

Brown Stands Down from Protection Against Bullet Train Lawsuits

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After encountering criticism from environmental groups, Gov. Jerry Brown signaled Wednesday that he plans to withdraw his controversial proposal to protect the California bullet train project from injunctions sought by environmental lawsuits.

Brown's staff told key environmental groups that he would no longer include modifications to the California Environmental Quality Act in a package of legislation this month asking for \$6 billion to start construction of the high-speed rail project.

The Sierra Club and the Natural Resources Defense Council raised objections to Brown's proposal, saying it was part of a pattern to water down one of the most important pieces of environmental law in history. Critics of the bullet train, meanwhile, said it appeared that Brown wanted to protect his pet project, while leaving other businesses in the state to bear the full brunt of the law.

It appeared that the proposal was jeopardizing support for the rail project from the environmental movement, a stalwart supporter of high-speed rail, along with labor unions and big engineering firms.

Dan Richard, chairman of the California High-Speed Rail Authority, had first raised the possibility of some legal protections from lawsuits in a Senate hearing, saying he would rather be able to respond to future lawsuits by mitigating problems than having his project stopped with an injunction.

Brown endorsed that idea soon after, sending proposed language to the Legislature that set a high bar for environmental suits and making the revisions retroactive to the start of this year. That measure could have affected the one suit that has already been filed by the farm bureaus of Merced and Madera counties, Madera County and others. The lawsuit contends that the environmental review of the project's segment from Merced to Fresno was inadequate.

Kathryn Phillips, director of Sierra Club California, said the rail project was exactly the type of major construction that the environmental laws were intended to address. And she said there was little risk to the project that an injunction would stop construction.

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