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CCHSRA “ELATED” BY JUDGE KENNY’S PROP 1A RULING

Hanford, CA August 19, 2013 – The **Citizens for California High Speed Rail Accountability (CCHSRA)** has received the ruling in the case of John Tos, Aaron Fukuda and County of Kings versus the California High Speed Rail Authority (CHSRA) challenging violations of Proposition 1A on behalf of the California High Speed Rail Authority.

We are elated to hear that the California Superior Court via Judge Kenny has upheld the terms of the contract that voters approved in Proposition 1A.

The authors of Proposition 1A recognized the abuses inherent in government and special interests and insured that the voters could rely upon Proposition 1A to deliver high-speed rail service with protective terms guiding the project. Former CHSRA Chairman Quentin Kopp stated in his declaration that those protections were intended to protect the state “from risks that a portion of the system would be abandoned or uncompleted because of lack of money to finish construction. Such rigid funding protections are an integral part of the statutory scheme and ballot measure.”

The present plan does not contain those key protections and Judge Kenny acted without prejudice or politics when he ruled that the plain language in the ballot measure was not followed.

“The funding plan failed to comply with the statute, because it simply did not identify funds available for the completion of the entire IOS (Initial Operating Segment),” ruled the Court. The IOS is defined in the Authority’s Funding Plan as Merced to the San Fernando Valley. The Authority’s identified funding was limited to Madera to almost Bakersfield and would not include high-speed operations. Similarly, the Court expected environmental clearances to be completed for the entire Merced to San Fernando Valley corridor. The Authority acknowledged they were nearing environmental clearance for only a section between Merced and Fresno.

The Court concluded that “the Authority abused its discretion by approving a funding plan that did not comply with the requirements of law.” Based on this ruling, our view is that this clearly leaves the project as a “no-go” in its current condition.

CCHSRA requests that the Legislature voluntarily rescind their appropriation of state funds for this project until the Authority Board complies with the law.

Our group is extremely grateful for the statewide and nationwide support of our accountability efforts to get the largest infrastructure project of its kind on the right track.

We are confident that the Court will apply proper remedies that will prevent the spending of billions of dollars and that the project will not go forward unless and until the provisions of Proposition 1A are followed.

CCHSRA is a nonprofit, nonpartisan advocacy group based in Kings County whose members reside in the city and rural areas, along with other Californians who are affected by high-speed rail. The group has been in the forefront since June 2011 attempting to get the Authority and its board to be in full compliance with Proposition 1A which was passed in November 2008.

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