trade Agreement* (NAFTA).⁹

1. The original names of local laws have been left unchanged, it being understood that all references to the Federal District now apply to Mexico City.

2. Official Gazette of the Federation (*Diario Oficial de la Federación—DOF*), 5 February 1917.

3. DOF, 25 January 1991.

4. DOF, 3 August 1990.

5. DOF, 7 May 1993.

6. DOF, 7 May 1981.

7. See: <<http://www.un.org/spanish/esa/sustdev/documents/declaracionrio.htm>> (viewed 21 January 2018).

8. DOF, 12 May 1981.

9. DOF, 20 December 1993.

c. Mexican federal laws

- General Sustainable Forestry Act (*Ley General de Desarrollo Forestal Sustentable*—LGDFS).¹⁰
- General Ecological Balance and Environmental Protection Act (*Ley General del Equilibrio Ecológico y la Protección al Ambiente*—LGEEPA).¹¹
- General Waste Prevention and Management Act (*Ley General para la Prevención y Gestión Integral de los Residuos*—LGPGIR).¹²
- General Climate Change Act (*Ley General de Cambio Climático*—LGCC).¹³
- General National Assets Act (*Ley General de Bienes Nacionales*—LGBN).¹⁴

d. Regulations to federal laws

- Regulation to the LGDFS (RLGDFS).¹⁵
- Regulation to the LGPGIR (RLGPGIR).¹⁶
- National Emissions Registry of the Regulation to the LGCC (RLGCCRNE).¹⁷

e. Mexico City Constitution (*Constitución Política de la Ciudad de México*)¹⁸

- Articles 9 paragraph D, 13 paragraph A, 16 paragraphs A (numbers 4, 5, 8, and 9) and C (number 6), 53 paragraph B (number 3(b) sections XXII and XXIV), and 59 paragraph B (numbers 1, 2, and 8 section II).

f. Mexico City laws

- Environmental Act for Land Protection in the Federal District (*Ley Ambiental de Protección a la Tierra en el Distrito Federal*—LAPT).¹⁹
- Transportation Act (*Ley de Movilidad*—LM).²⁰
- Federal District Urban Development Act (*Ley de Desarrollo Urbano del Distrito Federal*—LDU).²¹
- Federal District Solid Waste Act (*Ley de Residuos Sólidos del Distrito Federal*—LRS).²²
- Federal District Interculturalism, Migrant Services, and Human Mobility Act (*Ley de Interculturalidad, Atención a Migrantes y Movilidad Humana en el Distrito Federal*—LIAMMH).²³
- Civic Participation Act (*Ley de Participación Ciudadana*—LPC).²⁴

g. Mexico City regulations

- Regulation to the Federal District Environment Act (RLA).²⁵
- Environmental Impact and Risk Regulation (*Reglamento de Impacto Ambiental y Riesgo*—RIAR).²⁶

10. DOF, 25 February 2003.

11. DOF, 28 January 1988.

12. DOF, 8 October 2003.

13. DOF, 6 June 2012.

14. DOF, 20 May 2004.

15. DOF, 21 February 2005.

16. DOF, 30 November 2006.

17. DOF, 28 October 2014.

18. Official Gazette of the Federal District (*Gaceta Oficial del Distrito Federal*—GODF), 31 January 2017; see <http://infodf.org.mx/documentospdf/constitucion_cdmx/Constitucion_%20Politica_CDMX.pdf> (viewed 23 January 2018).

19. GODF, 26 March 2004.

20. GODF, 14 July 2014.

21. GODF, 15 July 2010.

22. GODF, 22 April 2003.

23. GODF, 7 April 2011.

24. GODF, 17 May 2004.

25. GODF, 3 December 1997.

26. GODF, 26 March 2004.

- Regulation to the Federal District Urban Development Act (RDU).²⁷
- Regulation to the Federal District Solid Waste Act (RLRS).²⁸

h. Mexican Official Standards (NOMs)

- Mexican Official Standard NOM-161-SEMARNAT-2011, Establishing the criteria for classifying waste as requiring special management and determining which shall be subject to a management plan; the list thereof, the procedure for inclusion or exclusion from said list, and the elements and procedures for the drafting of management plans (NOM-161-SEMARNAT-2011).²⁹

i. Mexico City environmental standards

- Federal District Environmental Standard NADF-001-RNAT-2015, Establishing the technical requirements and specifications to be met by physical persons, public or private legal persons, authorities and, in general, anyone who prunes, fells, transplants, or restores trees in the Federal District (NADF-001-RNAT-2015).³⁰
- Federal District Environmental Standard NADF-007-RNAT-2013, Establishing the classification and management specifications for construction and demolition waste in the Federal District (NADF-007-RNAT-2013).³¹

j. Administrative instruments

- Declaration of Bosque de Chapultepec as a place of natural beauty based on its artistic history and the photographs and map submitted by the Department of Monuments (“Chapultepec Place of Natural Beauty Declaration”).³²
- Executive order declaring Bosque de Chapultepec an Area of Environmental Value in the Federal District (“Chapultepec AVA Declaration”).³³
- Executive order of 11 July 2014 amending the Executive order declaring Bosque de Chapultepec an Area of Environmental Value in the Federal District, with regard to the indicated area (“Amendment to the Chapultepec AVA Declaration”).³⁴
- Notice of Approval for the “Metrobús Reforma” Mass Transit Corridor, establishing the general conditions governing its operation (“Notice of Approval”).³⁵
- Notice of Mass Transit Supply and Demand Balance in the “Metrobús Reforma” corridor (“Notice of Supply and Demand Balance”).³⁶
- Declaration of Need for Mass Transit Service in the “Metrobús Reforma” Corridor (“Declaration of Need”).³⁷

k. Other legal instruments

- Environmental impact decision no. SEDEMA/DGRA/DEIA/014363/2016 (the “Environmental Impact Decision” or RIA).³⁸
- Administrative decision no. SEDEMA/DGRA/DEIA/004234/2017³⁹ (“Sedema Commencement Decision”).

27. GODE, 29 January 2004.

28. GODE, 7 October 2008.

29. DOF, 1 February 2013.

30. GODE, 1 April 2016.

31. GODE, 26 February 2015.

32. DOF, 29 September 1932.

33. GODE, 2 November 2003.

34. GODE, 11 July 2014.

35. GODE, 29 June 2005; see: <http://data.metrobus.cdmx.gob.mx/docs/L7/AA_MBL7.pdf> (viewed 23 January 2018).

36. GODE, 21 June 2016; see: <http://data.metrobus.cdmx.gob.mx/docs/L7/Av_BOD_MBL7.pdf> (viewed 23 January 2018).

37. GODE, 21 June 2016; see: <http://data.metrobus.cdmx.gob.mx/docs/L7/DN_MBL7.pdf> (viewed 23 January 2018).

38. Metrobús CDMX, RIA. <http://data.metrobus.cdmx.gob.mx/docs/L7/RIA_MBL7.pdf> (viewed 23 January 2018).

39. Metrobús CDMX, Administrative Decision No. SEDEMA/DGRA/DEIA/004234/2017. <<http://data.metrobus.cdmx.gob.mx/docs/L7/AADM.pdf>> (viewed 23 January 2018).

IV. Record of events

The following section is a chronological record of events pertaining to the construction of Metrobús Line 7. What is important to understand is that the authorities' actions in relation to this project have been opaque and unlawful, as explained below. Nonetheless, AMDA's efforts following the declaration of the project's permanent injunction have not been without positive results, notably the decision of the government of Mexico City to upload some project-related documents, many of which were unknown to AMDA and the general public, to a website.⁴⁰

On 29 June 2015, a Notice of Approval was published in the Official Gazette of the Federal District (GODF), wherein Semovi approved the construction of the "Reforma Corridor" from the "Indios Verdes" Modal Transfer Center to the intersection of Paseo de la Reforma with the Boulevard Manuel Ávila Camacho ring road.⁴¹ In addition, this notice specified that services would operate in reserved bus lanes and that certain transportation services would be modified.⁴² It also specified the location of 31 stations.⁴³

On 21 June 2016, Semovi published a Notice of Supply and Demand Balance in the GODF. Its general objective was "to assess, quantitatively and qualitatively, the efficiency and quality of the supply of mass transit services provided by the principal transit operators on the roadways along the corridor's route, and the degree to which they satisfy the demand for these services, particularly among passengers whose mobility needs require transit on said roadways."⁴⁴

On the same date (21 June 2016), a Declaration of Need (*Declaratoria de Necesidad*) was published in GODF, in which Semovi declared: "A mass transit service in the 'Metrobús Reforma' corridor is a public necessity."⁴⁵ In addition, the declaration indicated that "as Metrobús Line 7 comes into service, a fleet of 90 double-decker buses will be required to satisfy demand."⁴⁶ Also specified were the standards to be met by the buses⁴⁷ and the fact that Line 7 would consist of 32 stations distributed along the length of the corridor⁴⁸ (i.e., one more than indicated in the Notice of Approval).

On 1 July 2016, Semovi granted concessions for the provision of mass transit services in the Metrobús Reforma corridor to two companies: (i) Operadora Línea 7, S.A. de C. V.⁴⁹ and (ii) Sky Bus Reforma, S.A. de C. V.⁵⁰ It deserves mention that both concessions cover the provision of transit services along the routes, and to the destinations, specified in the Notice of Approval.⁵¹

On 24 August 2016, the Director of Road Construction of the Special Projects Branch of Sobse (the "Developer") submitted an environmental impact assessment (EIA) application in folio no. 17593/2016, which included a specific modality environmental impact statement (EIS), in order to execute a project known as the "Construction of the Metrobús Line 7 Corridor, to run on Avenue Paseo de la Reforma between Indios Verdes and Fuente de Petróleos, with influence on the boroughs of Gustavo A. Madero, Cuauhtémoc, and Miguel Hidalgo."

On 30 November 2016, Sedema issued environmental impact decision no. SEDEMA/DGRA/DEIA/014363/2016 (RIA), ruling in favor of the Developer and granting it conditional environmental impact approval.⁵²

40. See: <<https://www.metrobus.cdmx.gob.mx/portal-ciudadano/informacion-linea-7>> (viewed 24 January 2018).

41. GODF, 29 June 2005, *Aviso de aprobación* (Notice of Approval), Legal and factual basis 1.

42. GODF, 29 June 2005, Notice of Approval, Legal and factual basis 1.

43. GODF, 29 June 2005, Notice of Approval, Legal and factual basis 3.

44. GODF, 21 June 2016, *Aviso de balance entre oferta y demanda* (Notice of Supply and Demand Balance), section 1.1.

45. GODF, 21 June 2016, *Declaratoria de necesidad* (Declaration of Need), Legal and factual basis 1.

46. GODF, 21 June 2016, Declaration of Need, Legal and factual basis 4.

47. GODF, 21 June 2016, Declaration of Need, Legal and factual basis 2.

48. GODF, 21 June 2016, Declaration of Need, Legal and factual basis 3.

49. Metrobús CDMX, Concession title for the provision of Mass Transit Service in the Metrobús Reforma Corridor. Concession holder: Operadora Línea 7, S.A. de C. V. <<http://data.metrobus.cdmx.gob.mx/docs/L7/CL7OL7SA.PDF>> (viewed 23 January 2018).

50. Metrobús CDMX, Concession title for the provision of Mass Transit Service in the Metrobús Reforma Corridor. Concession holder: Operadora Línea 7, S.A. de C. V. <<http://data.metrobus.cdmx.gob.mx/docs/L7/CL7OL7SA.PDF>> (viewed 23 January 2018).

51. Metrobús CDMX, Concession title for the provision of Mass Transit Service in the Metrobús Reforma Corridor. Concession holder: Sky Bus Reforma, S.A. de C. V. <<http://data.metrobus.cdmx.gob.mx/docs/L7/CL7Sky.PDF>>.

52. RIA, Operative paragraph 1.

On 25 April 2017, Sedema issued administrative decision no. SEDEMA/DGRA/DEIA/004234/2017, approving: (i) the commencement of resurfacing along the segment between Indios Verdes and Axis 2; (ii) the construction of station platforms, except at the Campo Marte, Auditorio, Museo de Antropología, and Gandhi stations, where authorization from Bosque de Chapultepec is required for tree removal, due to their location within the Bosque de Chapultepec Area of Environmental Value (AVA);⁵⁴ (iii) the destruction of 56 trees and 302 forest specimens, the pruning of 12 forest specimens, the removal of 23 stumps, and the transplanting of 5 saplings; and (iv) an impact on 2,439.43 m² of permanent green space along with the restoration of an equivalent area, as close as possible to the project's area of influence.⁵⁴

On 17 May 2017, a meeting was held with the borough mayor of Miguel Hidalgo, the Metrobús authority, and the Mexico City Ministry of Government, during which various civil society organizations, including La Voz de Polanco, A.C., expressed their concerns regarding the construction of Metrobús Line 7.⁵⁵

On 24 May 2017, AMDA filed an indirect amparo motion, based on legitimate collective interest, against Sobse, Semarnat, Semovi, Sedema, the mayoralty, and various other authorities charged with the conservation of cultural heritage. This motion cited the authorities' violation of the human rights of Mexicans, and especially of Mexico City's inhabitants, to a healthy environment, health, and the enjoyment of their historical, cultural, archeological, and urban heritage.⁵⁶

On 1 June 2017, the amparo motion was admitted because "the impact that it could cause in relation to the complainant's sphere of rights would be of an ongoing nature. Consequently, in keeping with the complainant's right to an effective legal remedy, one must consider the amparo motion admissible, at this procedural stage."⁵⁷

On 9 June 2017, the Eighth District Judge of the Administrative Court ("Eighth District Judge") ruled on amparo proceeding no. 841/2017, ordering a permanent injunction, including:

1. Total cessation of construction on the "Metrobús Reforma" Line 7 Mass Transit Corridor.
2. Particularly, to ensure that the following shall not be affected:
 - the natural green space in Bosque de Chapultepec and areas peripheral thereto;
 - the urban structure of Paseo de la Reforma and its green space;
 - the trees at risk of being felled due to construction activities;
 - the other monuments and remnants located in said areas, which are of historic, cultural, or artistic value;...

On 29 June 2017, the Eighth District Judge ruled on the motion for an amendment to the permanent injunction. The injunction was amended to "strike down the reference to the possible impact on the essential urban structure of Paseo de la Reforma and its green space." However:

the permanent injunction persists as regards its guarantee that the other three protections granted shall not be affected, namely those concerning:

- the natural areas located in Bosque de Chapultepec;
- the trees at risk of being felled due to construction activities; and
- the monuments and remnants located in said areas and which are of historic, cultural, or artistic value.

54. Sedema Commencement Decision, Decision 3.

55. See summary letter.

56. Amparo no. 841/2017, Eighth District Judge of the Administrative Tribunal of Mexico City.

57. *Acuerdo de admisión* (Decision of Admissibility) at 3.

On 17 July 2017, AMDA filed a motion citing non-compliance with the permanent injunction of 29 June 2017.

During the months of July and August, with the support of neighborhood informants, cases of non-compliance with the permanent injunction were documented, as the Mexico City government unlawfully carried on with the construction of the project. This documentation produced five statements of facts⁵⁸ that underpinned the legal action brought on 17 July.

On 22 December 2017, the Eighth District Judge held that the motion was admissible but unfounded on the basis of formal arguments.

Although a definitive ruling on the amparo motion remains pending and three of the permanent injunction's four operative paragraphs remain in force, the Mexico City government is pursuing the unlawful construction of the project and its violation of Mexicans' rights to a healthy environment and health, as may be seen in the statements of facts and photographs attached to this submission (see Appendix 1). In light of the risk that the project may be completed and cause irreparable damage to Mexico City's environment, we are turning to the Secretariat of the CEC, particularly since the government has attempted a de facto regularization of unlawful acts, rather than initiate a proper institutional process with proper studies, in compliance with environmental law. If the latter approach were observed, the resulting public transit corridor project could effectively generate the environmental and health benefits that one might expect following the completion of an EIA process in accordance with the law and the terms and deadlines specified therein.

V. Promotion of the effective enforcement of environmental law

Should the CEC accept this submission and determine that the preparation of a factual record is warranted, this submission would be an emblematic case in terms of effective enforcement of environmental law, as the following issues are raised herein: violation of the human rights to a healthy environment and health; damage to forests and protected natural areas; air emissions and greenhouse gases; waste management; environmental management; environmental impact; consultation of Indigenous communities; and law enforcement.

VI. Communication in writing to the relevant authorities of the Party and the latter's response, if any

As mentioned in the record of events, there has been verbal and written communication with the Mexico City and Metrobús authorities, thanks to the residents belonging to La Voz de Polanco. However, no agreements have been reached.

In addition, since 2015, various public information requests have been made regarding construction permits and approvals for Metrobús Line 7, as well as the relevant supporting information.

Furthermore, an amparo motion has been filed and admitted, leading to a permanent injunction of the project and, a month later, to an amendment thereto. The replies from the authority are given in Appendix 2.

As for the response of the Mexico City government, the following statement made by the mayor in June 2017 shows that the government has decided to go ahead with the project, despite its unlawful status:

I respect institutions, but there's a limit to everything. So, we'll go to court, but if I have to move something, or if I have to remove something for the people's benefit, I don't care if they threaten us or denounce us, if they accuse us of violating injunctions: I have to act for the public good.⁵⁹

58. The statements of facts were submitted on the following dates: 17, 21, and 28 July and 11 and 25 August 2017; see <<https://goo.gl/sEj5pU>>.

59. <<https://www.unotv.com/noticias/estados/distrito-federal/detalle/no-importan-amenazas-metrobus-de-reforma-va-mancera-364624>>.

VII. Damage to the environment and human health

A. Violation of the human right of all Mexicans to a healthy environment and the right of Mexico City's inhabitants to health⁶⁰

The construction of Metrobús Line 7 violates the human rights to a healthy environment and to health enshrined in both the Mexican Constitution and the Mexico City Constitution, as well as in various international instruments ratified by Mexico.

The human right of all Mexicans to a healthy environment is violated since the government is failing to effectively enforce the law with respect to forest vegetation under federal jurisdiction (i.e., in Bosque de Chapultepec), air emissions, and hazardous waste management (see paragraphs B, H, and I).

Likewise, the rights of Mexico City's inhabitants to a healthy environment and to health are violated by the failure to enforce the environmental law in the context of the local environmental impact assessment (EIA) process, as discussed in greater detail in paragraph D. In particular, Sedema did not request sufficient information to allow for a proper assessment of the project's environmental impact, notably in terms of technical studies (e.g., emissions generated by the confinement of a lane on one of the most highly traveled roadways with walkways; wildlife impact studies; environmental characteristics of the Metrobús vehicles; impact on the Chapultepec PNA, etc.). Moreover, project information which should have been requested from the Developer was instead rectified and requested as a condition in the RIA. In this way, the RIA was issued in an irregular and expedited manner, from the perspective of the Mexico City government, rather than with adherence to due process.

Furthermore, the Mexico City authorities failed to enforce LAPT Article 13, which imposes the following obligations on the authorities: "I. Promote public participation in environmental management; II. Promote protection of the environment and human health; III. Develop and make efficient use of natural resources; and IV. Repair the harm caused, should any complementary activities impact the environment and the future availability of natural resources."

B. Harm to the environment and human health from removal of forest vegetation under federal jurisdiction⁶¹

Sobse failed to apply for a forested land use change (*cambio de uso de suelo en terrenos forestales*—CUSTF) approval from Semarnat. As a consequence, Profepa failed to sanction the project for lacking proper CUSTF approval.

CUSTF approval is a statutory requirement for the Metrobús Line 7 construction project because its route follows Paseo de la Reforma, which is, pursuant to the LGBN, a national asset under federal jurisdiction. The absence of this approval contributes to the accelerated loss of forest vegetation in Mexico.

60. **Legal basis:** Articles 1, 4 paragraphs IV and V, and 25 paragraph VII of the Constitution. CDMX Constitution Articles 9 paragraph D, 13 paragraph A, 16 paragraph A (numbers 4, 5, 8, and 9) and C (number 6), 53 paragraph B (number 3(b) sections XXII and XXIV) and 59 paragraph B (numbers 1, 2, and 8 section II). CDN Article 24. CDB Articles 2, 8 and 14. Protocol of San Salvador, Articles 10 and 11. Rio Declaration, principles 17 and 22. PIDESC Articles 11 and 12. NAFTA Articles 102(1)(c) and 1114. LAPT Article 13.

Authorities failing to effectively enforce environmental law: the authorities mentioned in section "II. Party in question."

61. **Legal basis:** LGDFS Articles 58 paragraph I and 117. RLGDFS Article 122. LGBN Articles 6 paragraph II, 7 paragraph XIII and 9.

Authorities failing to effectively enforce environmental law: Sobse, Semarnat, Profepa.

C. Harm to the environment and human health from failure to enforce the environmental law in connection with the Notice of Supply and Demand Balance⁶²

The Notice of Approval, the Notice of Supply and Demand Balance, and the Declaration of Need were developed and published via a process that violated Mexico City's environmental law because they were issued prior to the RIA, and none of them indicated that it was conditional on obtaining environmental impact approval. Furthermore, these notices and orders are part of the process of granting public transportation concessions, but in no case do they authorize the execution of a construction project, in contrast to the environmental impact assessment process specified in the LAPT and the RIAR. This is important because the process and timelines underlying the publication of said notices did not conform to the provisions of the LM.

Furthermore, by "approving" the planned route and stations in the Notice of Approval, the government of Mexico City, acting by Semovi, indicates that it considers the construction of Metrobús Line 7 to be a *fait accompli*. It should be added that the Notice of Supply and Demand Balance and the Declaration of Need were published post hoc to justify, by means of a "study," the project's construction along an already approved route. Interestingly, these two regulatory instruments were published on the same day, when one would logically expect a notice of balance to precede a declaration of need, as per the LM.

It is worth noting that the study⁶³ referenced by both the Notice of Supply and Demand Balance and the Declaration of Need was in fact obtained via an access to information request. The study obtained through this channel offers no justification for the technical characteristics of the Metrobús units, giving no indication of why they are to be double-decker buses or why they are not electric vehicles, or at least hybrids. In addition to being incomplete and biased, this study was not published in the GODF as prescribed by the LM.

D. Harm to the environment due to failure to enforce the environmental law in the local Environmental Impact Assessment (EIA) process

i. The EIA process was violated by the absence of sufficient information to make a proper assessment⁶⁴

Sedema neither possessed nor obtained sufficient information to identify the measures needed to avoid or minimize negative environmental effects, prevent future environmental harm, and promote sustainable natural resource exploitation, as required by the LAPT.

The Developer delivered incoherent, incomplete, piecemeal information lacking clear and unbiased conclusions. In short, the Developer failed to deliver a complete, structured document. The result was an incomplete and biased EIA process and an RIA exhibiting the same defects.

In summary, the following environmental impacts were not considered, in violation of the LAPT and the RIAR:

- air pollution;
- water pollution;
- soil pollution;
- generation of vibrations;

62. Legal basis: LAPT Articles 44, 45, 52, and 52 bis. RIAR Article 62. LM Articles 3, 7 paragraph V, and 99.

Authorities failing to effectively enforce environmental law: Sobse, Sedema, Semovi, Mayor of Mexico City.

63. See <<https://goo.gl/VtRDNY>>.

64. Legal basis: LAPT Articles 5, 19, 44–52, 52 bis, 53, 93 bis 1, 107, 111, and 112 paragraph VIII. RIAR Articles 3 paragraphs VI, XIII, XV, XVII, XXIX, and XXXI, 4, 6(C) and (D)(no. 131), 14, 41, 44, 50, 52, 54, and 62–4.

Authorities failing to effectively enforce environmental law: Sobse and Sedema.

- changes in topographical features throughout the project route;
- changes in the urban landscape due to changes in the architectural design of the “Paseo de la Reforma” roadway;
- changes in the configuration of green space;
- reduction of vegetated areas and/or green space;
- displacement of urban wildlife due to traffic, noise and urban habitat destruction;
- impact on vegetation due to soil compaction;
- urban impact of the project;
- felling of 640 trees.

AMDA included environmental impact and urban development surveys substantiating these assertions in its amparo motion.

ii. Rectification of deficiencies in preliminary documentation, which should have been properly completed by the Mexico City government prior to requesting the EIA⁶⁵

As noted in the RIA, the Developer did not indicate the final project route, yet it can be seen that such instances of missing information were completed in the RIA.⁶⁶

For example, in Legal and factual basis 6(b), Sedema acknowledges that the areas distribution chart was based on its own estimate, which “was calculated in the absence of specific project information, as the information submitted concerns a comprehensive project.”

Likewise, as may be seen in Legal and factual basis 6(f), Sedema expressly acknowledges that it rectified deficiencies in the project information, a practice not provided for in the LAPT nor in the regulations thereto:

- f) Within the body of information presented to complete the missing information regarding complementary project works, the following is stated:

‘Since what we have in hand is a draft project, it is not possible to produce a project description with detailed descriptions of the complementary works...’

Regarding emissions, as mentioned in condition 1.0, Sedema took upon itself the obligation of estimating emissions in lieu of having the Developer fulfill this obligation. Furthermore, Sedema is clearly authorizing a project without taking into account the impacts on air pollution and health.

iii. Failure to include urban impact in the EIA⁶⁷

Given the project’s effects on the urban environment, the Developer should have been asked to provide an expert opinion on the urban impact, as required by the LAPT.

iv. Failure to hold consultations⁶⁸

As part of the EIA process, the LAPT establishes that when a file is processed, said administrative undertaking shall include a public consultation component, to be organized and held as prescribed by the LPC.

65. Legal basis: LAPT Articles 5, 19, 44–52, 52 bis, 53, 93 bis 1, 107, 111, and 112 paragraph VIII. RIAR Articles 3 paragraphs VI, XIII, XV, XVII, XXIX and XXXI, 4, 6(C) and (D)(no. 131), 14, 41, 44, 50, 52, 54, and 62–4.

Authorities failing to effectively enforce environmental law: Sobse and Sedema.

66. See RIA, bottom of page 4 and page 6, subparagraph f, <<https://goo.gl/Qgc8US>>.

67. Legal basis: LAPT Articles 5 and 45. LDU Articles 3 paragraph XIV, 7 paragraph XVII, 63, 64, 87 paragraph V, and 93. RLDU Articles 76, 77, 82, and 83. Authorities failing to effectively enforce environmental law: Sobse and Seduvi.

68. Legal basis: LAPT Articles 49, 50, and 51. RIAR Article 45, 46, 53 paragraph III, 57, 58, and 60. Authorities failing to effectively enforce environmental law: Sobse and Sedema.

In the event, Sedema clearly failed to enforce the law in this regard. Instead, as occurred with several irregularities in the project approval process, the Mexico City government conducted an opinion survey on 20-22 June (six months after the RIA was approved) to regularize, post hoc, this failure to enforce the environmental law.

E. Harm to the environment and the health of Mexico City's inhabitants from failure to require compliance with various RIA requirements⁶⁹

Although, as mentioned above, Sedema requested measures and information in its conditional requirements that should have been requested as part of the EIA process, the Developer had not complied with several of these conditions when construction work commenced on Metrobús Line 7, in particular the following:

i. Non-compliance with RIA condition 1.0

Project work commenced, although Sobse had not provided information requested in RIA condition 1.0., namely:

- project description;
- georeferenced satellite image;
- project profile indicating stations;
- map of non-terminal stations along Line 7;
- map of terminal stations on Line 7;
- detailed description of construction site preparation and of project operation and maintenance;
- description of the project's electrical facilities;
- forest survey;
- expert opinion on forest management;
- description of plants selected for the project, in accordance with NADF-006-RNAT-2012;
- solid waste management plan;
- approval from the Urban Forests and Environmental Education Branch (*Dirección General de Bosques Urbanos y Educación Ambiental*).

ii. Non-compliance with RIA condition 14

Construction work commenced without a forest survey, a requirement of NADF-001-RNAT-2015, and without technical opinions from the boroughs of Gustavo A. Madero, Cuauhtémoc, and Miguel Hidalgo confirming the feasibility of the planned felling of trees.

The PAOT failed in its obligation to monitor compliance with these conditions and sanction non-compliance.

F. Harm to the environment and the health of Mexico City's inhabitants from the felling of 640 trees⁷⁰

As explained above, the RIA authorized the felling of 640 trees without a study justifying this measure and in the absence of the proper CUSTF approval. Moreover, the RIA is also unlawful in the absence of permits from the boroughs of Gustavo A. Madero, Cuauhtémoc, and Miguel Hidalgo, as required under the LAPT.

69. Legal basis: LAPT Articles 9 paragraph XXIX and 53. NADF-001-RNAT-2015. NADF-007-RNAT-2013. NOM-161-SEMARNAT-2011. Authorities failing to effectively enforce environmental law: Sobse and PAOT.

70. Legal basis: LAPT Articles 89 bis 1 and 89 bis 1.

Authorities failing to effectively enforce environmental law: Sobse, PAOT, boroughs of GAM, Cuauhtémoc, and Miguel Hidalgo.

G. Harm to the environment from failure to enforce the environmental law in relation to the Bosque de Chapultepec AVA⁷¹

Sedema has approved various construction projects in Winston Churchill Park, including a transfer station and a bus stop. However, since this park is part of the Bosque de Chapultepec Area of Environmental Value (AVA), this constitutes an infringement of Mexicans' rights to life, health, and a healthy environment, which are enshrined in the Constitution.

It is important to remember that Bosque de Chapultepec is the lungs of Mexico City and that the project's impact on it will have negative consequences in terms of the city's serious air quality issues. In recent years, drastic measures have been necessary and, indeed, were implemented to reduce automobile use, such as the Emerging Standard on Vehicle Inspection (*Norma Emergente de Verificación Vehicular*), published in 2016.⁷² According to the World Health Organization (WHO), in 2012, approximately 7 million people died (i.e., one in eight deaths worldwide) as a consequence of exposure to air pollution.⁷³

A recent study by the Boston University School of Medicine revealed that long-term exposure to air pollution can cause physical changes to the structure of the brain and affect cognitive function. This study found that people living in severely polluted areas had brain volumes equivalent to that of persons a year older, in comparison with those living in less-polluted areas. Moreover, their risk of silent stroke is 46% higher than that of people living in rural areas.⁷⁴

In Mexico, nearly 9,300 deaths per year are attributable to air pollution.⁷⁵ According to the Mexican Institute for Competitiveness (*Instituto Mexicano para la Competitividad*—IMCO), from January 2010 to 2013, poor air quality resulted in 19,242 premature deaths, 53,191 hospitalizations, and over 3 million medical consultations. Moreover, these medical issues led to worker absenteeism and concomitant economic losses for families and the country.⁷⁶

The National Statistics and Geography Institute (*Instituto Nacional de Estadística y Geografía*—INEGI) estimates the annual costs of natural resource depletion and environmental degradation. In 2014, these costs totaled 910,906 million pesos, with air pollution accounting for the highest percentage. In fact, the cost of air pollution amounted to 3.2% of GDP.⁷⁷

Bosque de Chapultepec not only provides Mexico City with oxygen and clean air, it also supplies the following environmental services: (i) temperature and humidity regulation, (ii) noise control, (iii) aquifer replenishment, (iv) air pollution capture, and (v) conservation of scenic landscapes. These services are additional to its function in preserving the area's historical, cultural, tourism, and recreational value.⁷⁸

For these reasons, Bosque de Chapultepec's importance has been recognized since 1932, when it was declared an "Area of Natural Beauty" by the Colonial Monuments Commission of the Republic, which cited the forest's artistic history and included supporting documents such as photographs and a map.

71. **Legal basis:** Article 4 of the Constitution. CDMX Constitution, Article 13 paragraph A. LGEEPA Articles 3 paragraph II, 7 paragraph V, 45, and 46 paragraph IX and third subparagraph. LAPT Articles 5, 88 bis 1, 89 bis, and 105. Chapultepec Place of Natural Beauty Declaration. Chapultepec AVA Declaration. **Authorities failing to effectively enforce environmental law:** Sobse, Sedema, PAOT.

72. Semarnat, *Norma emergente de verificación vehicular* (Emerging Standard on Vehicle Verification); see <http://www.gob.mx/cms/uploads/attachment/file/100918/NOMEM_para_DOF_06_junio_2016.pdf>.

73. WHO, "7 million premature deaths annually linked to air pollution." <<http://www.who.int/mediacentre/news/releases/2014/air-pollution/en/>>.

74. *Stroke*, "Long-Term Exposure to Fine Particulate Matter, Residential Proximity to Major Roads and Measures of Brain Structure." <<http://stroke.ahajournals.org/content/early/2015/04/23/STROKEAHA.114.008348.full.pdf?download=true>>.

75. Centro Mexicano de Derecho Ambiental (CEMDA), *Los derechos humanos y la calidad del aire en México*. <<http://www.cemda.org.mx/wp-content/uploads/2016/05/Los-Derechos-Humanos-y-la-calidad-dei-aire-en-Me%CC%81xico.pdf>>.

76. Instituto Mexicano para la Competitividad, *¿Cuánto nos cuesta la contaminación del aire en México?* <<http://imco.org.mx/calculadora-aire/>>.

77. Instituto Nacional de Estadística y Geografía, Cuentas Económicas y Ecológicas de México; see <<http://www.inegi.org.mx/est/contenidos/proyectos/cn/ee/default.aspx>>.

78. *Decreto por el que se declara Área de Valor Ambiental del Distrito Federal al Bosque de Chapultepec* (Chapultepec AVA Declaration) of 2 November 2003; see <<http://www.contraloriadf.gob.mx/prontuario/vigente/466.htm>>.

Since 2001, Bosque de Chapultepec has been a candidate for recognition by UNESCO as a World Heritage site in Mexico.⁷⁹

As a reflection of trends in environmental and landscape law, on 2 November 2003, Bosque de Chapultepec was declared an AVA, in recognition of its environmental services. Moreover, because its various sections have particular characteristics and were incorporated in different eras, it was understood that the administration and conservation of the AVA would be inherently complex and require the implementation of policies to facilitate its coherent and comprehensive management.⁸⁰ Finally, the declaration indicated as its principal objective the need to adopt measures to avert the area's deterioration and improve its environmental function.⁸¹ Consequently, the order clearly indicated that only restoration and rehabilitation activities would be permitted in the entire area of the AVA.⁸²

Be that as it may, on 11 July 2014, an amendment to the Chapultepec AVA Declaration was published in the GODE, amending the executive order declaring Bosque de Chapultepec an Area of Environmental Value in the Federal District, with regard to the indicated area. This order is in violation of environmental law because it reduces the size of the AVA and leaves an area of 2,529.66 square meters without protection.

Underlying this order is the argument that the AVA “does not satisfy the ideal characteristics for being considered an area of environmental value, for it already contains asphalt, cement, and concrete roads and a bus stop.”⁸³ In fact, the LAPT's own definition of an AVA considers it to be a space “in which the original environments have been modified by anthropogenic activities, the purpose being to restore or preserve the area in question.” Therefore, the amendment to the Chapultepec AVA Declaration is null and void because it violates the human rights of Mexico City's inhabitants to a healthy environment and health.

Sedema's principal obligation is in fact to restore Bosque de Chapultepec, not to apply for exemption from protection of a highly impacted area. The works mentioned in the order, such as bus stops, should not have been authorized, as required by the LAPT.

H. Harm to the environment from failure to enforce the environmental law with respect to the management of hazardous waste, special management waste, and urban solid waste⁸⁴

There are failures to enforce the environmental law in connection with waste management. Specifically, the EIA lacks a proper study on the impacts arising from the generation of hazardous waste, specially managed (construction) waste, and solid urban waste.

Furthermore, the Developer has not been asked to provide estimates of waste generation and has been allowed to commence construction of the Metrobús project without the corresponding Waste Management Plans. In short, neither the federal authorities (Semarnat and Profepa) nor the Mexico City authorities (Sedema and PAOT) are effectively enforcing the relevant environmental laws. Negative consequences will ensue, in terms of soil contamination and health issues among Mexico City's inhabitants.

79. <<http://whc.unesco.org/en/tentativelists/1273/>>.

80. Eighth recital of the Chapultepec AVA Declaration of 2 November 2003.

81. Thirteenth of the Chapultepec AVA Declaration of 2 November 2003.

82. Sixth recital of the Chapultepec AVA Declaration of 2 November 2003.

83. Article 1 of the *Decreto por el que se modifica el diverso por el que se declara como Área de Valor Ambiental del Distrito Federal al Bosque de Chapultepec* (Amendment to the Chapultepec AVA Declaration).

84. **Legal basis:** LGEEPA Articles 3 paragraph XXXIII, 5 paragraph VI, 7 paragraph IV, 11 paragraph II, 109 bis, 134 paragraph II, 135, 150, and 151 bis. LGPGIR Articles 1, 5 paragraphs X, XVII, XXI, XXIX, XXX, XXXI, XXXII and XXXIII, 6, 7, 9, 31, and 42. RLPGIR Articles 2, 16, 17, 20, 21, 24, 26, and 29. LRS Articles 3 paragraphs XXV, XXXIV, XXXVII and XXXVIII, 6, 9, 10, and 59. RLRS Articles 2 paragraphs VII and XXIV, 3, 12–24. NADF-007-RNAT-2013. NOM-161-SEMARNAT-2011.

Authorities failing to effectively enforce environmental law: Sobse, Semarnat, Profepa, Sedema, PAOT.

I. Harm to the environment from failure to enforce the environmental law with respect to air emissions and greenhouse gases and compounds⁸⁵

There are failures to enforce the environmental law in the EIA process with respect to air emissions, inasmuch as no study has been requested regarding the estimated emissions during the construction phase and subsequently, once Metrobús Line 7 is in operation. In short, neither the federal authorities (Semarnat and Profepa) nor the Mexico City authorities (Sedema and PAOT) are effectively enforcing the relevant environmental laws. Negative consequences will ensue in terms of air pollution and cardio-respiratory illnesses among Mexico City's inhabitants.

Furthermore, the Developer has not been asked to submit a registry of certified greenhouse gas and compound reductions pursuant to the RLGCCRENE.

J. Harm to the environment from failure to enforce the environmental law with respect to consultation of Indigenous communities⁸⁶

Not only is Mexico City one of the world's largest cities, but it is also highly multicultural, as attested by the existence of its Indigenous population, which was not consulted by the Mexico City government prior to approval of the project.

AMDA demonstrated the presence of Indigenous groups who use public transit in Mexico City by consulting the *Catálogo de Colonias y Pueblos Originarios del Distrito Federal 2010*, a document which disaggregates the geoelectoral integration of 1,775 neighborhoods and 40 Indigenous Peoples, as per the LPC.⁸⁷ In addition, an anthropological survey was presented, identifying the Indigenous communities and peoples whose environmental rights are impacted by the construction of Metrobús Line 7.

VIII. Matters helping to achieve the goals of the NAAEC

This admission of this submission for review will contribute to achieving the following goals, enumerated in Article 1 of the Agreement:

- foster the protection and improvement of the environment in the territories of the Parties for the well-being of present and future generations;
- better conserve, protect, and enhance the environment, including wild flora and fauna;
- support the environmental goals and objectives of NAFTA;
- avoid creating trade distortions or new trade barriers;
- strengthen cooperation on the development and improvement of environmental laws, regulations, procedures, policies and practices;
- enhance compliance with, and enforcement of, environmental laws and regulations;

85. **Legal basis:** LGEEPA Articles 8 paragraph III, 109 bis, and 110. LGCC Article 87. RLGCCRENE Articles 8 paragraph III, 26, 27, 109 bis, and 110.

Authorities failing to effectively enforce environmental law: Sobse, Semarnat, Profepa, Sedema, PAOT.

86. **Legal basis:** Articles 1, 14, and 16 of the Constitution. Convention C169 Articles 6, 7, and 8. CDMX Constitution Articles 2, 15(A)(4) and (9), 15(B)(4), 25(A) (6) and (F), and 26(A). LAPT Articles 85 section VI and 86 bis 2. LIAMMH Article 33. LPC Article 50 bis.

Authorities failing to effectively enforce environmental law: Sobse, Sedema, Semovi, Mayor of Mexico City, borough mayors of GAM, Cuauhtémoc and Miguel Hidalgo boroughs.

87. Instituto Electoral del Distrito Federal, *Catálogo de Colonias y Pueblos*. <<http://www.iedf.org.mx/index.php/elecciones/geografia-electoral-00/174-catalogo-de-colonias-y-pueblos/1350-catalogo-de-colonias-y-pueblos>> (viewed 17 May 2017).

- promote transparency and public participation in the development of environmental laws, regulations and policies;
- promote economically efficient and effective environmental measures, and
- promote pollution prevention policies and practices.

Furthermore, review of the submission would bolster an objective of NAFTA Article 102: that of substantially increasing investment opportunities in the territories of the Parties. Effective law enforcement encourages investment and certainty as to the rule of law.

IX. Private remedies pursued

As mentioned in the foregoing record of events, an amparo motion was filed in May of last year. This might suggest that the Mexican government is now taking action in this matter. However, as can be seen, the Mexico City authorities have ignored the permanent injunction granted to prevent environmental harm.

We have therefore been compelled to turn to international bodies to secure environmental law enforcement and/or, if this project does proceed, to ensure that it is implementation in compliance therewith—but also to stop the unlawful construction of Line 7, in accordance with the judicial decisions discussed herein.

X. Appendices

Appendix 1. Photographs of injunction violations; see <<https://goo.gl/D8eSrf>>

Appendix 2. Party's replies to correspondence; see <<https://goo.gl/CFVBTv>>

Appendix 3. Harms and competent authorities; see <<https://goo.gl/Ps5hrk>>

APPENDIX 3

Environmental Law in Question

Environmental law in question
Draft Factual Record
SEM-18-002 (*Metrobús Reforma*)

The Federal District Environmental Protection Act

Article 47.- To obtain an environmental impact authorization, applicants—prior to the commencement of any project works or activities—shall file an environmental impact study with the Ministry, in an appropriate form that accords with the provisions of Article 44 of this Act. The study shall include, as appropriate, at least the following elements:

- I. Name or business name, nationality, address for receiving legal notices, persons identified for such purposes, phone number and email of the party intending to execute the works or activity that is the subject of the environmental impact statement and the name or business name, nationality, address, phone number and email of the natural or legal person responsible for preparing the environmental impact statement, as well as a certified copy of his or her professional license or certification or accreditation in environmental issues and/or risk assessment;
- II. Description of the planned project works or activity, beginning with the project site selection phase, in relation to the following matters: the land area required; a statement of the activities formerly carried out on the site; the construction program, assembly and operation of installations; type of activity, expected production volumes, and investments required for project execution; sum allocated to implement measures to prevent, mitigate and offset environmental impacts; types and quantities of natural resources to be exploited, both during the construction phase as well as during the project's operations phase; the waste management program for the construction and installations assembly phase, as well as during the operations phase; and, where applicable, plans for decommissioning installations or cessation of activities;
- III. General characteristics of the natural and socioeconomic environment of the area identified for the future execution of project works or activities;
- III *bis.*– Delimitation, duly explained, of the project's area of influence;
- IV. Identification of the relevant land use standards and regulations in the planned project area;
- V. Identification, description and assessment of the environmental impacts which the execution of the project or activity would cause, at its different stages and, in so doing, determination of the project's relevant environmental indicators; and

VI. Prevention and mitigation measures for the environmental impacts identified at each stage of the project, as well as the resulting modified environmental scenario.

Regarding activities considered hazardous in the terms of this Act, the environmental impact statement shall include the appropriate risk study, which will be examined as part of the environmental impact assessment. This risk assessment shall, among other things, identify, rank, analyze and assess the environmental risks and the corresponding measures for addressing them.

If, after the environmental impact study has been submitted, modifications are made to the planned programs, works or activities, the interested parties shall inform the Ministry, which will subsequently notify them whether it is necessary to submit additional information to assess the environmental effects that such modifications might cause, in the terms provided for under this Act.

Article 53.– Having assessed the environmental impact statement, the competent authority shall issue, duly grounded and motivated, its corresponding determination, which may:

- I. Authorize the implementation of the programs, as well as the execution of the works or activities in question, under the conditions requested;
- II. Authorize the implementation of the programs, as well as the execution of the works or activities in question, subject to amendments thereto or to the introduction of additional prevention and mitigation measures to avoid, attenuate or offset the adverse environmental impacts which may occur with the project's execution or in the event of accidents; [or]
- III. Deny the requested authorization, when:
 - a) It is in conflict with the provisions of this Act, the regulation thereto, Official Mexican Standards, the Federal District's environmental regulations, environmental management and urban development plans and programs and other applicable legal provisions;
 - b) Project works or activities affect public health or one or more species that are endangered or threatened with extinction, or affect intermediate safeguard zones and factors contributing to the hydrological cycle or one or more ecosystems in particular;
 - c) There are misrepresentations in the information provided by the developers on the environmental impacts of the works or activity in question; and
 - d) When the assessment of the environmental impacts and risks does not guarantee the integrity of the environment or public health.

The Ministry may demand that guarantees be given on compliance with the conditions stipulated in the authorization, in those cases expressly identified in the Regulation to this Act, when grave damages to ecosystems or the environment may occur during the execution of project works.

The Ministry may make a one-time request for additional information, no later than five working days after taking receipt of the application, to complete or clarify the technical contents of the environmental impact statement in its different provisions and studies of risk, to which the applicant must reply within five working days.

For all environmental impact authorizations, the authority shall establish a system to monitor compliance with the provisions and preventive measures, mitigation and compensation for environmental impacts that it has established in the corresponding determination.

The Ministry shall issue the appropriate determination within fifteen working days, once it has integrated the necessary information. Beyond that date, if the authority has not issued a determination, it shall be understood that authorization for execution of the works or activity has been denied.

The Ministry shall establish the procedures for producing a report on compliance with the conditions of authorization, which applicants may present via certified providers of such professional services.

In all cases of environmental impact authorizations, the authority shall establish a system to monitor compliance with the provisions and methods of prevention, mitigation and compensation for environmental impacts that have been established in the corresponding determinations.

Environmental Impact and Risk Regulation

Article 41. The environmental impact statement shall contain the following, in addition to the information specified in the preceding Article:

- I. A technical report of the project, which shall include:
 - a) Geomorphology and hydrology maps, which indicate the natural elements that may undergo significant modifications in their status if the project is executed;
 - b) A map which illustrates the status of the site's existing fundamental ecosystems; and
 - c) A map indicating the location of the protected natural areas and conservation areas close to the site, their status, and their connections with the project.
- II. A detailed description of the biological characteristics of the project area, which should include an inventory of the site's wild flora and fauna, as well as the conditions for maintaining their existence, while also indicating which of the wild species of flora and fauna existing on the project site or in its area of influence are endemic, rare, endangered, threatened with extinction or under a regime of special protection;
- III. A detailed description of the ecosystems and existing landscape in the project area, which should mention:
 - a) The characteristics and current status of the landscape, the modifications that it will suffer as a consequence of the project's execution and its relationship with this; and
 - b) The characteristics of the area's ecosystems, the modifications which they may undergo and their relationship with the project.
- IV. A description of the modified environmental scenario, which should include:
 - a) Proposed alternative solutions in case of effects on the environment and natural resources, including both economic costs as well as the environmental costs; and
 - b) Scenarios on the potential modification of original conditions in the project area, which include the effects of the proposed mitigation, prevention and compensation measures.

Article 42. The environmental impact statement and environmental risk study shall contain the following information:¹⁴

- I. Name or business name, nationality, address and phone number of the party that intends to execute the works or activity for which an authorization is requested;
- II. General information on the natural or legal person responsible for elaborating the environmental impact statement and associated risk study, as well as the name of their legal representative in both cases;
- III. Project information including:
 - a) Localization, dimensions and surface area of the proposed project site;
 - b) Description of the accesses, services and land uses in the adjacent properties; and
 - c) Site preparation (demolition or leveling), construction and, as required, tree transplanting or removal programs.
- IV. Description of the activity: production lines and processes, raw materials management and volumes, products and byproducts included in lists of hazardous activities, characteristics of containers, reactors and other operating equipment and processes, auxiliary equipment, control devices, operating conditions including extremes, and production volumes;
- V. Description of the drainage situation and aqueous tributaries, including the registers, monitoring, treatment or disposal activities pertaining thereto, as well as conditions in relation to wastewater discharges, sewers or the water bodies receiving them;
- VI. Description of the waste generated, including, where appropriate, waste management technologies and systems, and of atmospheric emissions;
- VII. Scenarios generated by analysis of the project-related environmental risks;
- VIII. Soil characteristics study and environmental risk assessment concerning the presence of soil contaminants, in accordance with the applicable Official Mexican Standards;¹⁵
- IX. Description of impact footprints and risk areas, as well as the protection zones around installations, if any;
- X. Accident Prevention Program; and
- XI. Estimated cost of project construction and the sum budgeted to implement safety measures and measures for the prevention, mitigation and offsetting of environmental impacts.

Article 44. The developer shall file a duly completed environmental impact authorization request with the Ministry, including the following supporting documentation:

- I. The environmental impact statement, in the appropriate modality, duly signed by the person responsible for its elaboration;
- II. A summary on magnetic media of the contents of the environmental impact statement, prepared in accordance with the provisions of Article 45 of this Act;

- III. A stamped copy of proof of payment for the administrative fees;
- IV. A certificate, license or official document issued by the competent authority, which indicates the permitted land use(s) on the intended project site;
- V. Maps indicating the location of the intended project site; and
- VI. An application for registration in the Federal District's register of stationary sources and waste discharges or, as the case may be, an application for the Unique Environmental License.

Article 50. Should the environmental impact statement and perhaps the risk study contain shortcomings which hinder the evaluation of the project, the Ministry may address a one-time request to the developer for clarifications, corrections or more information, within twenty working days of integrating the file.

Once this [20-day] deadline has passed without any request made to the applicant, or once the applicant has delivered the information requested, the Ministry will have 10 working days to determine whether it has integrated the information required to expedite the appropriate ruling, in which case it shall so notify the applicant within 15 working days of the said integration.

In case additional information should be required of the developer, it must be provided in an original copy as well as a copy identified as "for public consultation," by the established deadline, which shall not be less than five working days nor more than fifteen. If the information is not filed by the deadline, the Ministry shall issue the appropriate determination based on the data at its disposal.

The deadline set by the Ministry will reflect the complexity of the information requested and its determination shall be well-reasoned and based on legal grounds.

Article 52. In the interests of obtaining more information for assessment purposes and, should it be required to clarify information contained in the environmental impact statement or its annexes, and pursuant to the Chapter of this Act on Monitoring and Inspection, the Ministry may conduct technical inspections of the proposed project site. Such inspections must be conducted within fifteen working days once the Ministry has integrated the file in question.

These technical inspections will be conducted by authorized personnel of the Ministry who will prepare detailed minutes to record the observations made during these inspections.

If, during a technical inspection, any factual inconsistencies are identified between the application and the environmental impact statement or if any violation of environmental regulations is detected, the minutes of this inspection shall constitute evidence in the terms of this Act.

The absence of technical inspections shall not constitute grounds for interrupting the administrative assessment procedure.

Article 54. Should modifications be made to the proposed works or activities during the environmental impact assessment procedure, the developer shall inform the Ministry in advance so that the latter may, within a period that does not exceed ten working days:

- I. Request additional information to assess the resulting environmental effects; or
- II. Notify the applicant that a new application must be initiated by filing a new environmental impact statement, when proposed modifications may cause ecological imbalances, damages to human health or cumulative or synergetic impacts, or when said modifications affect more than 10 percent of the total construction project originally requested.

Article 62. In assessing environmental impact statements, the Ministry shall consider:

- I. The effects of the works or activities to be undertaken on the ecosystems in question, taking into account the constituent elements thereof in their entirety and not solely the resources which are the intended object of exploitation or allocation;
- II. Whether natural resources are utilized in a manner that respects the functional integrity and carrying capacities of the ecosystems of which they are a part, for indefinite periods of time;
- III. Any preventive measures, mitigation measures, compensatory measures, etc., voluntarily proposed by the applicant to avoid or minimize negative environmental effects; and
- IV. Where applicable, proposed alternatives which correct or modify the original project, by means of the measures mentioned in the preceding paragraph.

APPENDIX 4

Master List of Documents – *Metrobús Reforma* Factual record

Date	File number and authority	Content	Comment
14/04/2015	No. PAOT-05-300/200-1619-2015 Issued by: Environmental Protection Studies and Reports Division, Office of the Attorney for Environmental Affairs and Land Use Planning of the Federal District (PAOT) Received by: Greenspace Unit, Department of Works and Services Date stamped as received: 17/04/2015	Request for technical assessment and recommendation for handling of three forestry subjects.	Mentions file no. DMU/SAV/0862/14. Attachment of technical report no. PAOT-2015-003-DEPPA-003. In file of decision 015876-2016.
14/04/2015	No. PAOT-05-300/200-1619-2015 Issued by: Environmental Protection Studies and Reports Division, PAOT Received by: Greenspace Unit, Department of Works and Services Date stamped as received: 17/04/2015	Request for technical assessment and recommendation for handling of three forestry subjects.	Mentions file no. DMU/SAV/0862/14. Attachment of technical report no. PAOT-2015-003-DEPPA-003. In file of decision 015876-2016.
23/10/2015	No. SEDEMA/DGBUEA/01234/201 Issued by: Urban Forests and Environmental Education Branch, Department of the Environment To: Special Projects Branch, Department of Works and Services Received by: Department of Works and Services Date stamped as received: 23/10/2015	Approval of the proposed relocation of seven affected bicycle stations.	Mentions the following documents: AEP-DGPCel/1539/2015 SEDEMA/DGBUEA/01007/2015 SEDUVI/DGAU/19159/2015 SEDEMA/DGBUEA/01002/2015 DPV-2811-2015 SEDEMA/DGBUEA/01001/2015 AEPI/DGPCI/0073/2016
02/09/2016	No. CDMX/SOBSE/DGPE/DP/SPA/093/2016 Issued by: Paving Division, Special Projects Branch, Department of Works and Services Correspondence with the Environmental Regulation Branch (DGRA) and the Environmental Impact Assessment Division of the Department of the Environment	Presents article published in the national-circulation newspaper <i>El Sol de México</i> on 02/09/2016 containing a summary of the project.	None.
19/09/2016	No. CDMX/SOBSE/432/2016 Issued by: Department of Works and Services Received by: Department of the Environment Date stamped as received: 22/09/2016	By means of file nos. GCDMX/SOBSE/DGA/DRFM/1487/2016 and GCDMX/SOBSE/DGA/DRFM/1489/2016, assignment of resources for incorporation of bicycle infrastructure into the project, although the construction and maintenance thereof are not contemplated. File nos. GCDMX/SOBSE/DGA/DRFM/1215/2016 and GCDMX/SOBSE/DGA/DRFM/1712/2016 were prepared as preliminary budgets for the request for assignment of resources.	Mentions the following documents: SEDEMA/TMG/309/2016 SEDEMA/TMG/647/2016 SEDEMA/TMG/544/2016 SEDEMA/TMG/425/2015 SEDEMA/DGBUEA/450/2016 GCDMX/SOBSE/DGA/DRFM/1487/2016 GCDMX/SOBSE/DGA/DRFM/1489/2016 GCDMX/SOBSE/DGA/DRFM/1215/2016 GCDMX/SOBSE/DGA/DRFM/1712/2016 Estimate of pollutant emissions presented.
20/09/2016	No. SEDEMA/DGRA/DEIA/010045/2016 Issued by: Department of the Environment, Environmental Regulation Branch To: Special Projects Branch, Department of Works and Services	Administrative decision concerning prevention as part of the environmental impact procedure for the project.	None.

Date	File number and authority	Content	Comment
14/10/2016	No. CDMX/SOBSE/DGPE/DGPV/972/2016 Issued by: Paving Division, Special Projects Branch, Department of Works and Services To: Environmental Regulation Branch (14/10/2016) and Environmental Impact Assessment Division (17/10/2016), Department of the Environment	In re the additional information required by administrative decision no. SEDEMA/DGRA/DEIA/010045/2016 of 20/09/2016. Has an appendix.	Mentions the following documents: Notice no. NOT-103-2016 of 21/09/2016. Administrative decision no. SEDEMA/DGRA/DEIA/010045/2016 of 20/09/2016.
09/11/2016 to 16/11/2016	Technical survey no. DEIA-RT-040/2016 Produced by Environmental Regulation Branch, Department of the Environment	Mentions the site visit for the project technical survey, specifically referring to the trees that will be affected; identification number and photograph of each specimen is attached. Copy of the document remitted to the project staff who attended the site visit.	Mentions the following documents: SEDEMA/DGRA/DEIA/012447/2016 SEDEMA/DGRA/DEIA/012446/2016 SEDEMA/DGRA/006/2016
30/11/2016	No. SEDEMA/DGRA/DEIA/014363/2016 Issued by: Environmental Regulation Branch, Department of the Environment Received by: Special Projects Branch, Department of Works and Services	Administrative decision on environmental impact (i.e., environmental impact approval or AIA) of the Metrobús Reforma project. Project implementation business case, request for environmental impact study, geographical suitability of Mexicanito Park, project description (including transportation demand studies), site visits for technical survey. Refers in general to the guidelines, reports with photographic records, programs, and contracts to which the project must conform as per the various applicable provisions. Operation and maintenance phases, mitigation measures, greenspace preservation, staff training.	Mentions the following documents: CDMX/SOBSE/DGPE/DP/676/2016 CDMX/SOBSE/DGPE/DP/411/2016 CDMX/SOBSE/DGPE/DP/647/2016 CDMX/SOBSE/DGPE/DP/410/2016 CDMX/SOBSE/DGPE/DP/646/2016 CDMX/SOBSE/DGPE/DP/SPA/093/2016 Administrative decision no. SEDEMA/DGRA/DEIA/010045/2016 The following standards are cited: NADF-006-RNAT-2012 NADF-007-RNAT-2013 NOM-161-SEMARNAT-2011 NADF-020-AMBT-2011 NADF-001-RNAT-2015 NOM-052-SEMARNAT-2005 NADF-018-AMBT-2009 NOM-041-SEMARNAT-2015 NOM-045-SEMARNAT-2006 NOM-050-SEMARNAT-1993 NADF-005-AMBT-2013 NOM-080-SEMARNAT-1994 NADF-024-AMBT-2013 NADF-015-AGUA-2009 Appendix: mail and service of notice (<i>cédula de notificación</i>).
02/12/2016	No. CDMX/SOBSE/DP/1178/2016 Issued by: Paving Division, Department of Works and Services Received by: Environmental Regulation Division, Department of the Environment Date stamped as received: 02/12/2016	In relation to the integration of the environmental impact decision (AIA) on the project. Requires activities to maintain the asphalt roadway through milling and resurfacing.	Mentions administrative decision no. SEDEMA/DGRA/DEIA/014363/2016. Contains the following appendices: document listing activities to be carried out and narrative of maintenance of the Fuentes de Petróleo-Santa Fe section; photographic record thereof; solid waste management plan; milling timeline and excavation; environmental standard NADF-00-RNAT-2013 (chapter 8.5.2).
14/12/2016	No. SEDEMA/DGRA/DEIA/015876/2016 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Submission by Sobse to the DGRA of document 1, which includes: • request for asphalt surface maintenance activities; • submission of a final report on complementary project activities; • report on guidelines to be followed (16) after completion of the work, with adherence to the applicable provisions and with environmental supervision by the DGRA.	Mentions administrative decision no. SEDEMA/DGRA/DEIA/014363/2016. Mentions standard NADF-007-RNAT-2013.
12/2016	No. 16-ML7-MSU-III-82204-E-00	General specification for rigid pavement construction procedure.	Content is highly technical.

Date	File number and authority	Content	Comment
30/01/2017	No. CDMX/SOBSE/DGPE/DP/100/2017 Issued by: Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 31/01/2017	Two tables with requests for project commencement: 1) "Project phase I": management plan; request for quarterly reports and a final report; conclusions of the work; designation of an environmental application. 2) "Environmental factors": Agreement of contractors responsible for waste management and construction; technical supporting documentation in compliance with NADF-007-RNTA-2013; warning signs waiver, and relocation of bicycle paths.	Standards cited: NADF-007-RNAT-2013 N-CMT-4-02-002104 Mentions contract no. DGPE-LPN-F-1-007-16. In file of decision 015876-2016. Mentions file no. SEDEMA/DGBUE/01234/2015.
01/02/2017	No. CDMX/SOBSE/075/2017 Issued by: Department of Works and Services Filed with Public Works Construction Division "B" (01/02/2017) Filed with other authority; however, the stamp is illegible	Instructions for project monitoring and continuity of administrative procedures (internal communication).	Submits estimate of pollutant emissions.
09/03/2017	Legal document filed with Department of the Environment by biologist Rosendo Javier Ramos González Date stamped as received: 23/03/2017	Resignation from position of environmental supervisor of project conditions.	Mentions administrative decision no. SEDEMA/DGRA/DEIA/014363/2016. Submits estimate of pollutant emissions.
21/03/2017	No. CDMX/SOBSE/DGPE/DCOP"B"/17-03-21-012 Issued by: Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 23/03/2017	Refers to files CDMX/SOBSE/DGPE/DP/075/2017, in relation to the change from Special Projects Branch to Public Works Division "B," and CDMX/SOBSE/DGPE/DP/100/2017, establishing that the quarterly report is to be filed by late April or early May. Requests information relating to impacts on trees and to the production of planter project narrative. Itemization of the contribution to the Public Environmental Fund (<i>Fondo Ambiental Público</i> —FAP) of the Federal District (2%). Attachments: planter and electrical project narrative; satellite image; project profile; detailed description of site preparation; total investment required for the project; forest and general survey for the project; forest report; solid waste management plan; estimate of air pollutant emissions; bicycle path project.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) CDMX/SOBSE/075/2017 CDMX/SOBSE/DGPE/DP/100/2017 CDMX/SOBSE/432/2016 Mentions the following standards: NADF-006-RNTA-2012 NADF-007-RNTA-2013 NOM-161-SEMARNAT-2011 Estimate of pollutant emissions submitted. Mentions works contract no. DGPE-LPN-F-1-007-16.
03/04/2017	No. CDMX/SOBSE/DCOP"B"/17-04-03-10 Issued by: Public Works Branch, Public Works Construction Division "B," Department of Works and Services Filed with Urban Forests and Environmental Education Branch, Department of the Environment Date stamped as received: 06/04/2017	Requests approval from the Urban Forests and Environmental Education Branch, as mentioned in condition 1.0 (page 11) of the AIA (decision no. SEDEMA/DGRA/DEIA/014363/2016) approving the project. Attachment: copy of page 11 of the AIA (administrative decision no. SEDEMA/DGRA/DEIA/014363/2016).	Mentions file no. SEDEMA/DGRA/DEIA/014363/2016 (environmental administrative decision). Important: The documentation in which the developer reports on the approval of the Environmental Impact Assessment Division is pending.
17/04/2017	No. CDMX/SOBSE/DGPE/DCOP"B"/17-04-17-004 Issued by: Public Works Branch, Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 19/04/2017	Attaches receipt for first payment for compliance with condition 1.0, in an amount of \$4,736,685.48.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (environmental administrative decision) CDMX/SOBSE/DCOP"B"/17-03-21-016 of 21/03/2017 Estimate of pollutant emissions submitted.
19/04/2017	No. CDMX/SOBSE/DGPE/DCOP"B"/17-04-19-007 Issued by: Public Works Branch, Public Works Construction Division "B" To: Environmental Regulation Branch (20/04/2017) and Environmental Impact Assessment Division (21/07/2017), Department of the Environment	Requests support of Environmental Regulation Branch for complementary activities that were subject to compliance with various conditions, such as those related to the forest survey. Indicates that certain conditions were fulfilled. No supporting documents attached.	Mentions administrative decision no. SEDEMA/DGRA/DEIA/014363/2016.

Date	File number and authority	Content	Comment
20/04/2017	No. SEDEMA/DGBUEA/DBCH/0397/2017 Issued by: Urban Forests and Environmental Education Branch, Department of the Environment Filed with Public Works Branch "B," Department of Works and Services Date stamped as received: 24/04/2017	Document granting approval for work to adapt the construction of a passenger station and two vehicle bays, conditional upon the absence of impact on the existing infrastructure or, in the event of such impact, the repair of any damage. States that the developer must comply with the provisions applicable to construction, environmental impact, and archaeological salvage.	Mentions file no. CDMX/SOBSE/DCOP"B"/17-04-03-10 (attached, along with copy of page 11 of environmental administrative decision no. SEDEMA/DGRA/DEIA/014363/2016) In file SEDEMA/DGRA/DEIA/004234/2017
25/04/2017	No. SEDEMA/DGRA/DEIA/004234/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Administrative decision exhibiting documentation for compliance with condition 1.0 of environmental impact decision. Approves the felling of 358 trees, the removal of 23, and the transplanting of 5. Approves permanent impacts on 2,439.43 m ² of greenspace. Does not approve the felling of 60 trees.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) CDMX/SOBSE/DGOP/DCOP"B"/17-03-21-012 CDMX/SOBSE/075/2017 PAOT-2015-003-DEPPA-003 CDMX/SOBSE/DGOP/DCOP"B"/17-04-17-004 CDMX/SOBSE/DGOP/DCOP"B"/17-04-19-007 CDMX/SOBSE/432/2016 Mentions standard NADF-001-RNAT-2015. The file is incomplete (includes 12 of 15 pages).
25/04/2017	No. MB/DPES/090/2017 Issued by: Planning, Evaluation and Systems Division, Metrobús To: Public Works Construction Division "B," Department of Works and Services Date stamped as received: 27/04/2017	Presents information concerning estimated emissions from Metrobús, indicating that there will be a reduction of 13,681 tons of CO _{2eq} . Also indicates that the quantity of pollutant emissions to be generated during maintenance of the project is unknown.	Mentions the following documents: CDMX/SOBSE/DGOP/DCOP"B"/17-04-03-009. A copy is contained in SEDEMA/DGRA/DEIA/004234/2017.
03/05/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-04-05-006 Issued by: Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 05/05/2017	Presents the first monetary contribution, in an amount of \$4,736,685.48, with respect to prevention, mitigation, and compensation measures for the environmental impacts identified in the environmental decision. Also requests clarification of administrative decision no. SEDEMA/DGRA/DEIA/004234/2017, on the one hand, and the environmental decision, point 3, phase 1, on the other, since the two documents are contradictory.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) CDMX/SOBSE/DGOP"B"/17-04-004 SEDEMA/DGRA/DEIA/004234/2017 The following standards are mentioned: NADF-001-RNAT-2015 NADF-2006-RNAT-2012 A copy is found in SEDEMA/DGRA/DEIA/004234/2017.
04/05/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-04-05-006 Issued by: Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 05/05/2017	The developer requests reconsideration of condition 1.0 of the first phase (site preparation, construction, installation), set out in the environmental decision on the project, in reference to impacts on trees.	Mentions the following documents: SEDEMA/DGBUEA/DBCH/0397/2017 MB/DPES/090/2017 SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004234/2017 The following standard is mentioned: NADF-001-RNAT-2015. A copy is found in SEDEMA/DGRA/DEIA/004234/2017.

Date	File number and authority	Content	Comment
05/05/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-05-05-003 Issued by: Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 09/05/2017	Proposals for resolving compliance with condition 1.0 of the first phase (site preparation, construction, installation). Presents the construction and demolition waste management plan for environmental impact procedures, dated 08/05/2017.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) CDMX/SOBSE/DGOPDCOP"B"/17-04-05-006 Contained in file SEDEMA/DGRA/DEIA/004234/2017.
08/05/2017	Construction and demolition waste management plan for environmental impact procedures Application made by Public Works Division, Department of Works and Services	Waste management plan for the construction and demolition associated with the Metrobús Reforma project. Application filed with the registry system of the Federal District.	Mentions the following standards: NADF-007-RNAT-2013 NOM-052-SEMARNAT-2005
10/05/2017	No. SEDEMA/DGRA/DEIA/004712/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Decision on revision of the Internal Regulation of the Federal District Public Administration, whereby the Special Projects Branch becomes the Transportation Construction Work Branch. In addition, Francisco Martínez Vargas is assigned to supervise the project, for which purpose Sedema requests documentation of his credentials.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/015878/2016 CDMX/SOBSE/DGOP/DCOP"B"/17-03-21-012 CDMX/SOBSE/075/2017 SEDEMA/DGRA/DEIA/004234/2017 NOT-64/2017 SEDEMA/DGRA/000001/2017 Stamped as received but illegible.
15/05/2017	No. SEDEMA/DGRA/DEIA/004807/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services Has a date stamp but it is illegible	Discusses the 2% contribution to the Federal District Public Environmental Fund to cover the synergistic and residual environmental impacts of the project as well as compensation for impacts on tree specimens.	Mentions the following documents: CDMX/SOBSE/DGOP/DCOP"B"/17-05-03-006 SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004234/2017 Mentions standard NADF-001-RNAT-2015.
16/05/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-05-16-010 Issued by: Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch (17/05/2017) and Environmental Impact Assessment Division (18/05/2017), Department of the Environment	Presents second deposit in an amount of \$4,736,685.48 in compliance with the AIA (administrative decision no. SEDEMA/DGRA/DEIA/014363/2016) of 30/11/2016. Transaction record is attached.	Mentions administrative decision no. SEDEMA/DGRA/DEIA/014363/2016.
19/05/2017	No. SEDEMA/DGRA/DEIA/005023/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Sedema decision on the documentation presented and the developer's proposals in relation to compliance with the project conditions.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 CDMX/SOBSE/DGPE/DP/100/2017 SEDEMA/DGRA/DEIA/004234/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-04-05-006 CDMX/SOBSE/DGOP/DCOP"B"/17-05-05-003 SEDEMA/DGBUEA/DBCH/0397/2017 MB/DPES/090/2017 SEDUVI/DGAU/19159/2015 AEP-DGPCel/1539/2015 DPV-2811-2015 SEDEMA/DGBUEA/01234/2015 AEP-DGPCI/0073/2016 DGPE-LPN-F-1-007-16 NADF-007-RNAT-2013 N-CMT-4-02-002/04

Date	File number and authority	Content	Comment
19/05/2017	No. SEDEMA/DGRA/DEIA/005024/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Administrative decision providing as follows: - ratifies the AIA (the administrative decision of 2016); - follows up on condition 1.0 with administrative decision no. SEDEMA/DGRA/DEIA/004234/2017, paragraphs 2 n and 3 (with respect to the proposal of deposits to the Federal District FAP, and - acknowledges that the second payment to the FAP, mentioned in the DCOP "B" document of 16 May 2017, has been made. In addition, it calls for the remaining payments to be made, mentioning the deadlines and the penalties for failing to make a payment.	Mentions the following documents: SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004234/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-05-16-010
26/05/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-05-26-006 Issued by: Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch, Department of the Environment	In relation to the assignment of Francisco Martínez Vargas to supervise the project, requests one copy of his official identification (voter ID, IFE), as well as the appointment letter issued by the Minister of Works and Services.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017
06/06/2017	No. SEDEMA/DGRA/DEIA/005760/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Administrative decision with three provisions: - establishes the time periods for submission of INBA, INAH, Seduvi, and DGBUEA opinions; - follows up on compliance with condition 1.0 and related decision no. SEDEMA/DGRA/DEIA/004234/2017; - follows up on compliance with conditions 1.0 and 1.4 as per decision no. SEDEMA/DGRA/DEIA/005023/2017 establishing delivery deadlines (for sidewalks and ancillary works, plan of stations, description of planters, waste management plan, and emissions estimate by DP-DGPE). Takes note of agreement with Public Works Construction Division "B" to deliver promptly and properly in order to achieve compliance with conditions 1.0 and 1.4, and mentions the legal effects in case of non-compliance.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004234/2017 SEDEMA/DGRA/DEIA/005023/2017
08/06/2017	File no. 1204-C/0707 Issued by: Division of Architecture and Conservation of Artistic Built Heritage, National Institute of Fine Arts To: Public Works Construction Division "B," Department of Works and Services Date stamped as received: 27/06/2017	Response to document of 22 May 2017 requesting approval from INBA for construction of a section of the project. States that this section is not registered as an artistic monuments zone and that INBA cannot therefore issue an opinion, but recommends consulting with the National Historic Monuments Coordinating Unit of the National Institute of Anthropology and History (INAH). Attachment of map with details of protection for monuments.	Mentions file no. CDMX/SOBSE/DGOP/DCOP"B"/17-05-22-006.
20/06/2017	No. CDMX/SOBSE/DGOP/20.06.17/001 Issued by: Public Works Branch, Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 23/06/2017	Responds to administrative decision no. SEDEMA/DGRA/DEIA/005024/2017, with a list of the synergistic and residual environmental impacts of the project and reference to the monetary compensation of 2% by Sobse to the FAP pursuant to the provisions on felling of trees.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/005024/2017 SEDEMA/DGRA/DEIA/004807/2017 In file titled: RA-006562-21-07-2017.
21/06/2017	No. SEDEMA/DGRA/DEIA/006562/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Mentions the environmental impact decision (AIA) and various documents, including file nos. SEDEMA/DGRA/DEIA/004712/2017 (whereby rights and obligations were transferred, with reference to proof of identity of the new project supervisor, as well as the environmental provisions applicable to project compliance); SEDEMA/DGRA/DEIA/015878/2016 (referring to the environmental decision on the project, making it conditional on the filing of a final report of complementary activities and updating of the solid waste management plan), and SEDEMA/DGRA/DEIA/004234/2017 (approval of the felling, pruning, and transplanting of 363 trees with a reforestation, landscape architecture, and maintenance project and with a monetary contribution of \$15,598,272.93 to the FAP).	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/015878/2016 SEDEMA/DGRA/DEIA/004234/2017 SEDEMA/DGRA/DEIA/006562/2017 SEDEMA/DGRA/DEIA/005024/2017 SEDEMA/DGRA/DEIA/004807/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-05-26-006 CDMX/SOBSE/DGOP/20.06.17/001 CDMX/SOBSE/DGOP/DCOP"B"/17-06-22-007

Date	File number and authority	Content	Comment
22/06/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-06-22-008 Issued by: Public Works Construction Division "B," Department of Works and Services Filed with the Environmental Regulation Branch, Department of the Environment Date stamped as received: 23/06/2017	Table presenting the approvals issued by INBA, INAH, Seduvi, and DGBUEA. Request for approval by the Bosque de Chapultepec division for felling of trees on the site. Authorization to fell 120 trees, listed in a table with indication of borough, date of removal, and quantity.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) CDMX/SOBSE/DGOP/DCOP"B"/17-05-22-006 (attached to this document) File no. 401.3S.1-2017/1873 (attached) File no. 401.3S.1-2017/2584 (attached) File no. SEDUVI/CGDAU/DPCU/1080/2017 (attached) SEDEMA/DGRA/DEIA/005023/2017
28/06/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-06-28-001 Issued by: Public Works Construction Division "B," Public Works Branch, Department of Works and Services. To: Environmental Impact Assessment Division (29/06/2017) and Environmental Regulation Branch (28/06/2017), Department of the Environment	Submits documentation for compliance with conditions 1.0, 1.2, 1.4 and 2.0, namely: - Construction and demolition waste management plan for environmental impact procedures of 26/06/2017. - Narrative of Cuicláhuac station. - Administrative record of delivery-physical receipt of space located on Avenue Paseo de la Reforma, between Paseo de la Reforma Norte and Matamoros Street, district of Morelos, borough of Cuauhtémoc, with an area of 12,000 m². Presents air pollutant emission estimates for the site preparation, construction, and operation phases of the project (one page missing, number 6). Submits one page of the public works contract, section corresponding to facilities, accessories, and bathroom fixtures.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/005023/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-06-28-001 CDMX/SOBSE/DGPE/DP/100/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-03-21-012 Mentions standard NOM-009-CNA-1998. Mentions contract no. DGPE-LPN-F-1-007-16.
07/07/2017	No. SEDEMA/DGRA/DEIA/007309/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Administrative decision with four provisions: - omits decision no. SEDEMA/DGRA/DEIA/005023/2017 acknowledging receipt of document approving construction of the "El Mexicanito" section (SEDEMA/DGBUEA/ DBCH/0397/2017); - further to file no. SEDEMA/DGRA/DEIA/005760/2017, requests missing information in regard to condition 1.0; - in relation to file no. CDMX/SOBSE/DGOP/ DCOP"B"/17-06-22-008, mentions the documents containing the Seduvi, INAH, and INBA opinions; - resolves to integrate the provisions, requesting that the measures for protection of historical property along the "El Mexicanito" section be integrated and that the corresponding time periods be defined.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/005023/2017 SEDEMA/DGBUEA/DBCH/0397/2017 SEDEMA/DGRA/DEIA/005760/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-06-22-008 CDMX/SOBSE/DGOP/DCOP"B"/17-05-22-006 SEDUVI/CGDAU/DPCU/1080/2017 Mentions the following documents: File no. 401.3S.1-2017/1873 File no. 401.3S.1-2017/2584
14/07/2017	No. SEDEMA/DGRA/DEIA/008469/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Administrative decision following up on the DGRA administrative decision (the environmental impact approval of the project), with the following provisions: - maintenance of impact on greenspace and restoration of equivalent area in accordance with file no. SEDEMA/DGRA/DEIA/004234/2017; - submits file no. SEDEMA/DGBUEA/DBCH/0397/2017, approving the adaptation of one station and two vehicle bays; - the developer files with the DGRA file no. CDMX/SOBSE/DGOP /DCOP"B"/17-06-28-00 presenting information and, in so doing, complying with conditions 1.0, 1.2, and 1.4. The DGRA incorporates these documents into this decision. Analyzes information submitted by DCOP "B" for compliance with conditions 1.0, 1.2, 1.4, 2.0, and 8.0 of the AIA (the information corresponding to phase 1: "Site preparation, construction, and installation" is presented in the form of a table listing the individual conditions, the documents filed, and the analysis on which the DGRA based its approval and the determination of the relevant compensation).	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/004234/2017 SEDEMA/DGRA/DEIA/005023/2017 SEDEMA/DGBUEA/DBCH/0397/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-06-28-001 SEDEMA/DGRA/DEIA/008469/2017 SEDEMA/DGRA/DEIA/000001/2017 DGPE-LPN-F-1-007-16 (works contract) CDMX/SOBSE/DGPE/DP/100/2017 Mentions standard NADF-007-RNAT-2013.

Date	File number and authority	Content	Comment
18/07/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-07-18-012 Issued by: Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 01/08/2017	In response to the environmental impact decision (AIA) on the project, input sheet (<i>folio de ingreso</i>) no. 17593/2016, and in relation to decision no. SEDEMA/DGRA/DEIA/004234/2017 approving the felling of trees and requesting information on the condition of the remaining trees to be felled (up to this point, 109 have been felled). Attaches table with a list of the trees in question, each identified with a number.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004234/2017 Contained in file no. SEDEMA/DGRA/DEIA/008469/2017.
28/07/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-07-28-003 Issued by: Public Works Construction Division "B," Department of Works and Services Received by: Environmental Regulation Branch, Department of the Environment Date stamped as received: 07/08/2017	Refers to administrative decision no. SEDEMA/DGRA/DEIA/007309/2017 concerning the request for an opinion from INBA in relation to the project (and for its response as regards the determination that it lacks the jurisdiction to issue an opinion). Also reports the use of plaques to protect historical property.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/007309/2017 File no. 1204-C/070 Contained in file SEDEMA/DGRA/ DEIA/008469/2017.
28/07/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-05-006 Issued by: Public Works Construction Division "B," Department of Works and Services Received by: Environmental Regulation Branch, Department of the Environment. Date stamped as received: 08/08/2017	In relation to the project, and in particular to administrative decision no. SEDEMA/DGRA/DEIA/005760/2017, the corresponding bodies report on condition 1.0: a) INBA: no opinion from this body is required; b) INAH: two approvals are sent; c) Seduvi: issues a favorable technical opinion on the project, but only as regards heritage conservation; d) DGBUEA: admits file no. SEDEMA/DGRA/ DEIA/005023/2017, issued by the DBCH. Presents a table for conditions 1.0 and 1.4 (condition, description, response).	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/005760/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-06-22-008 CDMX/SOBSE/DGOP/DCOP"B"/17-05-22-006 -401.3S.1-2017/1873 (INAH approval 1) -401.3S.1-2017/2584 (INAH approval 2) SEDUVI/CGDAU/DPCU/1080/2017 SEDEMA/DGRA/DEIA/005023/2017 (5) CDMX/SOBSE/DGOP/DCOP"B"/17-06-28-00 Contained in file SEDEMA/DGRA/DEIA/008469/2017.
09/08/2017	No. SEDEMA/DGRA/DEIA/008991/2017 Issued by Environmental Regulation Branch Received by Public Works Construction Division "B" Date stamped as received: 15/08/2017	Request for information on the phytosanitary status of the trees, with a table of specifications and mention of associated deforestation, in conformity with the guidelines of environmental standard NADF-001-RNTA-2015.	Mentions the following documents: CDMX/SOBSE/DGOP/DCOP"B"/17-03-21-012 NADF-001-RNTA-2015
14/08/2017	No. SEDEMA/DGRA/009242/2017 Issued by Environmental Regulation Branch, Department of the Environment Received by Public Works Construction Division "B" Date stamped as received: 18/08/2017	SEDEMA/DGRA/DEIA/00503/2017: follow-up on the environmental impact approval (condition 1.0). SEDEMA/DGRA/DEIA/007309/2017: submission and ratification of approvals from INAH and Seduvi. SEDEMA/DGRA/DEIA/008469/2017: compliance with condition 1.0 of the AIA. CDMX/SOBSE/DCOP"B"/17-07-28-003: Avenue Paseo de la Reforma is not considered an artistic monument. CDMX/SOBSE/DGOP"B"/17-07-28-002: submission of the documentation required by administrative decision 1. Requests protection of artistic monuments, with photographic documentation as well as reports on the actions taken to safeguard them.	Mentions the following documents: SEDEMA/DGRA/DEIA/0047/12/2017 SEDEMA/DGRA/DEIA/005023/2017 SEDEMA/DGRA/DEIA/007309/2017 SEDEMA/DGRA/DEIA/008469/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-07-28-002 File no.1204-C/0707
15/09/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-09-15-013 Issued by: Public Works Construction Division "B," Public Works Branch, Department of Works and Services To: Environmental Regulation Branch Date stamped as received: 09/10/2017 and 10/10/2017	Corrects the terms of file no. CDMX/SOBSE/DGOP/DCOP"B"/17-09-06-008, which erroneously mentioned administrative decision no. SEDEMA/DGRA/DEIA/014363/2016 (AIA) and input sheet no. 17593/2016.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) CDMX/SOBSE/DGOP/DCOP"B"/17-09-06-008

Date	File number and authority	Content	Comment
18/09/2017	No. SEDEMA/DGRA/DEIA/011880/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "B," Department of Works and Services	Discusses the approvals granted by the DGRA for felling of trees. In addition, mentions the two types of compensation with which the developer must comply in order to carry out the project.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/004234/2017 SEDEMA/DGRA/DEIA/004807/2017 CDMX/SOBSE/DGOP/20.06.17/001 CDMX/SOBSE/DGOP/DCOP"B"/17-06-22-007 CDMX/SOBSE/DGOP/DCOP"B"/17-06-22-008
09/10/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-10-09-046 Issued by: Public Works Branch, Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch (11/10/2017) and Environmental Impact Assessment Division (12/10/2017), Department of the Environment	Authorizes the cutting of sidewalks to create planters. For this purpose, the developer is required to present plans for each district where cutting and demolition will take place, as well as indicating the dimensions of the planters. Corresponding approvals or authorizations by the boroughs of Gustavo A. Madero and Cuauhtémoc. Requests map indicating location and dimensions of the perimeter path for Rosario Park as well as the sites where the planters located on secondary streets will be located.	Mentions file no. SEDEMA/DGRA/DEIA/010428/2017.
13/10/2017	No. SEDEMA/DGRA/DEIA/12371/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Department of Government, Mexico City Date stamped as received: 16/10/2017	Presents information obtained from site visits conducted by staff of the boroughs of Gustavo A. Madero and Cuauhtémoc, the Environmental Regulation Branch, the Department of the Environment, the Department of Works and Services, and the Office of the Attorney for Environmental Affairs and Land Use Planning, as well as neighborhood authorities and representatives of these boroughs.	The date stamp of the Mexico City Department of Government indicates that the document had an attachment (CD), but the corresponding information has not been identified. In addition, it is not mentioned that information was obtained from the borough of Miguel Hidalgo, as it was then called.
20/10/2017	No. SEDEMA/DGRA/DEIA/012693/2017 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Public Works Construction Division "B," Department of Works and Services	Decision in re compliance with conditions 1.0, 1.2, 1.3, 1.6, 1.7, 1.8, 2.0, 2.1, 3.0, 3.1, 3.2, 4.0, 4.1, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 6.0, and 6.1 of the project AIA.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/004234/2017 SEDEMA/DGRA/DEIA/005023/2017 SEDEMA/DGRA/DEIA/008469/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-09-06-008 SEDEMA/DGRA/DEIA/011880/2017 SEDEMA/DGBUEA/DBCH/0397/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-06-13-010 SEDEMA/DGBUEA/DBCH/0705/2017 SEDEMA/DGBUEA/DMRVU/466/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-06-22-007
09/11/2017	No. CDMX/SOBSE/DGOP/DCOP"B"/17-11-09/010 Issued by: Public Works Branch, Public Works Construction Division "B," Department of Works and Services To: Environmental Regulation Branch (13/11/2017) and Environmental Impact Assessment Division (14/11/2017), Department of the Environment	Reports on compliance with point 2 of administrative decision no. SEDEMA/DGRA/DEIA/011880/2017 of 18/09/2017, in relation to the status of the 243 trees whose felling was approved. It refers to point 5 of administrative decision no. SEDEMA/DGRA/DEIA/011880/2017 of 18/09/2017, concerning the partial payment of \$4,736,685.49, and a record of the transaction is attached.	Concerning compliance with point 2, it mentions an attached list of information on the condition of the 243 trees approved for felling, but that attachment is missing from the file.

Date	File number and authority	Content	Comment
15/01/2018	No. SEDEMA/DGRA/DEIA/00518/1018 Administrative decision Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Public Works Construction Division "B"	Approves the felling of seven (7) trees as well as the use of the resulting material. Approves permanent impacts on 108.05 m ² of greenspace. Establishes, as a compensation measure, the replanting of 19 trees with the corresponding ongoing tree care measures. The authorized executor (the developer) must document the performance of the approved measures as per these directives. In addition, the developer must submit a reforestation, landscape architecture, and maintenance project. Also establishes that while the measures mentioned are authorized, they may not be taken until the amparo motion is resolved.	Mentions the following documents: CDMX/SOBSE/DGOP/DCOP"B"/17-09-11-012 CDMX/SOBSE/DGOP/DCOP"B"/17-11-23/001 CDMX/SOBSE/DGOP/DCOP"B"/17-11-30/010 CDMX/SOBSE/DGOP/DCOP"B"/17-12-13/007 SEDEMA/DGRA/DEIA/015248/2017 SEDEMA/DGRA/DEIA/015274/2017 DGL/DC/SCCA/IIS/274/2018
24/01/2018	No. CDMX/SOBSE/DGOP/DCOP"B"/18-01-24/002 Issued by: Public Works Branch Department of Works and Services To: Environmental Regulation Branch (24/01/2018) and Environmental Impact Assessment Division (25/01/2018), Department of the Environment	Presents fourth deposit in an amount of \$4,736,685.49, in compliance with the AIA (environmental administrative decision no. SEDEMA/DGRA/DEIA/014363/2016), of 30/11/2016. Record of transaction attached.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/0014633/2017
25/01/2018	Investigation folder CI-FEDAPUR/A/UI-3 C/D/001104/08-2017 Produced by: Office of the Attorney for Investigation of Environmental Crimes and for Urban Protection Received by: Environmental Regulation Branch, Department of the Environment Date stamped as received: 25/01/2018	Asks the Environmental Regulation Branch of Sedema about the existence of an environmental impact statement for the felling of tree specimens in the context of the Metrobús Reforma project.	None.
26/01/2018	No. CDMX/SOBSE/DGOP/DCOP"B"/18-01-26-013 Issued by: Public Works Construction Division "B," Department of Works and Services Received by: Environmental Regulation Branch, Department of the Environment Date stamped as received: 31/01/2018 and on 01/02/2018	Document correcting file no. CDMX/SOBSE/DGOP/DCOP"B"/18-12-01/001, which should be CDMX/SOBSE/DGOP/DCOP"B"/18-01-22/001.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) CDMX/SOBSE/DGOP/DCOP"B"/18-12-01/001
13/02/2018	No. SEDEMA/DGRA/DEIA/002105/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Department of Works and Services	Authorizes the felling of 17 trees and the pruning of 91. Denies authorization for felling of 2 trees, since these do not interfere with bus handling. Establishes as a compensation measure the replanting of 32 trees along with the corresponding tree care. The authorized executor (the developer) must document the performance of the approved measures as per these directives. In addition, the developer must submit a reforestation, landscape architecture, and maintenance project. Finally, establishes that while the measures mentioned are authorized, they may not be taken until the amparo motion is resolved.	Mentions the following documents: DGL/DC/SCCA/IIS/274/2018 CDMX/SOBSE/DGOP"B"/18-02-12/011
20/02/2018	No. SEDEMA/DGRA/DEIA/002351/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Department of Works and Services	The developer submits documentation on the felling of trees and the current status of the remaining trees. Moreover, a period of 15 days is granted for filing the required reforestation, landscape architecture, and maintenance project.	Mentions the following documents: SEDEMA/DGRA/DEIA/014633/2017 SEDEMA/DGRA/DEIA/016335/2017 CDMX/SOBSE/DGOP/DCOP"B"/18-01-26/011 CDMX/SOBSE/DGOP/DCOP"B"/18-01-26/012

Date	File number and authority	Content	Comment
23/02/2018	No. SEDEMA/DGRA/DEIA/002456/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Department of Works and Services	Authorization to fell four (4) trees (conditional on resolution of amparo motion) and compensation with replanting of 18 trees. The developer must submit a reforestation, landscape architecture, and maintenance project. In addition, for the planting of the 18 new trees, the developer must submit a georeferenced map with the location of each specimen, as well as a photographic record. The waste material obtained from felling and pruning must be shredded and composted for mulching of trees and other plants.	Mentions the following documents: SEDEMA/DGRA/DEIA/01436/2016 SEDEMA/DGRA/DEIA/004712/2017 DGS/DC/SCCA/IS/274/2018 CDMX/SOBSE/DGOP/DCOP"B"/18-02-21/009
9/04/2018	No. SEDEMA/DGRA/DEIA/004263/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Department of Works and Services	Acknowledges receipt of two compliance reports, one half-yearly, the other quarterly.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/0047/2017 SEDEMA/DGRA/DEIA/004234/2017 SEDEMA/DGRA/DEIA/005023/2017 SEDEMA/DGRA/DEIA/008469/2017 SEDEMA/DGRA/DEIA/008469/2017 SEDEMA/DGRA/DEIA/008469/2017 SEDEMA/DGRA/DEIA/008469/2017 SEDEMA/DGRA/DEIA/008469/2017 SEDEMA/DGRA/DEIA/012693/2017 CDMX/SOBSE/DGOP/DCOP"B"/17-11-15/012
13/06/2018	No. MB/DG/1832/2018 Issued by: Metrobús Branch To: Office of the Attorney for Environmental Affairs and Land Use Planning, Mexico City	Response to the assertions contained in submission SEM-18-002, specifically as regards LGEEPA Articles 109 Bis, second paragraph and 110. Three attachments are mentioned but are not attached to the PDF of the document.	None.
25/09/2018	No. SEDEMA/DGRA/DEIA/013191/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Department of Works and Services	Pruning of 82 trees by Public Works Construction Division "D."	Mentions the following documents: SEDEMA/DGRA/006911/2018 SEDEMA/DGRA/DEIA/007306/2018 SEDEMA/DGRA/DEIA/003981/2018 SEDEMA/DGRA/DEIA/000390/2018 SEDEMA/DGRA/DEIA/011353/2018 SEDEMA/DGRA/DEIA/010524/2018 The document issued by Sedema indicates that Sobse had not provided supporting documents and evidence for the pruning work. Non-compliance was therefore declared.

Date	File number and authority	Content	Comment
1/10/2018	No. SEDEMA/DGRA/DEIA/013441/2018 Issued by: Environmental Regulation Branch To: Public Works Construction Division "D," Department of Works and Services Date stamped as received: 03/10/2018	Compliance with conditions (in particular condition 1.0). Information on completed and pending work on the bicycle path (Lieja to Axis 2 section). Decision requiring additional information from the applicant regarding the minutes submitted, which must be signed by each and every one of the people involved in maintenance of the bicycle path.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/009839/2018 SEDEMA/DGRA/DEIA/013177/2017 SEDEMA/DGBUEA/001447/2017 SEDEMA/TMG/721/2017 FONACIPE/A1EXTRAORD/ACU-02/2017 SEDEMA/DGRA/DEIA/001599/2018 SEDEMA/DGRA/DEIA/003575/2018 SEDEMA/DGRA/DEIA/005574/2018 SEDEMA/DGRA/DEIA/007615/2018 SEDEMA/DGRA/DEIA/010546/2018 SEDEMA/DGBUEA/001081/2018 CDMX/SOBSE/DGOP/DCOP"D"/18-06-28-004 CDMX/SOBSE/DGOP/DCOP"D"/18-08-17/003
16/10/2018	No. SEDEMA/DGRA/DEIA/014399/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Department of Works and Services	List specifying two of the monetary contributions to the Public Environmental Fund of Mexico City (due to the synergistic and residual environmental impacts as well as compensation for impacts on tree specimens). States that the contribution for impacts on tree specimens is lacking. Addresses the reforestation, landscape architecture, maintenance, and greenspace development and improvement projects. Serves notice regarding the list of works and activities for greenspace creation and rehabilitation, as well as the photographic record of the zones where work will be done for such purpose, indicating that two-year timelines stating the maintenance measures to be taken must be submitted. The conclusion of the reforestation, landscape architecture, and maintenance project activities must be submitted. A 15-day period is provided for compliance with these requirements.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/009839/2018 SEDEMA/DGRA/DEIA/004807/2017 SEDEMA/DGRA/DEIA/004234/2017 SEDEMA/DGRA/DEIA/016335/2017 SEDEMA/DGRA/DEIA/002351/2018 SEDEMA/DGRA/DEIA/003606/2018 SEDEMA/DGRA/DEIA/005545/2018 SEDEMA/DGRA/DEIA/009731/2018 SEDEMA/DGRA/DEIA/010144/2018 SEDEMA/DGRA/DEIA/010148/2018 SEDEMA/DGBUEA/DMRAVU/445/2018 CDMX/SOBSE/DGOP/DCOP"D"/18-09-18/005
16/10/2018	No. SEDEMA/DGRA/DEIA/014473/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Road Infrastructure Branch, Department of Works and Services Date stamped as received: 18/10/2018	Refers to the construction of the bicycle path along the Calzada de Guadalupe section (south-north direction) from Acero Street to Garrido Street and from Moctezuma Street to Axis 2 Norte, with the work to be executed by the Urban Management Agency acting by the Road Infrastructure Improvement Division. Also states that a meeting was to be held with various authorities on 22 October 2018 to address the work done on the bicycle path.	Mentions file no. CDMX/SOBSE/DGOP/DCOP"D"/18-10-03/002.
22/10/2018	No. SEDEMA/DGRA/DEIA/014878/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Branch, Department of Works and Services	Makes reference to documents 1 and 2 with indication of the measures taken, corresponding reports, supporting documents and evidence of compliance with that document. In regard to maintenance, the DGRA is exempt by virtue of the provisions of document 2.	Mentions the following documents: CDMX/SOBSE/DGOP/DCOP"D"/18-09-20/005 SEDEMA/DGRA/DEIA/010503/2018 SEDEMA/DGRA/DEIA/012200/2018 CDMX/SOBSE/DGOP/DCOP"B"/18-04-30-006 CDMX/SOBSE/DGOP/DCOP"B"/18-03-14/005

Date	File number and authority	Content	Comment
23/10/2018	No. SEDEMA/DGRA/DEIA/015045/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "D," Department of Works and Services	Mentions compliance with certain conditions and the content of the final report.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/009839/2018 SEDEMA/DGRA/DEIA/004234/2017 SEDEMA/DGRA/DEIA/008469/2017 SEDEMA/DGRA/DEIA/012693/2017 DGS/DC/SCCA/MS/274/2018SCCA/MS/274/2018 SEDEMA/DGRA/DEIA/004263/2018 CDMX/SOBSE/DGOP/DCOP"B"/18-04-17/003 CDMX/SOBSE/DCOP/DCOP"B"/18-04-25/007 SEDEMA/DGRA/DEIA/009731/2018 SEDEMA/DGRA/DEIA/010144/2018 SEDEMA/DGRA/DEIA/010145/2018 SEDEMA/DGRA/DEIA/010148/2018 SEDEMA/DGBUEA/DMRAVU/445/2018 SEDEMA/DGRA/DEIA/003982/2018 SEDEMA/DGBUEA/DBCH/0397/2017 SEDEMA/DGBUEA/DBCH/0705/2017 SEDEMA/DGBUEA/DBCH/1615/2017 SEDEMA/DGRA/DEIA/000390/2018 SEDEMA/DGRA/DEIA/000518/2018 SEDEMA/DGRA/DEIA/005949/2018 SEDEMA/DGRA/DEIA/002105/2018 SEDEMA/DGRA/DEIA/002456/2018 SEDEMA/DGRA/DEIA/003981/2018 SEDEMA/DGRA/DEIA/003982/2018 SEDEMA/DGRA/DEIA/002351/2018
13/11/2018	No. CDMX/SOBSE/DGOP/DCOP"B"/18-11-13/001 Issued by: Public Works Construction Division "D," Department of Works and Services To: Environmental Regulation Branch, Department of the Environment Date stamped as received: 14/11/2018	In relation to the AIA (administrative decision no. SEDEMA/DGRA/DEIA/014363/2016, with input sheet 17593/2016), and in compliance with condition 1.2 (referring to submission of project reports), the final report (486 pages) is attached. Attachment with information concerning conditions 10.1 to 13.0 and attachments (file with 355 pages), as a complement to the final report.	Mentions administrative decision no. SEDEMA/DGRA/DEIA/014363/2016
15/11/2018	No. SEDEMA/DGRA/DEIA/016559/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "D," Department of Works and Services	Explains that file no. CDMX/SOBSE/DGOP/DCOP"D"/18-10-31/006 was evaluated and that the corresponding information does not comply with the requirements and cannot be taken into consideration, since there are discrepancies as regards the initial location of the trees and their characteristics. Requests that the Mexico City Public Administration report to the DGRA on its legal powers.	Mentions the following documents: CDMX/SOBSE/DGOP/DCOP"D"/18-10-31/006 SEDEMA/DGRA/DEIA/000390/2018 SEDEMA/DGRA/DEIA/005545/2018 SEDEMA/DGRA/DEIA/010524/2018 SEDEMA/DGRA/DEIA/013191/2018

Date	File number and authority	Content	Comment
15/11/2018	No. SEDEMA/DGRA/DEIA/16588/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "D," Works Branch, Department of Works and Services	Follow-up by the DGRA on the administrative decision approving the project (AIA), whose provisions consist of twelve points. Points 4 to 9 mention the documents in which information was requested from DCOP "D" and DCOP "B." In this regard, the DGRA adds documents 3, 4, and 5 to the file along with other documents submitted that are included in points 10, 11 (minutes and plans), and 12 (minutes). In addition, the DGRA presents an administrative decision with the following points: 1. The DGRA finds that there is compliance with the compensation measures set out in condition 1.0 of the AIA. 2. With respect to the bicycle path, it must be indicated what the activities carried out consisted of and whether they were paid for by DCOP "D." 3. Also in relation to the bicycle path (3.2 km) and documents 3 and 4, it must be stated whether the construction contemplated in condition 1.0 was completed and whether it has been approved by INAH, since document 4 states that INAH approval has not yet been obtained. 4. With respect to the requirements of document 5, the DGRA made available the information required in administrative decision 6 and a copy of the document issued by DGBUEA was sent. 5. It must be reported whether the activities referred to in file 2 were carried out, and if not, why they remain outstanding. DCOP "D" is warned of the consequences of failing to submit the items required in point 2 of this decision. Sedema may conduct site visits and acts of inspection to verify compliance with this decision and with the AIA. DCOP "D" is served notice of the content of decision no. SEDEMA/DGRA/DEIA/16588/2018 issued by the DGRA, stamped as received on 04/12/2018 (stamp visible in document). Explains that document 1 was evaluated and that the corresponding information does not comply with the requirements and cannot be taken into consideration, and that in addition, there are discrepancies as regards the initial location of the trees and their characteristics. Requests that the Mexico City Public Administration report to the DGRA on its legal powers.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/009839/2018 File no. 1: SEDEMA/DGRA/DEIA/013177/2017 File no. 2: SEDEMA/DGRA/DGBUEA/001447/2017 SEDEMA/TMG/721/2017 FONACIPE/A1EXTRAORD/ACU-02/2017 SEDEMA/DGRA/DEIA/001599/2018 SEDEMA/DGRA/DEIA/003575/2018 SEDEMA/DGRA/DEIA/005574/2018 SEDEMA/DGRA/DEIA/007615/2018 SEDEMA/DGRA/DEIA/010546/2018 SEDEMA/DGRA/DEIA/013441/2018 File no. 3: CDMX/SOBSE/DGOP/DCOP"D"/18-09-28/007-401.3S.1.2018/0959 File no. 4: CDMX/SOBSE/DGOP/DCOP"D"/18-10-03/002 CDMX/SOBSE/DGOP/DCOP"B"/18-07-02/001 SSP/SCT/18789/2017 CDMX/SOBSE/DGOP/DCOP"B"/18-07-02/001 File no. 5: CDMX/SOBSE/DGOP/DCOP"D"/18-10-08/007 SEDEMA/DGBUEA/001081/2018 SEDEMA/DGRA/DEIA/16588/2018 SEDEMA/DGRA/DEIA/000004/2018 CDMX/SOBSE/DGOP/DCOP"D"/18-10-31/006 SEDEMA/DGRA/DEIA/000390/2018 SEDEMA/DGRA/DEIA/005545/2018 SEDEMA/DGRA/DEIA/010524/2018 SEDEMA/DGRA/DEIA/013191/2018

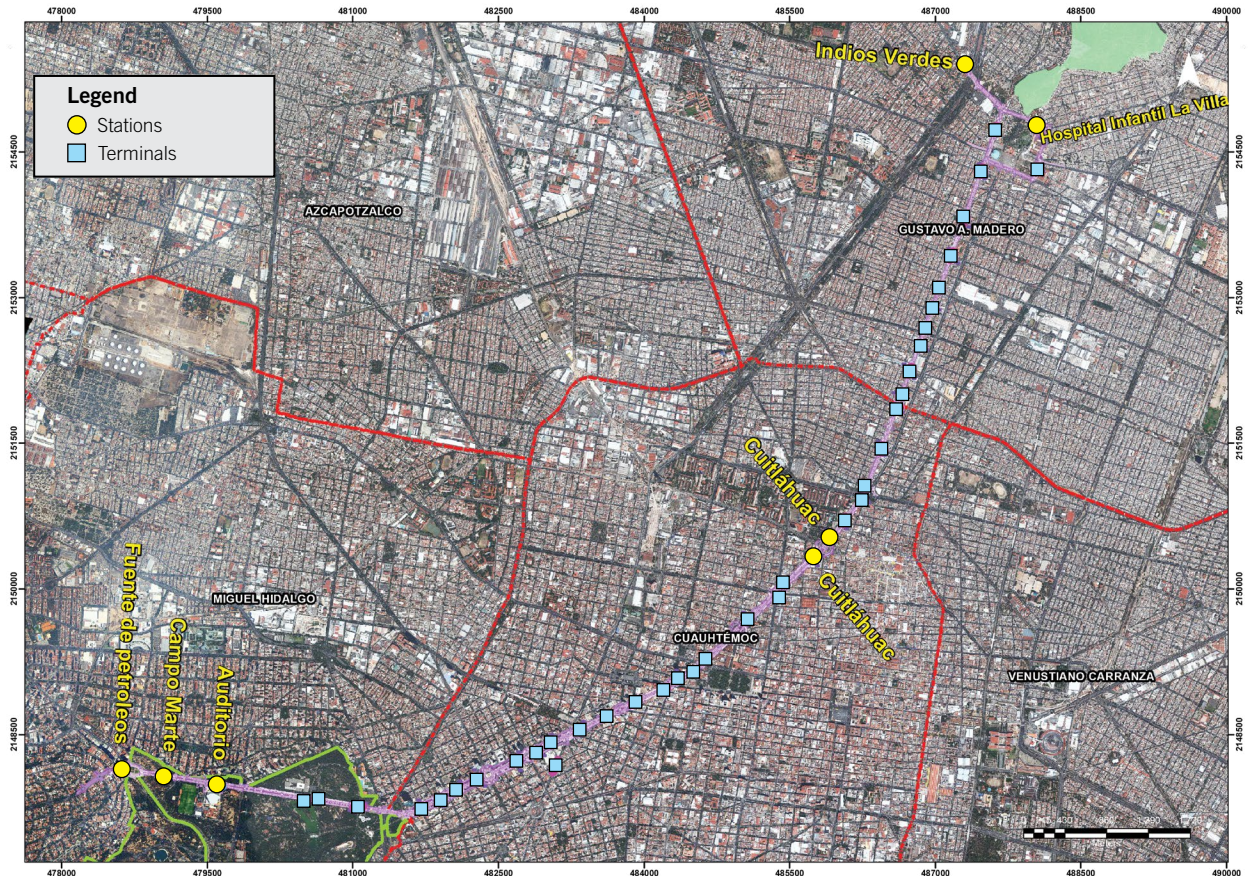
Date	File number and authority	Content	Comment
15/11/2018	No. SEDEMA/DGRA/DEIA/016591/2018 Issued by: Environmental Regulation Branch, Department of the Environment To: Public Works Construction Division "D," Works Branch, Department of Works and Services Date stamped as received: 05/12/2018	Follow-up by the DGRA with the administrative decision to carry out the project (AIA), with provisions expressed as 12 points. Points 2 and 3 mention the expense of 15,598,272.23 as a contribution by the Metrobús Reforma project to the FAP, and also mention the areas affected by the execution of the project. The following points request proposals for greenspace development and improvement on the one hand, and reforestation, landscape architecture, and maintenance, on the other, for the purpose of repairing the damage caused by the work on the Metrobús Reforma project. Also requests information on progress and establishes the information requirements with respect to the administrative decisions. The DGRA orders that the documentary items cited in point 12 be added to the file. The DGRA issues a decision containing the following points: - acknowledges planting of 54 trees, compensation for felling of 12 trees authorized at the outset (initial compensations were adjusted), and thus DCOP "D" is deemed compliant with respect to impacts on trees. - Document issued by DMRAVU concerning disposal of 800 m³ of material derived from felling and cutting. - Photographic record referring to creation of greenspace. - The DGRA may conduct ordinary site visits and acts of inspection to verify compliance with this administrative decision. Serves notice to DCOP "D" of the content of administrative decision no. SEDEMA/DGRA/DEIA/016591/2018.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) SEDEMA/DGRA/DEIA/004712/2017 SEDEMA/DGRA/DEIA/009839/2018 SEDEMA/DGRA/DEIA/004807/2017 SEDEMA/DGRA/DEIA/004234/2017 NADF-001-RNAT-2015* NADF-006-RNTA-2012* SEDEMA/DGRA/DEIA/016335/2017 SEDEMA/DGRA/DEIA/002351/2018 SEDEMA/DGRA/DEIA/003606/2018 SEDEMA/DGRA/DEIA/005545/2018 SEDEMA/DGRA/DEIA/009731/2018 SEDEMA/DGRA/DEIA/010144/2018 SEDEMA/DGRA/DEIA/010148/2018 SEDEMA/DGBUEA/DMRAVU/445/2018 SEDEMA/DGRA/DEIA/014399/2018 CDMX/SOBSE/DGOP/DCOP"D"/18-10-30-001 SEDEMA/DGBUEA/DMRAVU/760/2018 SEDEMA/DGBUEA/DMRAVU/445/2015 DEIA-ME-1588/2016 DEIA-DCA-1518-16 SEDEMA/DGBUEA/DMRAVU/760/2018 SEDEMA/DGBUEA/DMRAVU/445/2018 SEDEMA/DGRA/DEIA/016591/2018 SEDEMA/DGRA/DEIA/000004/2018
20/11/2018	No. PAOT-2015-IO-21-SPA-09 and consolidated documents Issued by: Office of the Attorney for Environmental Affairs and Land Use Planning To: Environmental Regulation Branch, Department of the Environment	Refers to administrative decision no. SEDEMA/DGRA/DEIA/014363/2016, issued by the Environmental Regulation Branch to approve the Metrobús Reforma project (AIA). In this regard, the information from two official records is attached (in re census of trees counting 137 of 363 specimens approved for felling, pruning, and transplanting, on the one hand, and affected greenspace on Avenue Ticomán-Estación Indios Verdes, on the other) in certified copies, for investigation by this administrative unit. In addition, asks DCOP "B" of the Mexico City Department of Works and Services to report on the number of trees to be replanted, the compensation for affected greenspace, and compliance with the AIA.	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) PAOT-05-300/220-2082-2018 PAOT-2018-05-300/220-3123-2018 SEDEMA/DGRA/DEIA/004234/2017 PAOT-05-300/200/CC-0120-2018
30/01/2019	Unnumbered document Issued by: Sistemas Ambientales Estratégicos To: Environmental Regulation Branch and Environmental Impact Assessment Division, Department of the Environment Stamped as received on: 31/01/2019 (DGRA)	Mentions the relationship of the company Sistemas Ambientales Estratégicos (SAE) to the project approved by the AIA (administrative decision no. SEDEMA/DGRA/DEIA/014363/2016). Refers to the condition establishing that "the DP-DGPE shall assign environmental supervision." Specifies that SAE terminated its relationship with the DG-DGPE in April 2017.	Mentions administrative decision no. SEDEMA/DGRA/DEIA/014363/2016.
Undated	Forest reports 1 and 2	Technical report on trees, grouped form, Metrobús Line 7: descriptive table of trees felled. Mentions environmental standard NADF-001-RNAT-2015 established in relation to the phytosanitary condition of the trees.	None.
Undated	Trees, line 7	Technical report on trees, grouped form, Metrobús Line 7: sketch of section where trees were felled.	Mentions standard NADF-001-RNAT-2015.
Undated	CMT. Characteristics of materials	Project technical information.	Date of book: 15/11/04. In file of decision 015876-2016.
Undated	Public works contract	Public works contract no. DGPE-LPN-F-1-007-16 (pages 8 and 20).	In file of decision 015876-2016.

Date	File number and authority	Content	Comment
Undated	Operating and maintenance phase	Project technical information. Attachment: <i>Manual administrativo de seguimiento al mantenimiento de los autobuses</i> (12/2011, Technical Operations Division).	Mentions the following documents: SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) NADF-005-AMBT-2013 In file of decision 015876-2016.
Undated	Estimate of air pollutant emissions during the site preparation and construction phases.	Project technical information.	Does not indicate date or author. In folder of decision 015876-14-2016.
Undated	Narrative Author: Department of Works and Services	Project technical information.	Mentions the following documents: NADF-001-RNAT-2015 NADF-007-RNAT-2013 File no. PAOT -05-300/200-1619-2015 SEDEMA/DGRA/DEIA/014363/2016 (administrative decision) Technical report no. DEIA-RT-040-2016
Undated	Folder of decision 015876-14-2016	Includes the following documents: • sketch of impacted greenspace; • georeferenced satellite image; • baseline route of Metrobús Reforma corridor; • Metrobús L-7 profile image; • route with coordinates.	Files without subfolders.
Undated	Folder RA-004234-2017_25-04	Untitled. Technical file containing estimate of pollutant and GHG reductions in different zones of Mexico City (10 pages).	None.
Undated	Folder RA-008469-2017_14-07	No folio. Plan view of Metrobús Reforma L7 with trees.	None.
Undated	Untitled Author: Public Works Branch, Department of Works and Services	Makes reference to total project investment and payment of 2% to the Public Environmental Fund (FAP) of the Federal District, as well as to follow-up on tree replanting using the physical or monetary compensation mentioned in the administrative decision (environmental impact approval) on the project.	Mentions the following documents: CDMX/SOBSE/DGOP/DCOP"B"/17-04-17-004 SEDEMA/DGRA/DEIA/014363/2016 (environmental decision) SEDEMA/DGRA/DEIA/004234/2017 <i>Observations:</i> Complete file not included, only two pages. Contained in file: SEDEMA/DGRA/DEIA/004234/2017.
Undated	Manual: <i>Especificación general para el procedimiento constructivo de pavimento rígido</i>	Preliminary work, layout, cutting, surface excavation, subbase layer, hydraulic concrete slab, transition zone, module, international roughness index.	None.
Undated	Untitled, no agency	Summary sheet on optimized emissions reduction for Indios Verdes-Periférico and Periférico-Santa Fe.	Contained in file: SEDEMA/DGRA/DEIA/004234/2017.
Undated	Notarized documents	The folder contains five documents relating to notarization of the minutes of the extraordinary general assembly of shareholders of Consorcio de Ingenieros, Constructores y Consultores, S. A. de C. V. specifying the shareholders and the value of their shares, with comparisons to the years 1986, 1989, 1992, 1996, and 2002.	None.
Undated	Document by Department of Works and Services	Copy of document appointing Juan Francisco Martínez Vargas as Director of Public Works "B," dated 1 August 2013.	None.
Undated	Untitled	Copies of documents relating to Francisco Morineau Díaz (civil engineer card with 2015 and 2016 stamps, voter ID (IFE), College of Mexican Civil Engineers card). Data sheet, photo, and map of seven sections of Avenue Reforma.	None.

APPENDIX 5

Stations of the Metrobús Reforma Project

Figure A1. Stations and Termini of the Metrobus Reforma Project



Source: Satellite images of the project, L7MB.pdf presentation map, provided to the CEC Secretariat as an appendix to document no. SEDEMA/DGEIRA/DEIAR/001735/2021 (12 April 2021).

Table A1. Metrobús Reforma stations and termini

No.	Station
1	Indios Verdes Intermodal Hub (Cetram)
2	On Hidalgo Street at Cantera Street (terminus)
3	On Calzada de los Misterios , between Bosque Street and 5 de Mayo Street
4	Periférico-bound platform , on Calzada de los Misterios at Garrido Street (north side of intersection) Indios Verdes-bound platform , on Calzada de los Misterios at Garrido Street (south side of intersection)
5	On 5 de Febrero Street , between Fray Juan de Zumárraga and Calzada San Juan de Aragón, Axis 5 Norte
6	Periférico-bound platform , on Calzada de los Misterios at Avenue La Fortuna, Axis 4 Norte (north side of intersection) Indios Verdes-bound platform , on Calzada de los Misterios at Avenue La Fortuna, Axis 4 Norte (south side of intersection)
7	Periférico-bound platform , on Calzada de los Misterios, between Río Blanco Street and Necaxa Street Indios Verdes-bound platform , on Calzada de los Misterios at Necaxa Street (south side of intersection)
8	Periférico-bound platform , on Calzada de los Misterios at Excelsior Street (north side of intersection) Indios Verdes-bound platform , on Calzada de los Misterios at Ing. Basiliso Romo Anguiano Street (north side of intersection)
9	Periférico-bound platform , on Calzada de los Misterios at Ing. Robles Domínguez Street (north side of intersection) Indios Verdes-bound platform , on Calzada de los Misterios, between Ruggiero León Cavallo Street and Roberto Schumann Street
10	Periférico-bound platform , on Calzada de los Misterios at José Anselmo Clave Street (north side of intersection) Indios Verdes-bound platform , on Calzada de los Misterios at Ferrocarril Industrial Street (south side of intersection)
11	Periférico-bound platform , on Calzada de los Misterios, between Avenue Río Consulado and Ochoa de Miranda Street Indios Verdes-bound platform , on Calzada de los Misterios at Avenue Río Consulado (south side of intersection)
12	Periférico-bound platform , on Calzada de los Misterios at Juventino Rosas Street (north side of intersection) Indios Verdes-bound platform , on Calzada de los Misterios at Juventino Rosas Street (south side of intersection)
13	Periférico-bound platform , on Calzada de los Misterios at Axis 2 Norte, Manuel González (north side of intersection) Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Axis 2 Norte, Canal del Norte (south side of intersection)
14	Periférico-bound platform , on Avenue Paseo de la Reforma, between Axis 2 Norte (Manuel González) and Avenue Ricardo Flores Magón Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Street de la Constancia
15	Periférico-bound platform , on Avenue Paseo de la Reforma at Avenue Ricardo Flores Magón (north side of intersection) Periférico-bound platform (terminus), on Avenue Paseo de la Reforma, near the corner of Matamoros Street Indios Verdes-bound platform , on Avenue Paseo de la Reforma, near the corner of Comonfort Street (south side of intersection)
16	Periférico-bound platform , on Avenue Paseo de la Reforma at Axis 1 Norte Mosqueta (north side of intersection) Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Axis 1 Norte Rayón (south side of intersection)
17	Periférico-bound platform , on Avenue Paseo de la Reforma, between Lerdo Street and Magnolia Street Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Valerio Trujano Street (south side of intersection)

No.	Station
18	Periférico-bound platform , on Avenue Paseo de la Reforma, between Avenue Puente de Alvarado and Santa Esmeralda Street
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Avenue Balderas (south side of intersection)
19	Periférico-bound platform , on Avenue Paseo de la Reforma at Axis 1 Poniente Av. Guerrero (east side of intersection)
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Avenue Bucareli (west side of intersection)
20	Periférico-bound platform , on Avenue Paseo de la Reforma at La Fragua Street (east side of intersection)
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Donato Guerra Street (west side of intersection)
21	Periférico-bound platform , on Avenue Paseo de la Reforma, between París Street and Ramírez Street
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at París Street
22	Periférico-bound platform , on Avenue Paseo de la Reforma at Avenue Insurgentes (west side of intersection)
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Avenue Insurgentes (west side of intersection)
23	Periférico-bound platform , on Avenue Paseo de la Reforma at Río Rhin Street (west side of intersection)
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Niza Street (west side of intersection)
24	Periférico-bound platform , on Avenue Paseo de la Reforma at Río Tiber Street (west side of intersection)
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Florencia Street (west side of intersection)
25	Periférico-bound platform , on Avenue Paseo de la Reforma, between Río Misisipi Street and Río Nilo Street
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma, between Dublín Street and Toledo Street
26	Periférico-bound platform , on Avenue Paseo de la Reforma, near the corner of Río Elba Street (east side of intersection)
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Burdeos Street
27	Periférico-bound platform , on Avenue Paseo de la Reforma, near the corner of Mahatma Gandhi Street (east side of intersection)
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Mahatma Gandhi Street (west side of intersection)
28	Periférico-bound platform , on Avenue Paseo de la Reforma at Grutas Street (east side of intersection)
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Grutas Street (west side of intersection)
29	Periférico-bound platform , on Avenue Paseo de la Reforma, between Calzada Chivatito and Auditorio Nacional
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma at Auditorio Nacional (terminus)
30	Periférico-bound platform , on Avenue Paseo de la Reforma, between Anatole France Street and Monte Elbruz Street
	Indios Verdes-bound platform , on Avenue Paseo de la Reforma, between Anatole France Street and Monte Elbruz Street (terminus)
31	On Avenue Paseo de la Reforma at Periférico (terminus)



APPENDIX 6

Actions Taken by the CEC Secretariat to Obtain Information from Mexico City Government

Actions taken by the CEC Secretariat to obtain information from Mexico City Government

The Secretariat took a number of steps to obtain access to the documents necessary for the preparation of the factual record. The following is a list of the activities carried out with respect to the information held by the Mexico City Ministry of Works and Services (Sobse) and the Mexico City Ministry of the Environment (Sedema):

- i. On 30 August 2021, the Secretariat's consultant requested documents from Sobse through the PNT to assist with the preparation of the factual record.¹
- ii. On 31 August 2021, the Secretariat's consultant requested documents from Sedema, also through the PNT.² It should be noted that at the working meeting of 18 August 2021, the authority's representative had assured the Secretariat that a folder containing the information concerning the environmental impact assessment of the Metrobús Reforma project would be provided.³
- iii. On 13 and 17 September 2021, Sobse provided its response to the request for information by the Secretariat's consultant in the form of two documents, making the project file available for direct consultation on 23, 24, and 27 September 2021.⁴
- iv. Also on 17 September 2021, Sedema requested clarification on the information requested by the Secretariat's consultant.⁵ In response, the consultant produced a copy the 18 August 2021 meeting minutes as well as the email address (as contact information) of the participating Sedema representative.⁶ Nevertheless, on 20 October 2021, the Transparency Unit (*Unidad de Transparencia*) of Sedema stated that the Secretariat's request for information was ambiguous and imprecise, and therefore provided no documentation.⁷
- v. Due to various problems and impediments to accessing and consulting the PNT,⁸ and given Sobse's denial of physical access to the information on the proposed dates, the Secretariat's consultant sent a letter to the Director of the Public Works Construction Branch of Sobse (*Dirección General de Construcción de Obras Públicas—DGCOP*) dated 27 October 2021, requesting uncertified or digital copies of documents relating to the Metrobús Reforma project.⁹

1. PNT, request no. 0107000163821 (30 August 2021).

2. PNT, request no. 0112000157121 (31 August 2021).

3. At the meeting, Sedema representative Silvino Cruz Alemán stated that the documentation on the Metrobús Reforma project would be provided but that it was impossible to provide it without a prior request in writing.

4. Efraín Álvarez Martínez, Director, Public Works Construction Branch "D" (*Dirección de Construcción de Obras Públicas "D"*) of Sobse, file no. CDMX/SOBSE/SI/DGCOP/DCOP"D"/21-09-13/01 (13 September 2021); Eudocio Santamaría Manuel, Director, Public Works Auxiliary Administration (*Administración de Apoyo a Obras Públicas*) of Sobse, file no. CDMX/SOBSE/SI/DGCOP/DAAOP/17.09.21/981 (17 September 2021).

5. *Ibid.*

6. Silvino Cruz Alemán, public servant on duty at that time, according to the database of the government of Mexico City, online at <<https://bit.ly/3y8JhCw>>.

7. Sedema, Transparency Unit, re: "Notice regarding public information request," folio 0112000157121 (20 October 2021).

8. DOF, *Acuerdo mediante el cual se aprueba suspender los plazos y términos para la atención de solicitudes de acceso a la información y de datos personales, así como para la interposición de los recursos de revisión en materia de acceso a la información y protección de datos personales para los días 13, 14, 15, 17, 20, 21, 22, 23 y 24 de septiembre de 2021*, online at <<https://bit.ly/3xCtmfq>>.

9. K.N., letter to Juan Carlos Fuentes Orrala, Director, Public Works Construction Branch (27 October 2021).

- vi. Sobse responded to the Secretariat's request with two documents (dated 3 and 5 November 2021) conveying its decision that information consultation relating to the Metrobús Reforma project was to take place on 10, 11, and 12 November 2021.¹⁰
- vii. On 10 and 11 November 2021, the Secretariat's consultant reviewed the Metrobús Reforma project file and was able to identify documents that had already been requested on 30 August 2021.
- viii. On 25 November 2021, the Secretariat's consultant wrote another letter to the Director of DGCOP of Sobse requesting uncertified copies of various project-related documents. This request contained a precise, detailed list of the folio numbers of the requested documents and indicated that the cost of mailing the copies would be covered upon notice of the amount due.¹¹
- ix. On 10 January 2022, Sobse notified the Secretariat's consultant of the decision by Juan Carlos Fuentes Orrala, Director of DGCOP, that in accordance with the applicable internal regulation,¹² DGCOP lacked "the powers and responsibilities to issue uncertified copies of the pages mentioned in the preceding paragraphs".¹³
- x. On 14 January 2022, the Secretariat informed Mexico's contact points and the Sobse officials¹⁴ of its efforts to gain access to the Metrobús Reforma project file and reiterated its need to consult the related documentation.¹⁵ In addition, in a new attempt to obtain access to the relevant information, the Secretariat cited the transparency and access to information provisions of the NAAEC and Mexican law.¹⁶
- xi. On 1 March 2022, Sobse notified the Secretariat¹⁷ of a document in which the Director of DGCOP reiterated his agency's lack of jurisdiction to issue uncertified copies.¹⁸
- xii. On 23 March 2022, the Secretariat's representative submitted a new request to Sobse for certified copies of documents, identifying them by folio number and location within the Metrobús Reforma project file.¹⁹

10. DCOP "D"-Sobse, file no. CDMX/SOBSE/SI/DGCOP/DCOP"D"/21-11-03/02 (3 November 2021); Legal and Regulatory Affairs related to Public Works Section (*Subdirección de Apoyo de Gestión Jurídica y Normativa de Obras Públicas*) of Sobse, file no. CDMX/SOBSE/SI/DGCOP/DAAOP/SAG-JNOP/05.11.21/1438 (5 November 2021).

11. K. N., letter to Juan Carlos Fuentes Orrala, Director, Public Works Construction Branch (25 November 2021).

12. Internal Regulation of the Executive Branch and the Public Administration of Mexico City, Article 41 paragraph XVI: "The following are general powers of the directors of the administrative units to which this chapter refers:... XVI. To issue, as applicable, certified copies of documents contained in its files..."

13. DGCOP-Sobse, file no. CDMX/SOBSE/SI/DGCOP/21.12.21/004, Public Works Legal and Regulatory Affairs Section of Sobse (21 December 2021).

14. In this case, letters were sent to Juan Carlos Fuentes Orrala, Director, Construction and Public Works Branch, and Héctor Trejo Galindo, Assistant Director, Public Works Legal and Regulatory Affairs.

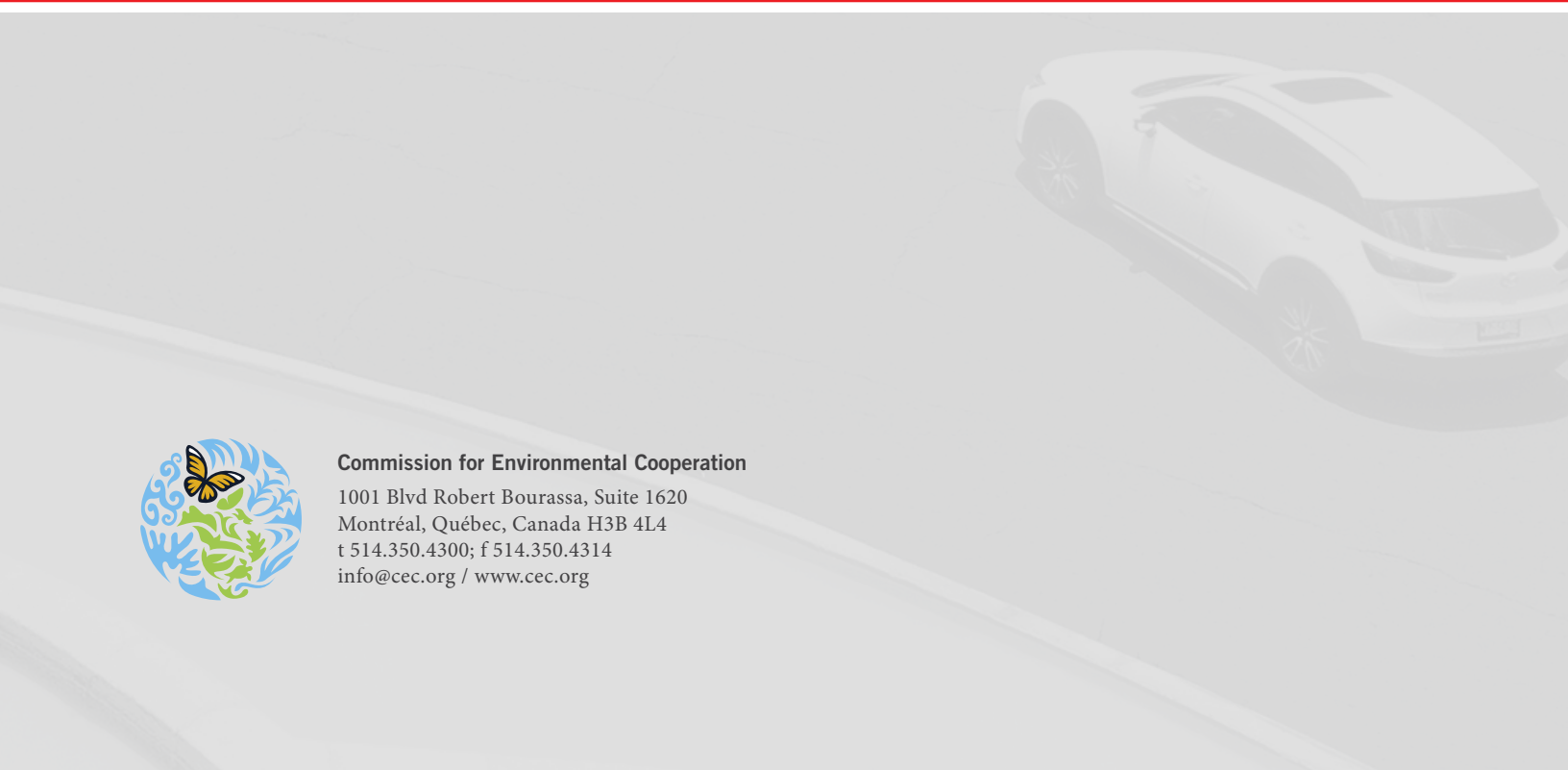
15. CEC Secretariat, *Atenta solicitud de información* (email, 14 January 2022).

16. *Ibid.*

17. H. Trejo Galindo, *Re: Atenta solicitud de información* (email, 1 March 2022).

18. J.C. Fuentes Orrala, DGCOP-Sobse, file no. CDMX/SOBSE/SI/DGCOP/04.02.22/002 (4 February 2022).

19. P. Solano, letter to Juan Carlos Fuentes Orrala, Director, DGCOP, Sobse (23 March 2022).



Commission for Environmental Cooperation

1001 Blvd Robert Bourassa, Suite 1620
Montréal, Québec, Canada H3B 4L4
t 514.350.4300; f 514.350.4314
info@cec.org / www.cec.org