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High-Speed Rail Promises 'Insane,' County Claims

By NICK CAHILL

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SACRAMENTO, Calif. (CN) - California's ambitious, voter-approved \$68 billion bullet train won't move passengers as fast as advertised and the state is still searching for funding, a Central Valley county told a state court judge Thursday.

Representing Kings County and a group of farmers, attorney Stuart Flashman dogged the California High Speed Rail Authority for proposing major changes to the train's operating system and for attempting to use bond money without going back to California voters for approval.

Flashman repeatedly disagreed with the authority's cost and ridership estimates, calling the studies "insane" while questioning the viability of the mammoth public works project.

"If you can't build it and you don't know if you're going to be able to build it, you shouldn't be starting on it," Flashman said during the motion for summary judgment. "You can't say it's going to be financially viable."

The long-running lawsuit, originally filed in Sacramento County Superior Court in 2011, seeks to stop pending construction on the basis that the plan violates Proposition 1A, a \$9 billion bond act approved by voters in 2008 to help spur construction of a high-speed rail network in the Golden State.

The Kings County plaintiffs claim the train won't transport passengers between Los Angeles and San Francisco in 2 hours and 40 minutes as promised, and that a proposal to share tracks with the Caltrain system in the San Francisco Bay Area wasn't included in the original ballot measure.

Flashman, who has tried other cases against the authority, said this lawsuit is not about killing the bullet train but about the trust of California voters who thought they were getting a better deal and a faster train.

The authority's attorney Sharon O'Grady, of the Attorney General's office, steadfastly supported the authority's speed and ridership estimates and argued the track proposal modification was legal and even initiated by the state Legislature. Furthermore, the track changes involve a 40-mile stretch - a miniscule slice of a network expected to eventually cover 800 miles, O'Grady claimed.

"This is a small piece of a very large system; it's saving \$30 billion to go with the blended system, which should be in the interest of taxpayers, voters and everyone," O'Grady argued.

O'Grady told Sacramento Superior Court Judge Michael Kenny that the lawsuit is an example of the "permeation" of litigation surrounding the expensive project - much of which has been heard by Kenny - and that the authority needs the flexibility to make changes as the project advances.

Approved in 2008, the high-speed rail construction has been slowed by problems from the outset and critics claim the authority's estimate of an initial opening in 2022 is overly optimistic. The state has struggled to acquire land for the project and private investments have not flowed as quickly as planners hoped over the last eight years.

On Thursday, the Kings County plaintiffs picked apart the authority's notion that riders could be shipped from Los Angeles to San Francisco at speeds of 220 mph in under three hours. The same trek through the Golden State can take six hours or more by car via Interstate 5.

Flashman said the authority's official documents don't include braking delays as bullet trains whisk passengers through the Grapevine and its steep grade, or take into account delays caused by stops in Central Valley towns such as Bakersfield and Fresno.

Digging further into the headway estimate, Flashman submitted evidence from an authority PowerPoint that pinned train speeds through urban areas at between 90 and 125mph - far from the 220 mph originally sold to voters.

"They can't possibly make 2 hours and 40 minutes regardless of which alignment," Flashman said.

Appearing peeved by Flashman's second-guessing of authority estimates, O'Grady told Judge Kenny the PowerPoint was from a "very high-level presentation" and that plaintiffs were simply disagreeing with authority experts.

"Oh, I think he's doing more than just disagreeing with the experts," Kenny responded. "I think what Mr. Flashman is also doing is highlighting certain assumptions that the expert provided upon reaching his conclusions."

Kings County is not the only party questioning the viability of the public works project, as last month state Sen. Andy Vidak, R-Hanford, asked the state to conduct an audit of the program. The Legislative Audit Committee voted down Vidak's request 7-3, along party lines.

Vidak said the bullet train is the largest program in the United States and that its potentially inflated costs should be made transparent for the Legislature and Californians.

An Assembly oversight hearing on the high-speed rail project is scheduled for next month.

The two-hour hearing concluded without Kenny giving a timeline for a ruling on the plaintiffs' summary judgment motion. The losing party is expected to appeal the decision.

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