

Kings high-speed rail opponents: 'It's far from over'

Seth Nidever staff
reporter

The California high-speed rail project has been on a roll.

Demolition of buildings has begun in downtown Fresno. The Supreme Court earlier this month refused to review an appellate court ruling in August that overturned two lower-court decisions that had declared that the Authority didn't have enough cash to start building. Headlines started popping such as "California high-speed rail wins big round in state high court" and "California: A Victory for Rail Project."

"With this particular case, we were victors in it," said Lisa Marie Alley, spokeswoman for the California High-Speed Rail Authority. "It was a big day for us."

Game, set, match?

Don't pop the champagne prematurely, according to members of the Hanford opposition group Citizens for California High Speed Rail Accountability. They say there are plenty of tough legal battles ahead that still throw big question marks at the proposal.

They point to a lawsuit making its way through the lower courts that argues that the authority's plan doesn't meet stringent Proposition 1A requirements. They include having dedicated track, making the trip from San Francisco to Los Angeles in two hours and 40 minutes, operating without subsidies and having environmental clearances for the first operating segment before starting construction.

Prop. 1A is the 2008 ballot measure that authorized about \$10 billion in bonds to fund high-speed rail.

As part of that lawsuit, the group continues to press the question of how the authority is going to come up with the \$30-plus billion needed to build the first operating segment, a 300-mile section from Merced to Burbank. The plaintiffs in the suit? Hanford farmer John Tos, Hanford civil engineer Aaron Fukuda and the Kings County Board of Supervisors.

Tos and Fukuda have land affected by the rail alignment. Kings County supervisors believe it will harm Kings County's economy by slicing through fields, roads and other infrastructure.

Currently, the Authority has access to about \$6 billion in federal and state bond funding. It says that's enough to build a 130-mile "spine" of track and other infrastructure stretching from Merced to a point somewhere north of Bakersfield.

In an attempt to rally the opposition troops, attorney Mike Brady, who has been representing Tos, Fukuda and Kings County, sent out an email promising that the funding question is still in play despite the Supreme Court decision.

"The authority cannot start construction with 1A funds until it has enough money in the bank to complete the segment that it itself chose – a 300-mile segment costing \$35 billion," Brady wrote. "What does it have? About \$6 billion! Not quite enough."

"Our legal battles are based around questions they can't answer," said Fukuda in an interview. "They can't answer, 'How are we going to build a \$68-billion project?'"

Alley said the Authority will get \$250 million in cap-and-trade money this coming year and 25 percent of cap-and-trade

revenues in future years to combine with Prop. 1A money.

“We feel we’re in good financial standing at this point,” Alley said. “We are talking with different financiers ... Those conversations are happening.”

In addition to arguing lack of finances, opponents also have their eyes on a separate case alleging that the Fresno-to-Bakersfield environmental impact report is deficient.

“We can’t predict what the courts will do,” Alley said. “What we can say is, we’re confident we will prevail in any legal case brought before us.”

“We’re moving forward,” she said. “This recent court victory is just another bit of progress for the project.”

“This is going to be a long exercise in the court system for years to come,” said John Tos. “They’re moving forward as if they have a green light. They have a yellow light.”

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