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ENDORSED
NOV 3 - 2009
By S. Lee, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

TOWN OF ATHERTON, a Municipal Corporation, PLANNING AND CONSERVATION LEAGUE, a California nonprofit corporation, CITY OF MENLO PARK, a Municipal Corporation, TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND, a California nonprofit corporation, CALIFORNIA RAIL FOUNDATION, a California nonprofit corporation, and BAYRAIL ALLIANCE, a California nonprofit corporation, and other similarly situated entities,
Petitioners and Plaintiffs
v.
CALIFORNIA HIGH SPEED RAIL AUTHORITY, a public entity, and DOES 1-20,
Respondents and Defendants

No: 34-2008-80000022

~~proposed~~ FINAL JUDGMENT

This action came on regularly for hearing on May 29, 2009 in Department 31 of the Superior Court, the Honorable Michael P. Kenny presiding. Petitioners and Plaintiffs TOWN OF ATHERTON, PLANNING AND CONSERVATION LEAGUE, CITY OF MENLO PARK, TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND, CALIFORNIA RAIL FOUNDATION, and BAYRAIL ALLIANCE appeared by counsel Stuart Flashman. Respondent and Defendant CALIFORNIA HIGH SPEED RAIL AUTHORITY appeared by Deputy Attorneys General Danae Aitchison and Christine Sproul. The Court having considered the papers submitted by the parties, the administrative record, which was admitted into evidence

1 at the hearing, and the arguments of the parties at hearing, issued its Ruling on Submitted Matter
2 on August 26, 2009.

3 Pursuant to the Court's Ruling on Submitted Matter and based upon the pleadings,
4 evidence and argument submitted in this case, it is ordered, adjudged and decreed as follows:

5 1. On the First Cause of Action, Petitioners and Plaintiffs TOWN OF ATHERTON,
6 PLANNING AND CONSERVATION LEAGUE, CITY OF MENLO PARK,
7 TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND, CALIFORNIA
8 RAIL FOUNDATION, and BAYRAIL ALLIANCE shall have judgment against Respondent and
9 Defendant CALIFORNIA HIGH-SPEED RAIL AUTHORITY. A Peremptory Writ of Mandate
10 shall issue under seal of the Court, ordering Respondent and Defendant CALIFORNIA HIGH-
11 SPEED RAIL AUTHORITY to rescind and set aside Resolution 08-01 certifying the Final
12 Environmental Impact Report/Environmental Impact Study ("EIR/EIS") for the Bay Area to
13 Central Valley High-Speed Rail Project, approving the Pacheco Pass Network Alternative
14 Serving San Francisco and San Jose Termini, and approving preferred alignment alternatives and
15 station location options. Respondent and Defendant CALIFORNIA HIGH SPEED RAIL
16 AUTHORITY shall file a written return to said writ demonstrating its compliance on or before
17 the seventieth day following service of the writ upon the Respondent.

18 2. On the Second Cause of Action, Petitioners and Plaintiffs TOWN OF
19 ATHERTON, PLANNING AND CONSERVATION LEAGUE, CITY OF MENLO PARK,
20 TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND, CALIFORNIA
21 RAIL FOUNDATION, and BAYRAIL ALLIANCE shall have judgment against Respondent and
22 Defendant CALIFORNIA HIGH-SPEED RAIL AUTHORITY. A Peremptory Writ of Mandate
23 shall issue under seal of the Court, ordering Respondent and Defendant CALIFORNIA HIGH-
24 SPEED RAIL AUTHORITY to rescind and set aside Resolution 08-01 certifying the Final
25 Environmental Impact Report/Environmental Impact Study ("EIR/EIS") for the Bay Area to
26 Central Valley High-Speed Rail Project, approving the Pacheco Pass Network Alternative
27 Serving San Francisco and San Jose Termini, and approving preferred alignment alternatives and
28 station location options. Respondent and Defendant CALIFORNIA HIGH-SPEED RAIL

1 AUTHORITY shall file a written return to said writ demonstrating its compliance on or before
2 the seventieth day following service of the writ upon Respondent.

3 3. On the Third Cause of Action, Petitioners and Plaintiffs TOWN OF ATHERTON,
4 PLANNING AND CONSERVATION LEAGUE, CITY OF MENLO PARK,
5 TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND, CALIFORNIA
6 RAIL FOUNDATION, and BAYRAIL ALLIANCE shall have judgment against Respondent and
7 Defendant CALIFORNIA HIGH-SPEED RAIL AUTHORITY. A Peremptory Writ of Mandate
8 shall issue under seal of the Court, ordering Respondent and Defendant CALIFORNIA HIGH-
9 SPEED RAIL AUTHORITY to rescind and set aside Resolution 08-01 approving Findings of
10 Fact and a Statement of Overriding Considerations under the California Environmental Quality
11 Act for the Bay Area to Central Valley High-Speed Train Project. Respondent and Defendant
12 CALIFORNIA HIGH SPEED RAIL AUTHORITY shall file a written return to said writ
13 demonstrating its compliance on or before the seventieth day following service of the writ upon
14 Respondent.

15 4. On the Fourth Cause of Action, Petitioners and Plaintiffs TOWN OF
16 ATHERTON, PLANNING AND CONSERVATION LEAGUE, CITY OF MENLO PARK,
17 TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND, CALIFORNIA
18 RAIL FOUNDATION, and BAYRAIL ALLIANCE shall have judgment against Respondent and
19 Defendant CALIFORNIA HIGH-SPEED RAIL AUTHORITY. The Court hereby declares that:

- 20 a) The project approval for the Bay Area to Central Valley High-Speed Train Project
21 failed to comply with the requirements of CEQA and the CEQA Guidelines;
- 22 b) The Final EIR/EIS for said project failed to comply with the requirements of
23 CEQA and the CEQA Guidelines;
- 24 c) The environmental findings issued by Respondent in support of its approval of
25 said Project failed to comply with the requirements of CEQA and the CEQA
26 Guidelines.

27 The details of Respondent's lack of compliance are laid out in the Court's Ruling on Submitted
28 Matter, a copy of which is attached to this Judgment as Exhibit A and is incorporated herein by

1 this reference. The writ of mandate that shall issue pursuant to this judgment shall require that
2 the defects identified in the Court's Ruling on Submitted Matter shall be corrected prior to
3 Respondent's reconsideration of certification of the EIR/EIS and approval of the Project.

4 5. TOWN OF ATHERTON, PLANNING AND CONSERVATION LEAGUE,
5 CITY OF MENLO PARK, TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION
6 FUND, CALIFORNIA RAIL FOUNDATION, and BAYRAIL ALLIANCE, as the prevailing
7 parties, shall recover their costs of suit against Respondent and Defendant CALIFORNIA HIGH-
8 SPEED RAIL AUTHORITY in the amount of \$ _____.

9 6. The right of Petitioners and Plaintiffs TOWN OF ATHERTON, PLANNING
10 AND CONSERVATION LEAGUE, CITY OF MENLO PARK, TRANSPORTATION
11 SOLUTIONS DEFENSE AND EDUCATION FUND, CALIFORNIA RAIL FOUNDATION,
12 and BAYRAIL ALLIANCE to recover their attorneys' fees from Respondent and Defendant
13 CALIFORNIA HIGH-SPEED RAIL AUTHORITY under Code of Civil 1021.5 is hereby
14 reserved for later determination in accordance with California Rule of Court 3.1702.

15 IT IS SO ORDERED.

16
17 Date: 11/3/09

18 MICHAEL KENNY
19 Michael P. Kenny
20 Judge of the Superior Court

21 Approved as to form
22 Date: 11/03/09

23 Danae J. Aitchison
24 Danae J. Aitchison
25 Deputy Attorney General
26 Attorneys for Respondent and Defendant
27 CALIFORNIA HIGH-SPEED RAIL
28 AUTHORITY