

# High-Speed Rail Litigation Coalition

For Immediate Release

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## Court Throws out High-Speed Rail Environmental Impact Report

Sacramento Superior Court Judge Michael Kenny today issued a decision that will result in the California High-Speed Rail Authority (HSRA) having to rescind its approval of the Pacheco Pass route into the Bay Area. He found inadequate its Environmental Impact Report (EIR) for access to the Bay Area from the Central Valley. That EIR was approved by the Authority in July of 2008 to justify its selection of the Pacheco Pass route, which travels south from San Jose to Gilroy, before turning east to Fresno. The EIR rejected the Altamont Pass route, which would travel along the I-580 corridor, connecting to San Jose via Fremont and to San Francisco via a rebuilt Dumbarton Rail Bridge.

Judge Kenny found the EIR inadequate because it failed to address the Union Pacific Railroad's refusal to make its right-of-way available to High-Speed Rail. "The Court concludes that the description of the alignment of the HSR tracks between San Jose and Gilroy was inadequate even for a programmatic EIR. The lack of specificity in turn results in an inadequate discussion of the impacts of the Pacheco alignment alternative on surrounding businesses and residences which may be displaced, construction impacts on the Monterey Highway, and impacts on Union Pacific's use of its right-of-way and spurs and consequently its freight operations." This decision invalidates the selection of the Pacheco Pass route.

Spokesperson David Schonbrunn said "We are confident that a fair and complete analysis will demonstrate to the Authority that the Pacheco Pass route, with its lower ridership, lower revenue and its major impacts along the San Francisco Peninsula, is not the best choice."

[More]

The suit was brought by a coalition of environmental groups, transit advocates and Peninsula cities:

Town of Atherton

City of Menlo Park

Planning and Conservation League (contact: Tina Andolina, 530-908-6714)

California Rail Foundation (contact: Richard Tolmach, 916-443-1529)

TRANSDEF (Transportation Solutions Defense and Education Fund)

Bay Rail Alliance

Oakland attorney Stuart Flashman, who represented the plaintiffs in the case, commented that the plaintiffs' complaints about the High-Speed Rail Authority's environmental review process were not new. "We've been telling the Authority what's wrong with their analysis for the past five years, but they haven't wanted to listen." Flashman said that under California law, an EIR didn't need to be perfect; all it required was, "a good faith effort at full disclosure." He said that the judge's decision indicated that the Authority had failed to meet that relatively modest standard.

About the plaintiffs:

Town of Atherton [www.ci.atherton.ca.us](http://www.ci.atherton.ca.us)

City of Menlo Park [www.menlopark.org](http://www.menlopark.org)

CALIFORNIA RAIL FOUNDATION, based in Sacramento, works to educate the public on rail and bus technology and promote cost-effective expansion of the state's public transportation services. [www.calrailfoundation.org](http://www.calrailfoundation.org)

TRANSDEF (Transportation Solutions Defense and Education Fund) advocates for effective Bay Area regional planning, smart growth, improved transit service, and cleaner air.

[www.transdef.org](http://www.transdef.org)

PLANNING AND CONSERVATION LEAGUE, headquartered in Sacramento, works within the political and legal systems to enact and implement policies that protect and restore the California environment. [www.pcl.org](http://www.pcl.org)

BAY RAIL ALLIANCE, based in the Bay Area, advocates for improvements to rail public transit service in the region, to reduce dependence on automobiles, stop climate change and improve air quality. [www.bayrailalliance.org](http://www.bayrailalliance.org)