

Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

October 2, 2014

Chief Justice Tani Gorre Cantil-Sakauye
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Re: *California High-Speed Rail Authority v. Superior Court (Tos)*, S220926
Amicus Curiae Letter Supporting Petition for Review

Dear Chief Justice and Associate Justices of the California Supreme Court:

Pursuant to the California Rules of Court, rule 8.500(g), I submit this letter by the Transportation Solutions Defense and Education Fund ("TRANSDEF") in support of the petitions for review in this case. We support the petitions for review filed by Real Parties in Interest John Tos et al., First Free Will Baptist Church, and the Howard Jarvis Taxpayers Association from the decision of the Third District Court of Appeal, reversing Judge Michael P. Kenny's trial court decisions denying validation to the California High-Speed Rail Authority's ("CHSRA") request for issuance of bonds under Proposition 1A and granting a writ of mandamus against the High Speed Rail Authority.

TRANSDEF is a California non-profit environmental group that advocates on behalf of transit, high-speed rail and regional planning. It is because TRANSDEF is a supporter of high-speed rail that it has actively opposed the current project for the last eleven years. TRANSDEF was a party in the three *Town of Atherton v. CHSRA* cases and recently filed *TRANSDEF v. California Air Resources Board*, which challenges the Air Board's inclusion of high-speed rail as a greenhouse gas emissions reduction measure in its Scoping Plan. The project's legislative appropriation of cap and trade revenues relies on that inclusion.

TRANSDEF is convinced that a properly designed cost-effective high-speed rail system is critical to California's future. On the other hand, the political compromises that led to the design of the CHSRA project are certain, in our opinion, to lead to its failure.

TRANSDEF's in-depth knowledge of the high-speed rail project makes us believe that CHSRA knew full well that its compromised design would prevent any Funding Plan (the subject of the *Tos* litigation) from complying with the requirements of Proposition 1A. We believe they approved one nonetheless, over-confident that no one in the public had the resources or the dogged determination to force them to comply with the law.

The Court of Appeal's ruling, if allowed to stand, nullifies the restrictive requirements of Proposition 1A. It will encourage further lawless behavior by CHSRA and other public agencies.

This case raises the troubling issue of whether voters and taxpayers can rely on the plain language requirements written into a bond measure. TRANSDEF asks the Court to grant review of this important case, and consider restoring the enforceability and trustworthiness of voter-approved measure provisions.

Sincerely,

David Schonbrunn,
President

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and a resident of Marin County. I am over the age of eighteen years and not a party to the within above-titled action. My (home/business) address is P.O. Box 151439, San Rafael, CA 94915.

On October 2, 2014 I served the within AMICUS LETTER OF THE TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND IN SUPPORT OF PETITION FOR REVIEW OF REAL PARTIES IN INTEREST JOHN TOS, AARON FUKUDA, AND COUNTY OF KINGS on the parties listed on the attached service list by placing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in a U.S. mailbox at Sausalito, California addressed as shown on said service list.

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

Executed at Sausalito, California on October 2, 2014.

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