

Judge dismisses Kings County challenge to high-speed rail contract

BY TIM SHEEHAN

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A Sacramento County Superior Court judge gave the California High-Speed Rail Authority a partial victory Friday as it seeks court approval to sell bonds to build a high-speed train system.

Judge Michael Kenny dismissed a cross-complaint lawsuit by the Kings County Water District against the rail agency that challenged the authority's \$985 million construction contract for the first portion of the high-speed rail line in the Fresno-Madera area. The water district's suit was in response to the rail agency's legal case asking Kenny to validate the sale of bonds from Proposition 1A, a \$9.9 billion high-speed rail bond act approved by California voters in 2008.

The rail authority filed its bond-validation case in March; the water district's lawyer, Hanford attorney Raymond Carlson, filed the cross-complaint in June.

The judge granted the rail authority's motion to dismiss the cross-complaint because of problems in the timing of publishing a summons for the case. Kenny found that the publication of the summons was defective, and added that the bond validation and the cross-complaint challenging the construction contract "address different governmental actions taken at separate times."

The authority's CEO, Jeff Morales, was pleased with Kenny's decision. "It means another roadblock has been removed as we continue move ahead with work on this transformational project for California," Morales said Friday.

While Kenny's ruling derails the construction-contract challenge, Carlson said other avenues remain to contest the controversial rail project.

"There's so many things in the fire," Carlson said Friday. Kenny's ruling "is a disappointment, but it's not the end of the world."

Carlson was among several attorneys who presented arguments in front of Kenny in a September hearing on the bond validation, along with lawyers from the Howard Jarvis Taxpayers Association, the Union Pacific Railroad Co. and the rail authority. Kenny has yet to issue a decision on the validity of the bond sale.

In addition to arguing against the bond validation, Carlson represents the water district as a "friend of the court" in Kings County's lawsuit alleging that the rail authority's financing, business

and development plans violate Prop. 1A. He also represents a grassroots Kings County group, Citizens for California High-Speed Rail Accountability, as a friend of the court in an appeal by the Bay Area community of Atherton over the rail authority's route selection to connect the Bay Area with the San Joaquin Valley.

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