



CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 · PHONE (916) 561-5665 · FAX (916) 561-5691

October 7, 2014

VIA OVERNIGHT DELIVERY

Chief Justice Tani Cantil-Sakauye and Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, California 94102-478

Re: ***Amicus Curiae* Letter Supporting Petition for Review**
California High-Speed Rail Authority, et al. v. Superior Court v. John Tos, et al.
Supreme Court Case No. S220926
Court of Appeal Case No. C075668

To the Honorable Chief Justice and Associate Justices of the Supreme Court of California:

The California Farm Bureau Federation (“Farm Bureau”) submits this letter pursuant to Rule 8.500(g), respectfully requesting permission to file this amicus curiae letter in support of the petition for review which has been filed by Petitioner First Free Will Baptist Church in this matter.

Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing nearly 78,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

THE PETITION FOR REVIEW

The California High Speed Rail Project, the subject of the petition, has been called the “largest infrastructure project in the State’s history.” Its promise is a 520-mile supertrain that connects San Francisco to Los Angeles for two-hour and forty-two-minute journeys at speeds over 200 miles per hour, at a price tag that has fluctuated wildly between \$33 billion dollars and \$98 billion dollars in total estimated project costs.¹ It was enabled in 2008 by the passage of

¹ At the time of this writing, Farm Bureau understands the total projected cost to be \$68 billion.

NANCY N. McDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL

CARL G. BORDEN · KAREN NORENE MILLS · CHRISTIAN C. SCHEURING · KARI E. FISHER · JACK L. RICE

Honorable Chief Justice and Associate Justices
Re: *Amicus Curiae* Letter Supporting Petition for Review
October 7, 2014
Page 2

Proposition 1A, or the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (“Bond Act”)(Sts. & Hy. Code, § 2700 *et seq.*), by the voters of the State of California.

Pursuant to that enactment, the Legislature in 2012 enacted SB 1029, appropriating bond proceeds for the construction and acquisition of an Initial Operating Segment in the Central Valley. Under the Bond Act, a committee was established to “determine the necessity or desirability” of issuing bonds for the train. (Sts. & Hy. Code, § 2704.12, § 2704.13) At issue here, in March of 2013 the committee adopted a resolution authorizing the \$8.6 billion in bonds which are the subject of this petition.

In the validation action which is here under review, a trial court denied validation because that committee’s action did not include substantial evidence supporting the determination that it was “necessary or desirable” to issue the bonds. On appeal, the Court of Appeal reversed that determination, essentially finding that the committee’s determination was unreviewable under any factual basis, as it apparently declined to require any evidentiary support for the committee’s determination in the record. If review is accepted, this Court is presented with a fundamental question about judicial oversight of government; to wit, the extent to which an administrative agency acting in a quasi-legislative capacity may operate without factual scrutiny in discharging a statute handed to it by the voters of the State of California.

FARM BUREAU’S INTEREST IN THE CASE

Farm Bureau’s membership has a strong interest in the disposition of public financial obligations, as do all taxpayers in the State of California. The High Speed Rail Project has been fraught by very public concerns about its business plan, and its viability in the face of costs and questionable ridership projections over time. Its piecemeal construction, beginning with a segment in the middle of the Central Valley that is not immediately tied to the Los Angeles and San Francisco urban centers which are the *sine qua non* of the project, has led to serious concerns in the face of uncertain funding as to whether that Initial Operating Segment will become a stranded public asset, or a “bridge to nowhere.”

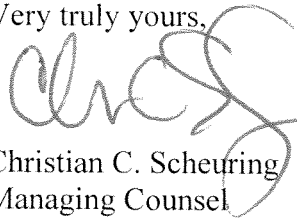
Beyond that, Farm Bureau has many members whose lives and livelihoods will be directly affected by construction of the High Speed Rail Project, particularly along the route of the Initial Operating Segment in the Central Valley. Construction of that segment, enabled by the act of public finance under review in this case, will require the condemnation or purchase of many farm parcels, and the relocation of farm operations and farm families. At the time of this writing, it is expected that the project will have direct farmland conversion impacts in that segment alone of more than 1,000 acres. This case is very closely watched by both the affected farm families and the larger agricultural community, to say the least.

Honorable Chief Justice and Associate Justices
Re: *Amicus Curiae* Letter Supporting Petition for Review
October 7, 2014
Page 3

CONCLUSION

Farm Bureau respectfully requests that this Court grant review in this case, in order to answer the important question presented about judicial review over the actions of an administrative agency acting in a quasi-legislative capacity to issue bonds predicated on public funds.

Very truly yours,

A handwritten signature in black ink, appearing to read 'CCS', with a large, stylized flourish extending from the end of the signature.

Christian C. Scheuring
Managing Counsel

CCS/dkc

PROOF OF SERVICE

I am a citizen of the United States and employed in the County of Sacramento; I am over the age of eighteen years and not a party to the within entitled action; my business address is 2300 River Plaza Drive, Sacramento, California 95833.

On October 7, 2014, I served a true and correct copy of the within document described as:

AMICUS LETTER IN SUPPORT OF PETITION FOR REVIEW

on the interested parties in this action by placing a true copy thereof in appropriate, sealed envelopes, each addressed as follows:

BY U.S. MAIL: I placed such sealed envelopes, with postage thereon fully prepaid for first-class mail, for collection and mailing at California Farm Bureau Federation, Sacramento, California, following ordinary business practices. I am readily familiar with the practice of California Farm Bureau Federation for collection and processing of correspondence - said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection. The envelopes were addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 7, 2014, at Sacramento, California.


Dianne K. Chasteen

SERVICE LIST

<p>Sharon L. O'Grady Office of the State Attorney General 455 Golden Gate Avenue, Suite 11000 San Francisco, CA</p>	<p><i>Attorney for Petitioner, California High-Speed Rail Authority</i></p>
<p>Clerk of the Court Third District Court of Appeal Stanley Mosk Library and Courts building 941 Capitol Mall, Fourth Floor Sacramento, CA 95814</p>	<p><i>Appellate Case No.: C075668</i></p>
<p>Hon. Michael P. Kenny, Dept. 31 720 Ninth Street Sacramento, CA 95814</p>	<p><i>Superior Court of Sacramento County, Case No: 34-2013-00140689-CU-MC- GDS</i></p>
<p>Bernard G. Lebeau,, Jr. Law Offices of LeBeau Thelen, LLP 5001 East Commercenter Drive, Suite 300 P.O. Box 12092 Bakersfield, CA 93309</p>	<p><i>Attorney for Real Party in Interest, Eugene Voiland :</i></p>
<p>Raymond Louis Carlson Griswold LaSalle Cobb Dowd Gin LLP 111 East Seventh Street Hanford, CA 93230</p>	<p><i>Attorney for Real Party in Interest, Kings County Water District; Citizens for California High-Speed Rail Accountability</i></p>
<p>Stuart M. Flashman Law Offices of Stuart M. Flashman 5626 Ocean View Drive Oakland, CA 94618</p> <p>Michael J. Brady Ropers Majeski 1001 Marshall Street, Suite 500 Redwood City, CA 94603</p>	<p><i>Attorneys for Real Party in Interest, John Tos; Aaron Fukuda; County of Kings</i></p>

<p>Mark L. Nations Kern County Counsel Kern County Administrative Center 1115 Truxtun Avenue, Fourth Floor Bakersfield, CA 93301</p> <p>Nicole Marie Misner Office of County Counsel 1115 Truxtun Avenue, Fourth Floor Bakersfield, CA 93301</p>	<p><i>Attorneys for Real Party in Interest, County of Kern</i></p>
<p>Andrew Daniel Bluth Pillsbury Winthrop Shaw Pittman LLP 2600 Capitol Avenue, Suite 300 Sacramento, CA 95816</p>	<p><i>Attorney for Real Party in Interest, Union Pacific Railroad Company</i></p>
<p>Harold E. Johnson Pacific Legal Foundation 930 G Street Sacramento, CA 95814</p>	<p><i>Attorney for Real Party in Interest, First Free Will Baptist Church</i></p>
<p>Christine Bohrer Van Aken Office of the City Attorney 1 Dr. Carlton B. Goodlett Place City Hall, Room 324 San Francisco, CA 94102</p>	<p><i>Attorney for Amicus Curiae, City and County of San Francisco</i></p>
<p>Timothy A. Bittle Howard Jarvis Taxpayers Association 921 Eleventh Street, Suite 1201 Sacramento, CA 95814</p> <p>Jonathan M. Coupal Howard Jarvis Taxpayers Foundation 921 Eleventh Street, Suite 1201 Sacramento, CA 95814</p> <p>Trevor A. Grimm Howard Jarvis Taxpayers Foundation 921 Eleventh Street, Suite 1201 Sacramento, CA 95814</p>	<p><i>Attorneys for Real Part in Interest, Howard Jarvis Taxpayers Association</i></p>