

Jonathan Evans (SBN 247376)
Aruna Prabhala (SBN 278865)
CENTER FOR BIOLOGICAL DIVERSITY
1212 Broadway, Suite 800
Oakland, CA 94612
Telephone: (510) 844-7100
Facsimile: (510) 844-7150
Email: jevans@biologicaldiversity.org
aprabhala@biologicaldiversity.org

Attorneys for all Petitioners

Doug Carstens (SBN 193439)
Josh Chatten-Brown (SBN 243605)
CHATTEN-BROWN AND CARSTENS
2200 Pacific Coast Hwy Ste 318
Hermosa Beach, CA 90254
Telephone: (310) 798-2400
Facsimile: (310) 798-2404
Email: dpc@cbcearthlaw.com
jrcb@cbcearthlaw.com

Attorneys for Petitioners Center for Biological Diversity

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

CENTER FOR BIOLOGICAL	)	Case No.
DIVERSITY, SIERRA CLUB,)	
FRIENDS OF THE NORTHERN SAN	)	PETITION FOR WRIT OF MANDATE
JACINTO VALLEY, and RESIDENTS)	
FOR A LIVABLE MORENO VALLEY,	)	[Code Civ. Proc. §§ 1085 and 1094.5; Pub. Res.
	)	Code § 21000 et seq. (California Environmental
Petitioners,	)	Quality Act)]
)	
vs.)	
)	
CALIFORNIA DEPARTMENT OF)	
TRANSPORTATION and DOES 1-10,)	
)	
Respondent.)	
)	
RIVERSIDE COUNTY)	
TRANSPORTATION COMMISSION)	
and DOES 11-20,)	
)	
Real Party in Interest.)	

1 **INTRODUCTION**

2 1. Petitioners Center for Biological Diversity, Sierra Club, and Friends of the
3 Northern San Jacinto Valley bring this action against the California Department of
4 Transportation (“Caltrans”) for its approval of the State Route 60 Truck Lanes Project
5 (“Project”) and its adoption of a Mitigated Negative Declaration for the Project. The Project
6 amounts to a highway widening plan that would induce travel and spur development in the
7 Inland Empire. In effect, the Project would worsen the region’s already poor air quality, raise
8 greenhouse gas emissions, increase traffic, and threaten listed species, among other impacts. In
9 violation of the California Environmental Quality Act (“CEQA”), Caltrans failed to adequately
10 analyze and mitigate these significant impacts in its Mitigated Negative Declaration.

11 2. The main feature of the Project is the addition of an eastbound truck-climbing
12 lane and a westbound truck-descending lane to the portion of State Route 60 between the cities
13 of Moreno Valley and Beaumont, California. These additional lanes increase State Route 60’s
14 capacity, which would induce travel on the highway. In doing so, the Project would result in
15 increased traffic and significant impacts from pollution. Southern California is one of the most
16 polluted areas in the nation. By increasing traffic and therefore pollution, the Project burdens
17 the region’s already strained air quality.

18 3. Furthermore, additional lanes on State Route 60 would generate more
19 commercial truck traffic and feed the booming warehouse and industrial development in the
20 Inland Empire. State Route 60 is part of a larger network of highways, ports, and airports
21 leading to Inland Empire’s growing warehouse and logistics industry. The growth of
22 warehouses is largely dependent on commercial truck accessibility to the region. By increasing
23 capacity on State Route 60, the Project creates the infrastructure needed to facilitate expanded
24 warehouse and industrial development in the area.

25 4. Despite the magnitude of these impacts, Caltrans failed to analyze and mitigate
26 the Project’s ability to induce travel and growth. In violation of CEQA, the Mitigated Negative
27 Declaration prepared by Caltrans contains no discussion of the Project’s induced travel and

1 growth impacts. Additionally, the Project would have various significant impacts to water
2 quality, threatened and endangered species, and biological resources, among others. Caltrans
3 further violated CEQA by failing to adequately analyze and mitigate these significant impacts in
4 its Mitigated Negative Declaration. Petitioners therefore request a writ of mandate directing
5 Caltrans to withdraw its approval of the Project, void the inadequate Mitigated Negative
6 Declaration, and prepare an environmental impact report (“EIR”) so that the Project’s full
7 impacts can be disclosed and analyzed.

8 **JURISDICTION AND VENUE**

9 5. This Court has jurisdiction over this action pursuant to sections 1085, 1094.5,
10 and 187 of the California Code of Civil Procedure, and sections 21168 and 21168.5 of the
11 Public Resources Code. Venue for this action properly lies in Riverside County Superior Court
12 because the Project is located in Riverside County.

13 6. Petitioners exhausted all administrative remedies by submitting written
14 comments to Caltrans prior to Project approval, requesting compliance with CEQA and the
15 completion of a full and adequate environmental review through the preparation of an EIR. All
16 issues raised in this petition were raised in a timely manner by Petitioners, other members of the
17 public, or public agencies.

18 7. This petition is timely filed in accordance with Public Resources Code § 21167
19 and CEQA Guidelines § 15112.

20 **PARTIES**

21 8. Petitioner CENTER FOR BIOLOGICAL DIVERSITY (the “Center”) is a non-
22 profit public interest corporation with over one million members, including members in
23 Riverside County, and offices throughout the United States, including in Los Angeles and
24 Oakland, California; Arizona; New Mexico; Oregon; Alaska; and Washington D.C. The Center
25 and its members are dedicated to protecting the diverse native species and habitats of western
26 North America through science, policy, education, and environmental law. The Center has long
27 worked to protect the wildlife, air, water, and people of Riverside County and the Inland

1 Empire. The Center and its members are directly, adversely and irreparably affected, and would
2 continue to be prejudiced by the Project and its components, as described herein, until and
3 unless this Court provides the relief prayed for in this petition.

4 9. Petitioner SIERRA CLUB is a national nonprofit organization of over one
5 million members dedicated to exploring, enjoying, and protecting the wild places of the earth; to
6 practicing and promoting the responsible use of the earth's ecosystems and resources; to
7 educating and enlisting humanity to protect and restore the quality of the natural and human
8 environment; and to using all lawful means to carry out these objectives. Over 150,000 Sierra
9 Club members reside in California. The Sierra Club has an interest in calling attention to urban
10 sprawl and its impacts when such development threatens our environment, our health, and our
11 quality of life. Individual Sierra Club members use and enjoy publicly accessible lands in and
12 adjacent to the Project area for environmental, recreational, and aesthetic purposes. In addition,
13 the Sierra Club and its members would derive environmental, recreational, health, and aesthetic
14 benefits from alternative uses of the Project area.

15 10. Petitioner FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
16 ("Friends") is a California non-profit conservation group dedicated to preserving and protecting
17 the northern San Jacinto Valley, the San Jacinto Wildlife Area, and surrounding environmental
18 resources. Friends' members reside and recreate in the San Jacinto Valley area of Riverside
19 County. Additionally, the organization sponsors regular nature walks and environmental
20 restoration activities at the San Jacinto Wildlife Area, and works to influence a wide variety of
21 land use and transportation issues that affect the San Jacinto Wildlife Area and the northern San
22 Jacinto Valley. Individual members of Friends use and enjoy publicly accessible lands in and
23 near the Project area for environmental, recreational, and aesthetic purposes. In addition, the
24 Friends and its members would derive environmental, recreational, health, and aesthetic benefits
25 from alternative uses of the Project area.

26 11. Petitioner RESIDENTS FOR A LIVABLE MORENO VALLEY, is an
27 unincorporated association created because of the concerns about the environmental harms of

1 warehouse development and other projects in the City of Moreno Valley, which includes
2 individuals residing within the City of Moreno Valley.

3 12. Petitioners and their members would be irreparably harmed by the Project’s
4 potential environmental impacts and would suffer injury to personal, scientific, spiritual,
5 educational, aesthetic, informational, and other interests if the Project were allowed to proceed.

6 13. Respondent CALIFORNIA DEPARTMENT OF TRANSPORTATION
7 (“Caltrans”) is a state agency under the laws of California and the “lead” agency under CEQA.
8 Caltrans is responsible for managing California’s highway system.

9 14. Real Party in Interest RIVERSIDE COUNTY TRANSPORTATION
10 COMMISSION (“RCTC”) is an association of local governments in Riverside County, with
11 policy makers consisting of city mayors or councilmembers, and county supervisors, which
12 oversee all public transportation services within Riverside County. RCTC plans and implements
13 transportation and transit improvements, assists local governments with money for local streets
14 and roads, and develops plans and projects for commuters and goods movement. RCTC also
15 plans and implements local and regional roadway projects for the County. RCTC is one of the
16 five agencies governing the southern California rail authority Metrolink and owns and operates
17 all Riverside County Metrolink stations. RCTC is responsible by statute for developing and
18 approving a Short Range Transit Plan (“SRTP”) for Riverside County. The SRTP is intended to
19 identify the transit services, capital improvements, and funding sources required to meet the
20 transit needs of Riverside County over a three-year period, and serves as a management tool for
21 transit.

22 15. Petitioners are currently unaware of the true names and capacities of Does 1
23 through 10, inclusive, and therefore sue those parties by such fictitious names. Does 1 through
24 10, inclusive, are agents of the County, state, or federal government who are responsible in
25 some manner for the conduct described in this petition, or other persons or entities presently
26 unknown to the Petitioners who claim some legal or equitable interest in the Project that is the
27

1 subject of this action. Petitioners will amend this petition to show the true names and capacities
2 of Does 1 through 10 when such names and capacities become known.

3 16. The Petitioners are currently unaware of the true names and capacities of Real
4 Parties in Interest, Does 11 through 20, inclusive. Does 11 through 20, inclusive, are persons or
5 entities presently unknown to the Petitioners who claim some legal or equitable interest in the
6 Project that is the subject of this action. The Petitioners will amend this petition to show the true
7 names and capacities of Does 11 through 20 when such names and capacities become known.

8 **LEGAL BACKGROUND**

9 17. The California Environmental Quality Act, Public Resources Code §§ 21000 *et*
10 *seq.*, requires public agencies such as Caltrans to document and thoroughly consider the
11 environmental impacts of their actions. CEQA is intended to fully inform the public and agency
12 decision makers about potential environmental consequences of proposed projects and to ensure
13 informed decision-making by public agencies and officials. CEQA contains procedural,
14 informational, and substantive mandates.

15 18. CEQA applies to discretionary projects carried out or approved by public
16 agencies. (Pub. Resources Code § 21080(a).) CEQA defines “project” as “an activity which
17 may cause either a direct physical change in the environment or a reasonably foreseeable
18 indirect physical change in the environment” including “an activity that involves the issuance of
19 a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.”
20 (Pub. Resources Code § 21065.)

21 19. With a limited number of exceptions, it is the responsibility of the lead agency to
22 prepare an EIR for all projects that may have a significant effect on the environment. Significant
23 effect on the environment means a substantial, or potentially substantial, adverse change in the
24 environment. (Pub. Resources Code § 21068.) An EIR is a detailed statement describing all of
25 the project’s significant environmental effects, mitigation measures to minimize these
26 significant effects, and alternatives to the project. (Pub. Resources Code §§ 21061, 21100.)
27

1 20. CEQA requires a mandatory finding of significance where (1) the project has the
2 potential to reduce the number or restrict the range of an endangered, rare, or threatened species;
3 (2) the project has the potential to achieve short-term environmental goals to the disadvantage
4 of long-term environmental goals; (3) the project impacts may be cumulatively considerable;
5 and/or (4) the environmental effects of the project will cause substantial adverse effects on
6 human beings, either directly or indirectly. (CEQA Guidelines § 15065(a).)

7 21. Additionally, CEQA requires the analysis of a project’s growth inducing
8 impacts. Such analysis would include a discussion of “the ways in which the proposed project
9 could foster economic or population growth . . . either directly or indirectly, in the surrounding
10 environment.” (CEQA Guidelines § 15126.2(d).) The Guidelines emphasize an analysis of
11 projects that “would remove obstacles to population growth” and “encourage and facilitate other
12 activities that could significantly affect the environment, either individually or cumulatively.”
13 (*Id.*)

14 22. The lead agency typically prepares a preliminary report called an “Initial Study”
15 to identify a project’s potential environmental effects and to determine whether an EIR must be
16 prepared. (*See* CEQA Guidelines § 15365.)

17 23. If the agency determines that the project will not have a significant effect on the
18 environment, it may prepare a “Negative Declaration.” A Negative Declaration is a brief written
19 statement that describes the reasons why the proposed project will not have a significant effect
20 on the environment and therefore why an EIR is not required. (Pub. Resources Code §
21 21080(c); CEQA Guidelines § 15371.) Additionally, a Negative Declaration must contain a
22 description of the proposed project. (*Id.* at § 15071.)

23 24. The determination that the project will not have a significant impact on the
24 environment can only be made if there is no substantial evidence that the project may have a
25 significant impact in light of the whole record before the lead agency. (Pub. Resources Code §
26 21080(c)(1).) Whenever substantial evidence in the record supports a “fair argument” that
27 significant effects on the environment *may* occur, an EIR must be prepared.

1 maintenance of public freeways that serve the heavy trucks. Therefore, the Project’s additional
2 roadway capacity would allow the truck traffic needed to facilitate increased warehouse and
3 industrial development in the region.

4 29. In fact, warehouse and industrial development projects near State Route 60 are
5 already underway. This includes the development of the World Logistics Center (“WLC”), a
6 massive 40-million square-foot warehouse project just south of State Route 60. Development of
7 the WLC would add 14,000 daily truck trips transporting goods to and from the industrial
8 warehouse project. State Route 60 leads directly to the WLC and its expansion under the Project
9 is essential in facilitating truck traffic to and from the WLC. Additionally, several other
10 development projects in the area would utilize State Route 60 and increase truck traffic on the
11 highway. These projects include the Mid County Parkway, the McAnally Chicken Ranch, and
12 Motte Ranch.

13 30. Furthermore, the Project would induce an increase in overall vehicle travel,
14 leading to greenhouse gas and air quality impacts, among other impacts. A 2015 policy brief on
15 induced travel—linked by Caltrans on its website—and a 2014 California Air Resources Board
16 policy brief explain that increased highway capacity results in increased travel and emissions.¹
17 Specifically, expanded highway capacity via additional lanes “decreases travel time, in effect
18 lowering the ‘price’ of driving; and when prices go down, the quantity of driving goes up.”²
19 Meaning, increased highway capacity on a particular route incentivizes travel, leading to more
20 vehicles on the road. Therefore, the Project would induce increased traffic by expanding State
21 Route 60’s capacity through additional lanes.

23 ¹ See Handy, *Increasing Highway Capacity Unlikely to Relieve Traffic Congestion* (Oct. 2015) National
24 Center for Sustainable Transportation <[http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-
25 Highway Capacity and Induced Travel on Passenger Vehicle Use and Greenhouse Gas Emissions](http://www.dot.ca.gov/newtech/researchreports/reports/2015/10-12-2015-NCST_Brief_InducedTravel_CS6_v3.pdf) (Sept.
26 30, 2014) California Air Resources Board
27 <http://www.arb.ca.gov/cc/sb375/policies/hwycapacity/highway_capacity_brief.pdf> (as of May 31,
2016).

² Handy, *supra* note 1.

1 31. However, the Mitigated Negative Declaration contains no analysis of the impacts
2 from induced travel. Caltrans has been criticized in the past for failing to analyze and disclose
3 the impacts of induced travel. The parent agency of Caltrans, the California State Transportation
4 Agency, conducted a third party assessment of Caltrans in order to examine the agency’s
5 effectiveness in achieving its missions. The review contained a strong critique of Caltrans’
6 “failure to come to grips with the reality of induced traffic and the relationship between
7 transportation and land use.”³

8 32. The induced travel from the Project would lead to environmental impacts on
9 greenhouse gas emissions, air quality, noise, aesthetics, and biological resources. The area
10 around the Project is particularly vulnerable to environmental impacts from additional traffic.
11 Southern California is one of the most polluted areas in the United States. Ninety percent of the
12 region’s pollution is caused by mobile sources including cars and trucks. Further, the Los
13 Angeles-Long Beach-Riverside metropolitan area is the worst ozone-polluted city in the country
14 and the fifth most polluted city for both year round and short-term particulate matter pollution.
15 Therefore, any new pollution from traffic adds to Riverside County’s already substantially
16 impacted air quality. Moreover, air pollution has numerous adverse effects including increases
17 in the risks of asthma attacks and respiratory distress, heart attacks, stroke, and death. Thus, any
18 increases in pollution from the Project have the potential to substantially harm those living in
19 the Inland Empire.

20 33. Additionally, the Project area is home to numerous threatened and endangered
21 species, including the Stephen’s kangaroo rat, coastal California gnatcatcher, southwestern
22 willow flycatcher, least Bell’s vireo, and Townsend’s big-eared bat. The Project and its
23 construction could significantly impact these threatened and endangered species through noise,
24 dust, litter, vegetation removal, and proliferation of non-native invasive plant species. Further,
25

26 ³ California Department of Transportation, *SSTI Assessment and Recommendations* (Jan. 2014) State
27 Smart Transportation Initiative <<http://www.dot.ca.gov/CIP/docs/SSTIReport.pdf>> (as of June 18,
2016).

1 the Project runs through a “core reserve” for wildlife habitat that was dedicated for protection
2 under the Western Riverside County Multiple Species Habitat Conservation Plan. Due to the
3 reserve’s close proximity to the Project, it is especially vulnerable to the Project’s many
4 significant impacts.

5 **Procedural History**

6 34. Despite the aforementioned issues with the Project, Caltrans approved the
7 Project and its Mitigated Negative Declaration. Prior to these approvals, Caltrans prepared and
8 circulated two drafts of the environmental document containing the Mitigated Negative
9 Declaration.

10 35. The first draft, known as the Original Initial Study with Proposed Mitigated
11 Negative Declaration/Environmental Assessment, was circulated for public comment on June
12 16, 2014 through August 11, 2014. Petitioners submitted comments concerning this document
13 on July 16, 2014. In these comments, Petitioners noted potentially significant environmental
14 effects that had not been mitigated and failures to adequately disclose and analyze
15 environmental effects. As a result of the document’s deficiencies, Petitioners requested
16 preparation of a full EIR for the Project.

17 36. The second draft, known as the Recirculated Initial Study with Proposed
18 Mitigated Negative Declaration/Environmental Assessment, was circulated on October 30, 2015
19 through December 2, 2015. Petitioners submitted comments on this draft on December 1 and 2,
20 2015. Once again Petitioners’ comments identified potentially significant environmental effects
21 that had not been mitigated and failures to adequately disclose and analyze environmental
22 effects. As a result of the document’s inadequacies, Petitioners again requested preparation of a
23 full EIR for the Project.

24 37. In the face of Petitioners’ comments identifying significant environmental
25 impacts and the need for an EIR, Caltrans approved the Project and its Initial Study with
26 Mitigated Negative Declaration/Environmental Assessment with Finding of No Significant
27 Impact on May 16, 2016 and issued a Notice of Determination on May 17, 2016.

1 38. Petitioners have complied with Public Resources Code § 21167.5 by prior
2 service of a notice upon Caltrans indicating their intent to file this Petition. Proof of Service of
3 this notification, with the notification attached, is attached as Exhibit A.

4 39. Petitioners have elected to prepare the record of proceedings in the above-
5 captioned proceeding or to pursue an alternative method of record preparation pursuant to
6 Public Resources Code Section 21167.6(b)(2). Notification of the Election to Prepare the
7 Administrative Record is attached as Exhibit B.

8 40. Petitioners have served a copy of this Petition on the Attorney General's office to
9 give notice of Petitioners' intent to bring this proceeding as a private attorney general under
10 Code of Civil Procedure section 1021.5, which notice is attached as Exhibit C.

11 41. Petitioners have filed and served a Request for Hearing, and thus complied with
12 Public Resources Code section 21167.4. A copy of that notice is attached as Exhibit D. This
13 petition is timely filed in accordance with Public Resources Code section 21167 and CEQA
14 Guidelines section 15112.

15 42. Respondents have abused their discretion and failed to act as required by law in
16 the following ways:

17 **FIRST CAUSE OF ACTION**

18 **(Violation of CEQA—Public Resources Code § 21000 *et seq.*)**

19 43. Petitioners hereby incorporate by reference the allegations contained in the
20 preceding paragraphs.

21 44. In carrying out its review and approval activities with respect to the Project,
22 Caltrans was, and is at all times, mentioned herein under a mandatory duty to comply with the
23 provisions of CEQA and the CEQA Guidelines.

24 **Failure to Prepare Environmental Impact Report**

25 45. An EIR must be prepared if substantial evidence in the record supports a fair
26 argument that a project may have a significant effect on the environment.

1 46. Here, substantial evidence in the record supports a fair argument that that the
2 Project may have a significant effect on the environment notwithstanding proposed mitigation
3 measures. In particular, an EIR is necessary to evaluate the Project’s impacts to air quality,
4 climate change, cumulative effects, growth inducing effects, traffic, biological resources, water
5 quality, wetlands, floodplains, habitats, aesthetics, and land use.

6 47. In addition, the Project has the potential to reduce the number and/or restrict the
7 range of endangered and threatened species, achieve short-term goals to the disadvantage of
8 long-term goals, result in a cumulatively considerable environmental effect, and directly or
9 indirectly cause substantial adverse effects on human beings. Due to these impacts, CEQA
10 demands a mandatory finding of significance and preparation of an EIR.

11 48. Caltrans’ failure to prepare an EIR is not supported by substantial evidence and
12 represents a failure to proceed in the manner required by law.

13 **Inadequate Analysis of Project’s Environmental Effects**

14 49. CEQA requires that the Mitigated Negative Declaration provide sufficient
15 analysis to support a finding that the Project would not have a significant effect on the
16 environment. However, the Mitigated Negative Declaration provides an inadequate analysis of
17 the Project’s potential environmental effects, including impacts to air quality, climate change,
18 cumulative effects, growth inducing effects, traffic, biological resources, water quality,
19 wetlands, floodplains, habitats, aesthetics, and land use. Furthermore, in failing to discuss the
20 Project’s cumulative impacts, Caltrans’ improperly segmented the Project by avoiding analysis
21 of actions connected to the Project.

22 50. Caltrans’ inadequate evaluation of the Project’s environmental effects is not
23 supported by substantial evidence and represents a failure to proceed in the manner required by
24 law.

25 ///

26 ///

27 ///

1 **Inadequate Mitigation of Significant Environmental Effects**

2 51. CEQA requires that the Mitigated Negative Declaration must include mitigation
3 measures that reduce the Project’s identified significant environmental effects to the point
4 where “clearly no significant effects on the environment would occur.”

5 52. The Mitigated Negative Declaration, however, does not include mitigation
6 measures sufficient to reduce the Project’s significant impacts to air quality, climate change,
7 cumulative effects, growth inducing effects, traffic, biological resources, water quality,
8 wetlands, floodplains, habitats, aesthetics, and land use to less than significant levels.

9 53. The effectiveness of the proposed mitigation measures is not supported by
10 substantial evidence. Caltrans’ failure to adopt mitigation measures that would clearly reduce
11 the Project’s identified environmental effects to a less than significant level represents a failure
12 to proceed in the manner required by law.

13 **Inadequate Project Description and Environmental Setting**

14 54. Under CEQA, a Mitigated Negative Declaration must include a complete
15 description of the proposed project and environmental setting. Here, however, the Mitigated
16 Negative Declaration omits necessary components of the Project and affected environment. The
17 document neglected to disclose an important element of the Project’s purpose, which is to
18 facilitate regional and interstate truck travel in Southern California. Additionally, the Mitigated
19 Negative Declaration fails to sufficiently demonstrate how construction of the Project would
20 achieve its stated goals of improved safety, reduced traffic congestion, and improvement of
21 operational characteristics. Moreover, the Mitigated Negative Declaration does not adequately
22 show why the Project is necessary to achieve its goals, especially when compared to less
23 expensive and less harmful alternatives. The Mitigated Negative Declaration also fails to
24 disclose and analyze the environmental context in both the immediate and regional setting.

25 55. Caltrans’ inadequate project description represents a failure to proceed in the
26 manner required by law.

27 ///

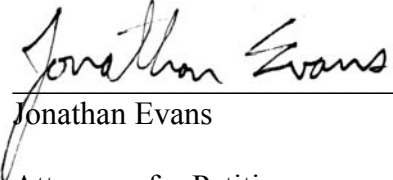
PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for relief as follows:

1. For a writ of mandate, commanding Caltrans:
 - (A) to vacate and set aside approval of the Project;
 - (B) to vacate and set aside adoption of the Mitigated Negative Declaration for the Project;
 - (C) to prepare and certify a legally adequate EIR for the Project;
 - (D) to suspend any and all activity pursuant to Caltrans' approval of the Project, that would prejudice the consideration or implementation of particular mitigation measures or alternatives, until Caltrans has complied with all requirements of the California Environmental Quality Act and all other applicable state and local laws, policies, ordinances, and regulations as are directed by this Court pursuant to Public Resources Code section 21168.9.
2. For costs of the suit;
3. For attorney's fees pursuant to the Code of Civil Procedure section 1021.5; and
4. For such other and further relief as the Court deems just and proper.

DATED: June 15, 2016

Jonathan Evans
Aruna Prabhala
CENTER FOR BIOLOGICAL DIVERSITY

By: 
Jonathan Evans
Attorneys for Petitioners


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

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I, Jonathan Evans, am counsel of record for Petitioners. I am Environmental Health Legal Director for the Center for Biological Diversity, which has authorized me to make this verification for and on their behalf, and I make this verification for that reason. I sign for Petitioners absent from the county of counsel and/or because facts contained in the Petition are within the knowledge of counsel. I have read the foregoing Petition and know the contents thereof. The same is true of my own knowledge, except as to those matters that are alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15th day of June, 2016, in Oakland, California.



Jonathan Evans
Environmental Health Legal Director & Senior Attorney
Center for Biological Diversity

Exhibit A

Exhibit A

Jonathan Evans (SBN 247376)
Aruna Prabhala (SBN 278865)
CENTER FOR BIOLOGICAL DIVERSITY
1212 Broadway, Suite 800
Oakland, CA 94612
Telephone: (510) 844-7100
Email: jevans@biologicaldiversity.org
aprabhala@biologicaldiversity.org

Attorneys for Petitioners

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

CENTER FOR BIOLOGICAL)
DIVERSITY, SIERRA CLUB, FRIENDS OF)
THE NORTHERN SAN JACINTO VALLEY,)
AND RESIDENTS FOR A LIVABLE)
MORENO VALLEY,)

Petitioners/Plaintiffs,)

vs.)

CALIFORNIA DEPARTMENT OF)
TRANSPORTATION,)

Respondent/Defendant.)

RIVERSIDE COUNTY TRANSPORTATION)
COMMISSION,)

Real Party in Interest.)

Case No.:

**NOTICE OF COMMENCEMENT OF
CEQA ACTION**

[California Environmental Quality Act Pub.
Res. Code § 21167.5]

TO Respondent CALIFORNIA DEPARTMENT OF TRANSPORTATION and Real Party in
Interest RIVERSIDE COUNTY TRANSPORTATION COMMISSION:

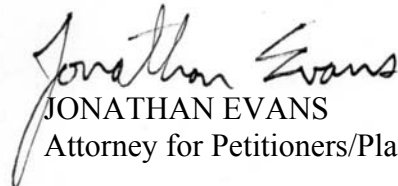
Please take notice, pursuant to Pub. Res. Code § 21167.5, that on June 15, 2016,
Petitioners Center for Biological Diversity, Sierra Club, and Friends of the Northern San Jacinto

1 Valley intend to commence an action for writ of mandate to review, overturn, set aside, void, and
2 annul the California Department of Transportation's decisions approving the State Route 60
3 Truck Lanes Project (the "Project") and certifying a Mitigated Negative Declaration for the
4 Project (SCH # 2014061054). This action is based on the California Department of
5 Transportation's failure to comply with the California Environmental Quality Act (Public
6 Resources Code §21000 *et seq.*) in adopting the Mitigated Negative Declaration and approving
7 the Project.

8
9 DATED: June 14, 2016

CENTER FOR BIOLOGICAL DIVERSITY

10
11
12
13 By:


JONATHAN EVANS
Attorney for Petitioners/Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I am employed in the County of Alameda, California. I am over the age of 18 and not a party to the foregoing action. My business address is 1212 Broadway, Suite 800, Oakland, CA 94612.

On June 14, 2016 I served a true and correct copy of the NOTICE OF COMMENCEMENT OF CEQA ACTION on the parties in this action by placing a true copy thereof in a sealed envelope, addressed as shown below:

James Shankel
Caltrans, District 8
6th Floor
464 West 4th Street
San Bernardino, CA92401

Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92501
Attn: Anne Mayer, Executive Director

BY MAIL Such envelope was sealed and placed for collection and mailing following ordinary business practices addressed to:

BY PERSONAL SERVICE by personally delivering such envelope by hand to the offices of the addressee(s).

BY OVERNIGHT DELIVERY SERVICE to the offices of the addressee(s). In accordance with Code of Civil Procedure § 1013(c) as follows: I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice the correspondence would be deposited with overnight mail on that same day in the ordinary course of business with postage thereon fully prepaid at Oakland, California. Such envelope was sealed and placed for collection and mailing following ordinary business practices addressed to the address above.

BY FACSIMILE. A true copy thereof was transmitted by facsimile and the transmission reported complete and without error.

Executed on June 14, 2016 in Oakland, California.

STATE I declare under penalty of perjury under the law of California that the foregoing is true and correct.

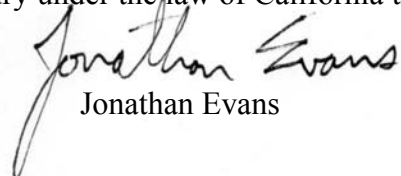

Jonathan Evans

Exhibit B

Exhibit B

Jonathan Evans (SBN 247376)
Aruna Prabhala (SBN 278865)
CENTER FOR BIOLOGICAL DIVERSITY
1212 Broadway, Suite 800
Oakland, CA 94612
Telephone: (510) 844-7100
Email: jevans@biologicaldiversity.org
aprabhala@biologicaldiversity.org

Attorneys for Petitioners/Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

CENTER FOR BIOLOGICAL	)	Case No.:
DIVERSITY, SIERRA CLUB, FRIENDS OF)	
THE NORTHERN SAN JACINTO VALLEY,	)	NOTICE OF ELECTION TO PREPARE
AND RESIDENTS FOR A LIVABLE	)	ADMINISTRATIVE RECORD
MORENO VALLEY,)	
	)	California Environmental Quality Act (CEQA)
Petitioners/Plaintiffs,	)	[Pub. Res. Code § 21167.6]
)	
vs.)	
)	
CALIFORNIA DEPARTMENT OF)	
TRANSPORTATION,)	
)	
Respondent/Defendant.)	
)	
<hr/>)	
RIVERSIDE COUNTY TRANSPORTATION))	
COMMISSION,)	
)	
<hr/>)	
Real Party in Interest.)	

Petitioners Center for Biological Diversity, Sierra Club, Friends of the Northern San Jacinto Valley, and Residents for a Livable Moreno Valley elect to prepare the record of proceedings in the above-captioned proceeding, or alternatively, to pursue an alternative method of record preparation pursuant to Public Resources Code Section 21167.6(b)(2).

1 DATED: June 15, 2016

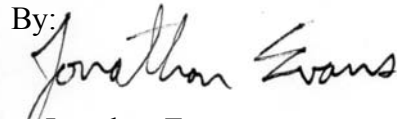
2
3
4 By: 
5 Jonathan Evans
6 Attorney for Petitioners
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Exhibit C

Exhibit C



via USPS

June 15, 2016

Office of the Attorney General
Attn: Environmental/CEQA Filing
1300 "I" Street
P.O. Box 944255
Sacramento, CA 94244-2550

Re: Notice of Commencement of Legal Action Alleging Environmental Harm

The enclosed Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, Center for Biological Diversity et al. v. California Department of Transportation is submitted to your office pursuant to Code of Civil Procedure section 388 and Public Resources Code section 21167.7. This case is being pursued under the private attorney general provisions of the Code of Civil Procedure section 1021.5.

The suit is being brought by a coalition of conservation groups including the Center for Biological Diversity, Sierra Club, Friends of the Northern San Jacinto Valley and Residents of a Livable Moreno Valley challenging the California Department of Transportation's approval of the State Route 60 Truck Lanes Project (the "Project"). The Project amounts to a highway widening plan that will induce travel and spur development in the Inland Empire, including necessary infrastructure for the World Logistics Center. In effect, the Project will worsen the region's already poor air quality, raise greenhouse gas emissions, increase traffic, and threaten listed species, among other impacts.

The coalition of conservation and residents' groups alleges environmental harm that could affect the public generally and the natural resources of the state.

Thank you for your attention to this matter.

Sincerely,

Jonathan Evans (SBN 247376)
Staff Attorney
Center for Biological Diversity

Enclosure

Exhibit D

Exhibit D

1 Jonathan Evans (SBN 247376)
2 Aruna Prabhala (SBN 278865)
3 CENTER FOR BIOLOGICAL DIVERSITY
4 1212 Broadway, Suite 800
5 Oakland, CA 94612
6 Telephone: (510) 844-7100
7 Email: jevans@biologicaldiversity.org
8 aprabhala@biologicaldiversity.org

9 Attorneys for Petitioners/Plaintiffs

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF RIVERSIDE**

12 CENTER FOR BIOLOGICAL)
13 DIVERSITY, SIERRA CLUB,) **REQUEST FOR HEARING**
14 FRIENDS OF THE NORTHERN SAN)
15 JACINTO VALLEY, AND)
16 RESIDENTS FOR A LIVABLE) **CASE DESIGNATION: CEQA**
17 MORENO VALLEY)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
29)
30)
31)
32)
33)
34)
35)
36)
37)
38)
39)
40)
41)
42)
43)
44)
45)
46)
47)
48)
49)
50)
51)
52)
53)
54)
55)
56)
57)
58)
59)
60)
61)
62)
63)
64)
65)
66)
67)
68)
69)
70)
71)
72)
73)
74)
75)
76)
77)
78)
79)
80)
81)
82)
83)
84)
85)
86)
87)
88)
89)
90)
91)
92)
93)
94)
95)
96)
97)
98)
99)
100)
101)
102)
103)
104)
105)
106)
107)
108)
109)
110)
111)
112)
113)
114)
115)
116)
117)
118)
119)
120)
121)
122)
123)
124)
125)
126)
127)
128)
129)
130)
131)
132)
133)
134)
135)
136)
137)
138)
139)
140)
141)
142)
143)
144)
145)
146)
147)
148)
149)
150)
151)
152)
153)
154)
155)
156)
157)
158)
159)
160)
161)
162)
163)
164)
165)
166)
167)
168)
169)
170)
171)
172)
173)
174)
175)
176)
177)
178)
179)
180)
181)
182)
183)
184)
185)
186)
187)
188)
189)
190)
191)
192)
193)
194)
195)
196)
197)
198)
199)
200)
201)
202)
203)
204)
205)
206)
207)
208)
209)
210)
211)
212)
213)
214)
215)
216)
217)
218)
219)
220)
221)
222)
223)
224)
225)
226)
227)
228)
229)
230)
231)
232)
233)
234)
235)
236)
237)
238)
239)
240)
241)
242)
243)
244)
245)
246)
247)
248)
249)
250)
251)
252)
253)
254)
255)
256)
257)
258)
259)
260)
261)
262)
263)
264)
265)
266)
267)
268)
269)
270)
271)
272)
273)
274)
275)
276)
277)
278)
279)
280)
281)
282)
283)
284)
285)
286)
287)
288)
289)
290)
291)
292)
293)
294)
295)
296)
297)
298)
299)
300)
301)
302)
303)
304)
305)
306)
307)
308)
309)
310)
311)
312)
313)
314)
315)
316)
317)
318)
319)
320)
321)
322)
323)
324)
325)
326)
327)
328)
329)
330)
331)
332)
333)
334)
335)
336)
337)
338)
339)
340)
341)
342)
343)
344)
345)
346)
347)
348)
349)
350)
351)
352)
353)
354)
355)
356)
357)
358)
359)
360)
361)
362)
363)
364)
365)
366)
367)
368)
369)
370)
371)
372)
373)
374)
375)
376)
377)
378)
379)
380)
381)
382)
383)
384)
385)
386)
387)
388)
389)
390)
391)
392)
393)
394)
395)
396)
397)
398)
399)
400)
401)
402)
403)
404)
405)
406)
407)
408)
409)
410)
411)
412)
413)
414)
415)
416)
417)
418)
419)
420)
421)
422)
423)
424)
425)
426)
427)
428)
429)
430)
431)
432)
433)
434)
435)
436)
437)
438)
439)
440)
441)
442)
443)
444)
445)
446)
447)
448)
449)
450)
451)
452)
453)
454)
455)
456)
457)
458)
459)
460)
461)
462)
463)
464)
465)
466)
467)
468)
469)
470)
471)
472)
473)
474)
475)
476)
477)
478)
479)
480)
481)
482)
483)
484)
485)
486)
487)
488)
489)
490)
491)
492)
493)
494)
495)
496)
497)
498)
499)
500)
501)
502)
503)
504)
505)
506)
507)
508)
509)
510)
511)
512)
513)
514)
515)
516)
517)
518)
519)
520)
521)
522)
523)
524)
525)
526)
527)
528)
529)
530)
531)
532)
533)
534)
535)
536)
537)
538)
539)
540)
541)
542)
543)
544)
545)
546)
547)
548)
549)
550)
551)
552)
553)
554)
555)
556)
557)
558)
559)
560)
561)
562)
563)
564)
565)
566)
567)
568)
569)
570)
571)
572)
573)
574)
575)
576)
577)
578)
579)
580)
581)
582)
583)
584)
585)
586)
587)
588)
589)
590)
591)
592)
593)
594)
595)
596)
597)
598)
599)
600)
601)
602)
603)
604)
605)
606)
607)
608)
609)
610)
611)
612)
613)
614)
615)
616)
617)
618)
619)
620)
621)
622)
623)
624)
625)
626)
627)
628)
629)
630)
631)
632)
633)
634)
635)
636)
637)
638)
639)
640)
641)
642)
643)
644)
645)
646)
647)
648)
649)
650)
651)
652)
653)
654)
655)
656)
657)
658)
659)
660)
661)
662)
663)
664)
665)
666)
667)
668)
669)
670)
671)
672)
673)
674)
675)
676)
677)
678)
679)
680)
681)
682)
683)
684)
685)
686)
687)
688)
689)
690)
691)
692)
693)
694)
695)
696)
697)
698)
699)
700)
701)
702)
703)
704)
705)
706)
707)
708)
709)
710)
711)
712)
713)
714)
715)
716)
717)
718)
719)
720)
721)
722)
723)
724)
725)
726)
727)
728)
729)
730)
731)
732)
733)
734)
735)
736)
737)
738)
739)
740)
741)
742)
743)
744)
745)
746)
747)
748)
749)
750)
751)
752)
753)
754)
755)
756)
757)
758)
759)
760)
761)
762)
763)
764)
765)
766)
767)
768)
769)
770)
771)
772)
773)
774)
775)
776)
777)
778)
779)
780)
781)
782)
783)
784)
785)
786)
787)
788)
789)
790)
791)
792)
793)
794)
795)
796)
797)
798)
799)
800)
801)
802)
803)
804)
805)
806)
807)
808)
809)
810)
811)
812)
813)
814)
815)
816)
817)
818)
819)
820)
821)
822)
823)
824)
825)
826)
827)
828)
829)
830)
831)
832)
833)
834)
835)
836)
837)
838)
839)
840)
841)
842)
843)
844)
845)
846)
847)
848)
849)
850)
851)
852)
853)
854)
855)
856)
857)
858)
859)
860)
861)
862)
863)
864)
865)
866)
867)
868)
869)
870)
871)
872)
873)
874)
875)
876)
877)
878)
879)
880)
881)
882)
883)
884)
885)
886)
887)
888)
889)
890)
891)
892)
893)
894)
895)
896)
897)
898)
899)
900)
901)
902)
903)
904)
905)
906)
907)
908)
909)
910)
911)
912)
913)
914)
915)
916)
917)
918)
919)
920)
921)
922)
923)
924)
925)
926)
927)
928)
929)
930)
931)
932)
933)
934)
935)
936)
937)
938)
939)
940)
941)
942)
943)
944)
945)
946)
947)
948)
949)
950)
951)
952)
953)
954)
955)
956)
957)
958)
959)
960)
961)
962)
963)
964)
965)
966)
967)
968)
969)
970)
971)
972)
973)
974)
975)
976)
977)
978)
979)
980)
981)
982)
983)
984)
985)
986)
987)
988)
989)
990)
991)
992)
993)
994)
995)
996)
997)
998)
999)
1000)

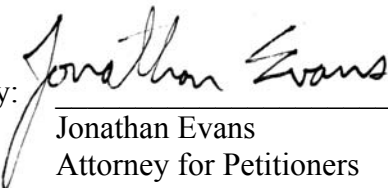
1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that, pursuant to Public Resources Code
3 section 21167.4, Petitioners CENTER FOR BIOLOGICAL DIVERSITY, SIERRA
4 CLUB, FRIENDS OF THE NORTHERN SAN JACINTO VALLEY, and RESIDENTS
5 FOR A LIVABLE MORENO VALLEY (hereafter collectively "Petitioners"), hereby
6 request a hearing on the ultimate merits of Petitioners' Petition for Writ of Mandate and
7 Complaint for Declaratory and Injunctive Relief, which alleges violations of the
8 California Environmental Quality Act, Public Resources Code sections 21000 *et seq.*
9 This request is being filed with the Court and served on the parties.

10 Following the filing of this Request for Hearing, any party may apply to
11 the Court to establish a briefing schedule and hearing date for the hearing. *Leavitt v.*
12 *County of Madera* (2004) 123 Cal. App. 4th 1502, 1517, 1523; *Ass'n for Sensible*
13 *Development at Northstar, Inc. v. Placer County* (2004) 122 Cal. App. 4th 1289, 1294-
14 95. The hearing date, time, and place, and the briefing schedule for the hearing are to
15 be established by the Court following such application by any party. *Id.*

16
17 DATED: June 15, 2016

18 Respectfully submitted,

19
20
21 By: 
22 Jonathan Evans
23 Attorney for Petitioners
24 CENTER FOR BIOLOGICAL DIVERSITY
25
26
27