

Judge: Kings County high-speed rail lawsuit can move forward

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By Tim Sheehan

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A Sacramento judge ruled Tuesday that Kings County and two of its residents can forge ahead with a lawsuit against the California High-Speed Rail Authority over its plans for a statewide bullet train.

Sacramento County Superior Court Judge Michael Kenny denied a request by the rail agency for a judgment to dismiss the second stage of the lawsuit, which challenges whether the state's proposed high-speed train system complies with state law.

The ruling sets the stage for a trial in which the two sides are expected to present a string of experts to argue over the design of the 520-mile line that would run between San Francisco and Los Angeles through the San Joaquin Valley and whether it conforms to requirements in Proposition 1A, a \$9.9 billion high-speed rail bond measure approved by California voters in 2008.

Kings County farmer John Tos, Hanford homeowner Aaron Fukuda and the county's Board of Supervisors sued the California High-Speed Rail Authority in late 2011.

Kenny ruled last fall on the first phase of the Kings County suit, determining the rail agency violated Prop. 1A by producing a financing plan that failed to meet the requirements of the ballot measure. The plan did not adequately describe realistic sources of the estimated \$31 billion needed to build the first operational portion of the system from Merced to the Los Angeles basin.

Kenny also determined the authority was required, as part of the financing plan, to certify that all of the environmental reviews for the Merced-Los Angeles operating section were completed.

The state's Third District Court of Appeal has agreed to consider the rail authority's appeal of Kenny's rulings on that portion of the Kings County lawsuit, as well as Kenny's denial of authorization for the state to sell bonds necessary to commence construction of the controversial rail project in the Madera-Fresno area.

Key issues at a trial in Part 2 of the Kings County lawsuit are likely to be the rail agency's proposal for a "blended" train system to share improved, electrified tracks on the Caltrain commuter-train line between San Francisco and Los Angeles -- something some high-speed rail

advocates like former judge and state Sen. Quentin Kopp of San Francisco say is different than what voters were promised in Prop. 1A.

Rail opponents add that the blended system will keep high-speed trains from achieving Prop. 1A's ultimate mandate for a 2 hour 40 minute nonstop ride from downtown San Francisco to Los Angeles' Union Station.

Also at issue is whether the system can operate without a public subsidy, as the ballot proposition required.

This story will be updated.

The reporter can be reached at (559) 441-6319, tsheehan@fresnobee.com or @tsheehan on Twitter.