

Kings County lawsuit challenges Fresno-Bakersfield high-speed rail

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Conceptual view of high speed rail.

SPECIAL TO THE BEE

The Kings County Board of Supervisors, the Farm Bureau and a group of county residents filed suit Thursday in Sacramento County Superior Court challenging the approval of a high-speed rail route through the county between Fresno and Bakersfield.

The lawsuit alleges that the California High-Speed Rail Authority violated the California Environmental Quality Act and other state laws last month when its board certified an environmental impact report and formally approved the 114-mile stretch of the rail route through the southern San Joaquin Valley. It is the first of several lawsuits that are anticipated against the rail authority over the Fresno-Bakersfield approval.

The rail agency faced several similar CEQA challenges in 2012, when it approved environmental reports and a route for its Merced-Fresno section. All of those cases were settled out of court by the spring of 2013.

Thursday's lawsuit is the latest legal shot fired by Kings County and the Citizens for California High-Speed Rail Accountability in a three-year battle opposing the state's proposed \$68 billion bullet-train project. An earlier lawsuit dating to 2012, now pending in a state appeals court, contends that the rail authority's plan violates Proposition 1A, the \$9.9 billion high-speed rail bond measure approved by voters in 2008.

In the 60-page environmental complaint, attorneys for the Kings County foes say the 20,000-page EIR did not adequately address potential effects of building and operating the rail system through the southern San Joaquin Valley.

[Read the court filing](#)

"The section would ultimately cause extensive significant adverse impacts to ... agriculture, air quality, land use, aesthetics and visual resources, cultural resources, biological resources and wetlands, parks and recreation resources, a hospital, churches and hundreds of homes," the lawsuit states.

In addition, by veering off away from the BNSF Railway freight railroad tracks south of Fresno to bypass Hanford and other communities, the rail line "would result in the destruction of or substantial interference with thousands of acres of farmland ... and wildlife habitat, established communities, many businesses, commercial properties and industrial facilities, existing roads, oil and water wells, and water delivery and drainage facilities."

The lawsuit complains that because the rail agency disregarded routes along Highway 99 or Interstate 5, "the authority failed to analyze alternatives that would altogether avoid or substantially reduce the identified impacts."

The county's attorneys are asking the court to order the rail authority to take several actions, including rescinding certification of the EIR; reversing its approval, based on the environmental report, of the Fresno-Bakersfield segment; and preparing a new environmental report. The lawsuit also asks a judge to bar the state "from taking any action to construct any portion of the section" until the rail agency lawfully approves a legally adequate EIR.

Lisa Marie Alley, a spokeswoman for the rail authority, said the agency had not yet been served with the lawsuit, but said it was among several CEQA challenges that are expected against the Fresno-Bakersfield segment.

"This is not about protecting the environment but about Kings County trying every means possible to stop high-speed rail," Alley said in an email Thursday afternoon. "Our recently adopted EIR is one of the most comprehensive environmental analyses ever prepared in California. No federal or state agency responsible for environmental compliance lodged any objection to our final EIR, nor did any of California's environmental organizations appear before us to raise issues or concerns."

In a statement issued Thursday evening, the citizens group said that in addition to its environmental concerns, it is "apprehensive that the uncertain fiscal stability of this project will yield severe and lasting impacts for all Californians that cannot and will not be mitigated."

The citizens group, the county and the Kings County Farm Bureau "concluded that litigation against the authority and the (Federal Railroad Administration) is the last option that, if successful, will prevent catastrophic impacts to our community, environment and economy."

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