

LAW OFFICES OF DONALD B. MOONEY
DONALD B. MOONEY (SBN 153721)
129 C Street, Suite 2
Davis, California 95616
Telephone: (530) 758-2377
Facsimile: (530) 758-7169

Attorneys for Petitioner
Capay Valley Coalition

CALIFORNIA FARM BUREAU FEDERATION
CHRISTION C. SCHEURING (SBN 218641)
KARI E. FISHER (SBN 245447)
2300 River Plaza Drive
Sacramento, CA 95833
Telephone: (916) 561-5660
Facsimile: (916) 561-5691

Attorneys for Petitioner
Yolo County Farm Bureau

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

CAPAY VALLEY COALITION)
and YOLO COUNTY FARM BUREAU)
Petitioners)

v.)

CALIFORNIA DEPARTMENT OF)
TRANSPORTATION, RANDELL H. IWASAKI,)
Director; and, DOES 1 through 20;)
Respondents)

UNITED STATES DEPARTMENT OF)
TRANSPORTATION, FEDERAL HIGHWAY)
ADMINISTRATION and, DOES 21-100;)

Real Parties in Interest)

BY FAX

Case No. _____

**VERIFIED PETITION FOR
WRIT OF MANDATE**

Petitioners CAPAY VALLEY COALITION and YOLO COUNTY FARM BUREAU
 (“Petitioners”) allege:

1. By this action, Petitioners challenge Respondents California Department of Transportation's and Director Randell H. Iwasaki's ("Respondents" or collectively "CalTrans") December 7, 2009 certification of the Final Environmental Impact Report ("EIR") for State Route 16 Safety Improvement Project, required findings under the California Environmental Quality Act ("CEQA"), Public Resources Code, section 21000 *et seq.*, and the approval of the State Route 16 Safety Improvement Project ("Project").

2. Petitioners seek a determination from this Court that CalTrans' approval of the Project is invalid and void and that the EIR prepared for the Project fails to satisfy the requirements of CEQA, and the CEQA Guidelines, Title 14, California Code of Regulations, section 15000 *et seq.*

PARTIES

3. Petitioner Capay Valley Coalition (“CVC”) is a mutual benefit, non-profit corporation, whose members consists of residents, citizens and farmers in the Capay Valley working to protect and improve the environmental quality of the Capay Valley and its adjoining ecosystems. CVC exists for the purpose of preserving agricultural and natural resources and quality of life in the Capay Valley. To that end, it is involved in efforts to protect the resources of the Capay Valley, including air and water quality and the preservation of agricultural land. The environment and residents of the Capay Valley will be directly affected by the impacts of the Project. CVC’s members, and members of the coalition live, work, travel and enjoy recreational activities in Yolo County, and in particular, the Capay Valley. These members have a particular interest in the protection of the environment of the Capay Valley, and are increasingly concerned about worsening environmental and land use conditions that detrimentally affect their well-being and that of other residents and visitors of the Capay Valley. CVC is composed of persons whose economic, personal, aesthetic, and property interests will be severely injured if the adoption of the project is not set aside pending full compliance with CEQA and all other environmental laws. CVC brings this petition on behalf of all others

1 similarly situated who are too numerous to be named and brought before this court as petitioners.
2 As a group composed of residents and property owners within the Capay Valley, CVC is within
3 the class of persons beneficially interested in, and aggrieved by, the acts of respondents as
4 alleged below. CVC participated in the administrative processes herein, and exhausted its
5 remedies. Accordingly, the CVC has standing to sue.

6 4. Petitioner Yolo County Farm Bureau ("YCFB") is a non-governmental, non-profit,
7 voluntary membership California corporation whose purpose is to work for the protection of
8 agriculture and the rural environment in Yolo County and advocate for the men and women who
9 provide food, fiber, and nursery products for our community, state, and nation. The YCFB
10 supports responsible farming and respects the health and welfare of those in Yolo County. Its
11 membership consists of more than 1,300 farmers and ranchers who live, farm and ranch
12 throughout Yolo County, as well as non-farmers who support the preservation of viable
13 agriculture and the quality of life in the county and its rural communities. The YCFB exists for
14 the purpose of improving the ability of individuals engaged in production agriculture to utilize
15 California resources to produce food and fiber in the most profitable, efficient and responsible
16 manner possible guaranteeing our nation a domestic food supply. To that end, it is involved in
17 efforts to protect the resources of Yolo County, including air and water quality and the
18 preservation of agricultural land. The YCFB is composed of persons whose economic, personal,
19 aesthetic, and property interests will be severely injured if the adoption of the Project is not set
20 aside pending full compliance with CEQA and all other environmental laws. Members rely on
21 and authorize the YCFB to represent their rights under Public Resources Code section 21167(a),
22 with the aim of enforcing the provisions of CEQA. The YCFB brings this petition on behalf of
23 all others similarly situated who are too numerous to be named and brought before this court as
24 petitioners. As a group composed of residents and property owners within Yolo County, the
25 YCFB is within the class of persons beneficially interested in, and aggrieved by, the acts of
26 respondents as alleged below. The YCFB was an active and good-faith participant in the
27 administrative processes herein, and exhausted its remedies. Accordingly, the YCFB has
28 standing to sue.

1 5. Petitioners and their respective members have a direct and substantial beneficial
2 interest in ensuring that Respondents comply with laws relating to environmental protection.
3 Petitioners and their respective members are adversely affected by Respondents' failure to
4 comply with CEQA in approving the Project.

5 6. Respondent California Department of Transportation ("CalTrans") is an agency of
6 the State of California. CalTrans is the CEQA "lead agency" for the Project. As lead agency
7 for the Project, CalTrans is responsible for preparation of an environmental document that
8 describes the Project and its impacts, and, if necessary evaluates mitigation measures and/or
9 alternatives to lessen or avoid any significant environmental impacts. CalTrans is responsible
10 for implementing and complying with the provisions of CEQA and the CEQA Guidelines with
11 respect to the Project.

12 7. Respondent Randell H. Iwasaki is the Director of CalTrans. As Director, Mr.
13 Iwasaki is responsible for the day-to-day management of CalTrans. Mr. Iwasaki is sued in his
14 official capacity as Director of CalTrans.

15 8. Petitioners are unaware of the true names and capacities of Respondents identified
16 as Does 1-20. Petitioners are informed and believe, and on that basis allege, that Respondents
17 Does 1-20, inclusive, are individuals, entities or agencies with material interests affected by the
18 Project with respect to the Project or by CalTrans' actions with respect to the Project. When
19 the true identities and capacities of these Respondents have been determined, Petitioners will,
20 with leave of Court if necessary, amend this Petition to insert such identities and capacities.

21 9. Real Party in Interest United States Department of Transportation, Federal
22 Highway Administration is an agency of the United States. The Federal Highway
23 Administration is the federal lead agency for Project the under the National Environmental
24 Policy Act.

25 10. Petitioners are unaware of the true names and capacities of Real Parties in Interest
26 identified as Does 21-100. Petitioners are informed and believe, and on that basis alleges, that
27 Respondents Does 21-100, inclusive, are individuals, entities or agencies with material
28 interests affected by the Project or by CalTrans' actions with respect to the Project. When the
VERIFIED PETITION FOR WRIT OF MANDATE

1 true identities and capacities of these Real Parties in Interest have been determined, Petitioners
2 will, with leave of Court if necessary, amend this Petition to insert such identities and
3 capacities.

4 **BACKGROUND FACTS**

5 11. The Project includes widening the shoulders and realigning curves on State Route
6 ("SR") 16 in Yolo County from Brooks to Interstate 505 ("I-505"). The Project will costs
7 approximately \$58 million and is funded from the State Highway Operation and Protection
8 Program.

9 12. The Project begins just east of Brooks near the Cache Creek Casino ("Casino"),
10 passes through Capay, Esparto, and Madison, and ends just west of I-505. Within the limits of
11 the proposed project, SR 16 is a two-lane conventional highway with 12-foot lanes and
12 shoulders from 0 to 2 feet. From Brooks to Capay, the highway winds through rolling terrain,
13 while the highway east of Capay to I-505 crosses through low-lying farmland and is subject to
14 winter flooding.

15 13. Under the Project, CalTrans proposes to improve the safety of this section of
16 highway by constructing 8 feet shoulders and removing fixed objects with a 20 foot clear
17 recovery zone ("CRZ"), which includes the 8 foot shoulder area. The Project also provides left-
18 turn channelization and intersection improvements at various public road connections, vertical
19 and horizontal alignment improvements, and improved flood protection between Esparto and I-
20 505. The Project does not include improvements in the towns of Capay and Esparto.

21 14. The Project is divided into 6 segments:

22 Segment 1: from County Road ("CR") 78 to CR 78A, near the Casino

23 Segment 2: from CR 78A to CR 80

24 Segment 3: from CR 80 to CR 81, Taber's Corner

25 Segment 4: from CR 81 to Capay Canal Bridge (gap in project at the town of
26 Capay)

27 Segment 5: from CR 85 to Parker Street (gap in project at the town of Esparto)

28 Segment 6: from CR 86A to South Fork Willow Slough Bridge

15. On December 8, 2005, CalTrans released for public review and comment a Draft
Environmental Impact Report/Environmental Assessment. CalTrans received comments from

1 the public and public agencies regarding the Draft Environmental Impact Report/Environmental
2 Assessment, including comments from Petitioners.

3 16. On May 6, 2009, CalTrans released for public review and comment a Revised
4 Draft Environmental Impact Report/Environmental Assessment. CalTrans received comments
5 from the public and public agencies regarding the Revised Draft Environmental Impact
6 Report/Environmental Assessment, including comments from Petitioners.

7 17. On December 7, 2009, CalTrans released the Final Environmental Impact Report
8 and approved the Project, and found that the Project will not have a significant effect on the
9 environment.

10 18. On December 7, 2009, CalTrans filed with the State of California, Office of
11 Planning and Research (State Clearing House) a Notice of Determination under Public
12 Resources Code section 21152.

13 **JURISDICTION AND VENUE**

14 19. This action arises under CEQA and its implementing regulations, which are
15 prescribed by the Secretary of the California Resources Agency to be followed by all state and
16 local agencies when undertaking projects subject to CEQA. (Pub. Resources Code § 21000 *et*
17 *seq.*; Cal. Code Regs., tit. 14, § 15000 *et seq.*) This Court has jurisdiction over the matters
18 alleged in this Petition pursuant to Code of Civil Procedure section 1085, and Public Resources
19 Code section 21168.5. In the alternative, this Court has jurisdiction pursuant to Code of Civil
20 Procedure section 1094.5 and Public Resources Code section 21168.

21 20. Pursuant to Code of Civil Procedure section 394(a), venue is proper in “the
22 county in which the city or local agency is situated.” Venue is proper in this Court because
23 CalTrans is located in the County of Sacramento.

24 **EXHAUSTION OF ADMINISTRATIVE REMEDIES** 25 **AND INADEQUACY OF REMEDY**

26 21. Petitioners have performed any and all conditions precedent to filing the instant
27 action and have exhausted any and all available administrative remedies to the extent required by
28 law.

22. Petitioners have complied with the requirements of Public Resources Code, section 21167.5 by mailing written notice of this action to the Respondents. A copy of this written notice and proof of service are attached as Exhibit A to this Petition for Writ of Mandate.

23. Petitioners have complied with Public Resources Code section 21167.6 by concurrently filing a request concerning preparation of the record of administrative proceedings relating to this action.

24. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate to require respondents to set aside their approval of the Project and certification of the EIR. In the absence of such remedies, CalTrans' approval will remain in effect in violation of State law.

25. This action has been brought within 30 days of CalTrans filing of the Notice of Determination as required by Public Resources Code section 21167(c).

STANDING

26. Petitioners have standing to assert the claims raised in this Petition because Petitioners and their members' aesthetic and environmental interests are directly and adversely affected by the CalTrans' approval of the Project.

CAUSE OF ACTION

(Violation of the California Environmental Quality Act)

27. Petitioners reallege and incorporate by reference Paragraphs 1 through 26, inclusive, of this Petition, as if fully set forth below.

28. CEQA requires the preparation of an EIR in order to identify the significant effects on the environment of a project, so that measures to mitigate or avoid those effects, or alternatives that avoid those effects, can be devised. (Pub. Resources Code §§ 21002.1(a), 21060.) Compliance with the procedural requirements of CEQA sets the stage for development of mitigation measures and alternatives. Without a proper procedural foundation, a local agency cannot comply with CEQA's mandate that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would

1 substantially lessen the significant environmental effects of such projects. (Pub. Resources Code
2 § 21002.)

3 29. CEQA's fundamental goals are to foster informed decision-making and to fully
4 inform the public about the project and its impacts. (CEQA Guidelines § 15003.)

5 30. An EIR must provide public agencies and the public in general with detailed
6 information about the effect that a project is likely to have on the environment, to list ways in
7 which the significant effects of a project might be minimized, and to indicate alternatives to such
8 a project. (Pub. Resources Code § 21061.) California Code of Regulations, title 14 (CEQA
9 Guidelines), section 15126.2, requires that the Final EIR identify the significant environmental
10 impacts of the project, including direct and indirect impacts. CEQA Guidelines section 15126.4
11 requires that the Final EIR describe all feasible measures that can minimize significant adverse
12 impacts of the project. CEQA does not allow an agency to defer analysis of impacts and
13 mitigation measures. (CEQA Guidelines § 15126.4(a)(I)(B).)

14 31. Respondents committed a prejudicial abuse of discretion and failed to proceed in
15 a manner required by law by relying on an EIR that fails to meet the requirements of CEQA for
16 disclosure, analysis, and/or mitigation of significant project impacts. As discussed below, the
17 deficiencies in the Final EIR include an inadequate project description, an inadequate
18 alternatives analysis, an inadequate analysis regarding impacts to agricultural resources, air
19 quality, land use, and traffic and circulation. The EIR also includes an inadequate analysis of
20 the Project's cumulative impacts.

21 **A. Project Description, Need for the Project and Project Objectives:**

22 32. The EIR fails to provide an adequate description of the Project and fails to
23 acknowledge existing environmental conditions.

24 33. The EIR misstates the need for and the objectives of the Project, and there is no
25 substantial evidence in the record to support the conclusions regarding accident rates on State
26 Route 16 in Yolo County.

1 34. The Project Description is also inadequate under CEQA because it fails to include
2 adequate detail regarding how high State Route 16 would be raised to be in compliance with the
3 requirements of a 100-year floodplain.

4 **B. Impact Analyses**

5 35. The EIR fails to provide adequate analysis of the Project's impacts, and improperly
6 fails to provide sufficient detail regarding the foreseeable impacts that will arise from expansion
7 and widening of State Route 16.

8 36. The EIR fails to comply with the requirements of CEQA in that it fails to
9 adequately disclose, analyze and/or mitigate the Project's environmental impacts as required by
10 law, and its conclusions regarding the Project's environmental impacts are not supported by
11 substantial evidence. As a result, the Project will result in significant environmental impacts that
12 the EIR failed to address or mitigate.

13 a. The EIR failed to adequately disclose, analyze and/or mitigate the Project's
14 inconsistency with Yolo County's General Plan and the Capay Valley General Plan.
15 Specifically, the Project is inconsistent with the Agricultural Element of the County's General
16 Plan and the policies of the Capay Valley General Plan regarding the protection of agricultural
17 lands and resources.

18 b. The EIR failed to adequately disclose, analyze and/or mitigate the Project's
19 impacts associated with raising and elevating State Route 16. Additionally, the EIR failed to
20 disclose how high the Project would raise SR 16. CalTrans has deferred all analysis of the
21 design, elevation, and impacts of the increase in roadway height until after final Project
22 approval and EIR certification, in direct conflict with the requirements of CEQA.

23 c. The EIR failed to adequately disclose, analyze and/or mitigate the Project's
24 growth inducing impacts and land use patterns.

25 d. The EIR failed to adequately disclose, analyze and/or mitigate the Project's
26 impact to agriculture, including conversion of farmland, conflicts with existing zoning for
27 agricultural use, and access to agricultural lands.

1 e. The EIR failed to adequately disclose, analyze and/or mitigate the Project's
2 impact to aesthetics, including the existing visual character of the surroundings and the creation
3 of new sources of substantial light and glare.

4 **C. Cumulative Impacts**

5 37. The EIR fails to comply with the requirements of CEQA in that it fails to
6 adequately disclose, analyze and/or mitigate the Project's cumulative environmental impacts as
7 required by law, and its conclusions regarding the Project's cumulative environmental impacts
8 are not supported by substantial evidence. The EIR fails to adequately disclose, analyze and/or
9 mitigate the cumulative impacts associated with the Project such as air quality associated with
10 increased vehicle miles traveled and increased traffic.

11 **D. Alternative Analysis**

12 38. The EIR fails to provide a selection and discussion of alternatives that fosters
13 informed decision-making and informed public participation. The alternatives analysis in the
14 EIR does not meet the requirement of a reasonable range of alternatives that lessen the Project's
15 significant environmental impacts, and does not focus on alternatives that either eliminate
16 adverse impacts or reduce them to insignificance, even if they would to some degree impede the
17 Project's objectives, as required by CEQA.

18 39. The EIR failed to include feasible alternatives to the Project that were presented to
19 CalTrans. Such alternatives include implementing traffic control measures without widening or
20 elevating the roadway. Previous implementation of traffic control measures on State Route 16
21 have effectively reduced traffic accidents.

22 **E. Procedural Requirements and Agency Findings**

23 40. Prior to approving the Project, the Respondents failed to consider some of the
24 public comments submitted during the environmental review process.

25 41. The responses to comments in the Final EIR fail to meet the requirements of
26 CEQA in that they neither adequately dispose of all the issues raised, nor provide specific
27 rationale for rejecting suggested Project changes, mitigation measures, or alternatives. CEQA
28 requires that the lead agency evaluate and respond to all environmental comments on the Draft
VERIFIED PETITION FOR WRIT OF MANDATE

1 EIR that it receives during the public review period. The response(s) must describe the
2 disposition of the issue(s) raised and must specifically explain reasons for rejecting suggestions
3 and for proceeding without incorporating the suggestions. The Final EIR's responses to
4 comments fail to meet this standard.

5 42. The Final EIR also failed to respond to comments on the Draft EIR and limited its
6 response to comments to the Revised Draft EIR.

7 43. Where mitigation measures and alternatives to a project are not adopted, the
8 CEQA findings must identify specific economic, legal, social and technological and other
9 considerations that make infeasible the adoption of mitigation measures or alternatives. All
10 CEQA findings must be supported by substantial evidence in the record and must disclose the
11 analytical route by which approval of the project is justified. The findings regarding the
12 impacts, mitigation measures, and alternatives relied upon by Respondent's approval of the
13 Project are not supported by substantial evidence in the record, and the links between evidence
14 and conclusions are not satisfactorily provided.

15 44. Respondents violated CEQA in that the findings they adopted in support of the
16 approval of the General Plan Update ("GPU") and certification of the EIR are legally
17 inadequate and not supported by substantial evidence. Inadequate findings include, but are not
18 limited to, findings regarding Project-specific and cumulative impacts, mitigation measures,
19 alternatives, and the statement of overriding considerations.

20 45. Respondents' Findings violate the requirements of the CEQA Guidelines. The
21 Findings fail to identify the changes or alterations that are required to avoid or substantially
22 lessen the project's significant environmental effects (CEQA Guidelines § 15091(a)(1); the
23 Findings are not supported by substantial evidence (CEQA Guidelines, § 15091(b)); the Findings
24 fail to adopt a mitigation monitoring program (CEQA Guidelines, § 15091(d)); and the Findings
25 fail to specify the location and custodian of the record of proceedings (CEQA Guidelines, §
26 15091(e)).

27 46. Based upon each of the foregoing reasons, the EIR is legally defective under
28 CEQA. CalTrans prejudicially abused its discretion in violation of CEQA in approving the
VERIFIED PETITION FOR WRIT OF MANDATE

1 Project. As such, the Court should issue a writ of mandate directing CalTrans to set aside its
2 certification of the EIR and approval of the Project.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioners pray for judgment as follows:

5 1. That this Court issue a peremptory writ of mandate ordering Respondents to:

6 (a) vacate and set aside its certification of the EIR on the grounds that it
7 violates the California Environmental Quality Act, Public Resources Code section 21000 *et*
8 *seq.*

9 (b) vacate and set aside its December 7, 2009 approval of the Project;

10 (c) withdraw the Notice of Determination for the Project;

11 (d) prepare, circulate and consider a new legally adequate EIR for the Project;

12 (e) suspend approval of any and all contracts for construction of the Project
13 until the Respondents are in compliance with CEQA;

14 (f) suspend all activity that could result in any change or alteration to the
15 physical environment until Respondents have taken such actions as may be necessary to bring
16 their determination, findings or decision regarding the Project into compliance with CEQA;

17 2. For Petitioners' costs associated with this action;

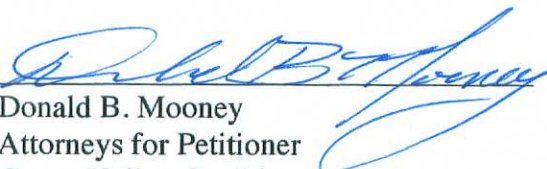
18 3. For an award of reasonable attorneys' fees pursuant to Code of Civil Procedure
19 section 1021.5; and

20 4. For such other and further relief as the Court may deem just and proper.

21
22 Dated: January 6, 2010

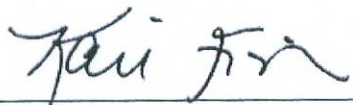
Respectfully submitted,

23 LAW OFFICES OF DONALD B. MOONEY

24
25 By 
26 Donald B. Mooney
27 Attorneys for Petitioner
28 Capay Valley Coalition

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CALIFORNIA FARM BUREAU FEDERATION

By 

Kari E. Fisher
Attorneys for Petitioner
Yolo County Farm Bureau

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION

I, Anne McDonald, declare as follows:

I am the President of the Yolo County Farm Bureau, a non-profit corporation, and I am authorized to make this Verification on Yolo County Farm Bureau's behalf. I have read the foregoing document entitled VERIFIED PETITION FOR WRIT OF MANDATE and know the contents thereof. I am informed and believe and on that ground allege that the matters therein stated are true.

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

Executed this 5th day of January, 2010, at Capay, California.



1 **VERIFICATION**

2 I, TIM MIRAMONTES, declare as follows:

3 I am the President of the Yolo County Farm Bureau, a non-profit corporation, and I am
4 authorized to make this Verification on Yolo County Farm Bureau's behalf. I have read the
5 foregoing document entitled VERIFIED PETITION FOR WRIT OF MANDATE and know the
6 contents thereof. I am informed and believe and on that ground allege that the matters therein
7 stated are true.

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

10 Executed this 5th day of January, 2010, at Woodland, California.

11 

12
13 By: TIM MIRAMONTES
14 President
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

LAW OFFICES OF DONALD B. MOONEY

DONALD B. MOONEY

129 C Street, Suite 2
Davis, California 95616
Telephone (530) 758-2377
Facsimile (530) 758-7169
dbmooney@dcn.org

January 6, 2010

VIA FACSIMILE AND U.S. MAIL

Randell E. Iwasaki, Director
California Department of Transportation
1120 "N" Street
Sacramento, CA 95814

Jody Jones, Director
District 3
California Department of Transportation
703 B Street
Marysville, CA 95901

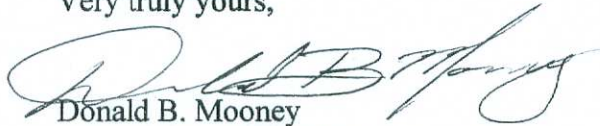
Re: NOTICE OF INTENT TO FILE CEQA PETITION

Dear Mr. Iwasaki and Ms. Jones:

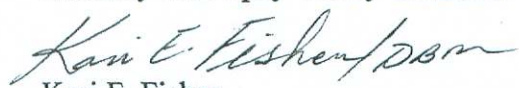
Please take notice that under Public Resources Code section 21167.5, that Petitioners Capay Valley Coalition and Yolo County Farm Bureau intend to file a petition for Writ of Mandate in Sacramento County Superior Court under the provisions of the California Environmental Quality Act against you and the California Department of Transportation ("CalTrans"), challenging CalTrans' certification of the Final Environmental Impact Report for the State Route 16 Safety Improvement Project.

The petition for writ of mandate will request that the court direct respondents to vacate and rescind certification of the Final Environmental Impact Report and approval of the Project. Additionally, the petition will seek Petitioners' costs and attorney's fees associated with this action.

Very truly yours,



Donald B. Mooney
Attorney for Capay Valley Coalition



Kari E. Fisher
Attorney for Yolo County Farm Bureau

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 129 C Street, Suite 2 Davis, California; I am over the age of 18 years and not a party to the foregoing action. On January 6, 2010, I served a true and correct copy of as follows:

Notice of Intent to File CEQA Petition – Public Resources Code section 21167.5

 X (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a United States mailbox in Davis, California.

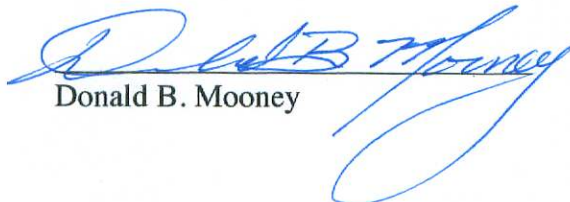
 (by overnight delivery service) via Federal Express to the person at the address set forth below:

 X (by facsimile transmission) and via Federal Express to the person at the address and phone number set forth below:

Randell Iwasaki, Director
California Dept. of Transportation
1120 "N" Street
Sacramento, CA 95814
916-654-6608

Jody Jones, Director
District 3
California Department of Transportation
703 B Street
Marysville, CA 95901
530-741-4100

I declare under penalty of perjury that the foregoing is true and correct. Executed January 6, 2010, at Davis, California.


Donald B. Mooney