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Superior Court of California,

County of Alameda

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By: Damaree Franklin,
Deputy Clerk

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Sierra Club and Environmental
6 Council of Sacramento

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF ALAMEDA

10 SIERRA CLUB, and ENVIRONMENTAL)
11 COUNCIL OF SACRAMENTO)

12 Petitioners)

13 v.)

14 CALIFORNIA DEPARTMENT OF)
15 TRANSPORTATION; TONY TAVARES,)
16 DIRECTOR OF CALIFORNIA DEPARTMENT)
OF TRANSPORTATION and DOES 1 to 20)

17 Respondents)
_____)

Case No. 24CV077732

**VERIFIED PETITION FOR
WRIT OF MANDATE**

**[Action under the California
Environmental Quality Act,
Public Resources Code, § 21000]**

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1 1. PETITIONERS SIERRA CLUB and ENVIRONMENTAL COUNCIL OF
 2 SACRAMENTO challenge RESPONDENT CALIFORNIA DEPARTMENT OF
 3 TRANSPORTATION'S ("Caltrans") May 1, 2024 certification of the Final Environmental
 4 Impact Report for the Yolo 80 Corridor Project and approval of the Yolo 80 Corridor Project
 5 ("Project").

6 2. Petitioners seek a determination from this Court that Respondents' certification of
 7 the Final EIR and approval of the Project are invalid and void as Respondents failed to satisfy
 8 the requirements of the California Environmental Quality Act ("CEQA"), Public Resources
 9 Code, section 21000 *et seq.*, and the CEQA Guidelines, Title 14, California Code of Regulations,
 10 section 15000 *et seq.*

11 3. The Project adds an additional lane in each direction, to over 17 miles of Interstate
 12 80 ("I-80") between west of Yolo County's City of Davis and Sacramento County. The Final
 13 EIR fails to comply with CEQA for the following reasons: 1) the Final EIR significantly
 14 underestimates induced traffic vehicle miles traveled ("VMT") by almost 57 million induced
 15 traffic VMT/year; 2) the Final EIR underestimates induced VMT results in substantially reduced
 16 projected vehicular emissions; 3) the Final EIR fails to consider a reasonable range of
 17 alternatives, including alternatives such as additional tolling for more or all lanes to be added,
 18 increased transit via the parallel Capitol Corridor train service, and/or increased bus transit; and
 19 4) the Final EIR utilizes inadequate mitigation measures to reduce VMTs and/or to generate
 20 sufficient revenue to fund mitigations to offset the additional emissions of greenhouse gas
 21 emissions ("GHG").

22 **PARTIES**

23 4. Petitioner Sierra Club is a California nonprofit membership organization
 24 incorporated under the laws of the State of California in 1892. Currently, the Sierra Club has
 25 more than 1,000,000 members, approximately half of whom live in California. Approximately
 26 18,000 members belong to the Sierra Club's Mother Lode Chapter which includes Sacramento
 27 and Yolo Counties and northeast California. The Sierra Club functions to educate and enlist
 28 people to protect and restore the natural and human environment to practice and promote

1 responsible use of the earth's ecosystems and resources to explore, enjoy, and protect wild
2 places, and to use all lawful means to achieve these objectives.

3 5. The Sierra Club has expressed particular concern for the environment in which its
4 members live, including Sacramento and Yolo Counties. Chapter members live, work, travel
5 and enjoy recreational activities in Sacramento and Yolo Counties. These members have a
6 particular interest in the protection of the Sacramento and Yolo Counties environment and are
7 increasingly concerned about worsening environmental and land use conditions that
8 detrimentally affect their well-being and that of other residents and visitors to Sacramento and
9 Yolo Counties. Sierra Club and its members have a direct and substantial beneficial interest in
10 ensuring that Respondents comply with laws relating to environmental protection. Sierra Club
11 and its members are adversely affected by Respondents' failure to comply with CEQA.

12 6. Petitioner Environmental Council of Sacramento ("ECOS") is a California
13 nonprofit public benefit corporation working to protect and improve the environmental quality
14 of the Greater Sacramento Metropolitan Region and its adjoining ecosystems. Its members
15 include 20 other environmental organizations, neighborhood groups, and about 1,000
16 individuals. ECOS has expressed particular concern for the environment in which its members
17 live, including Sacramento County.

18 7. The environment and residents of Sacramento and Yolo Counties will be directly
19 affected by the impacts of the Project. ECOS members live, work, travel, and enjoy
20 recreational activities in Sacramento and Yolo Counties. These members have a particular
21 interest in the protection of the environment of the Sacramento region and are increasingly
22 concerned about worsening environmental and land use conditions which detrimentally affect
23 their well-being and that of other residents and visitors of Sacramento and Yolo Counties.
24 ECOS and its members have a direct and substantial beneficial interest in ensuring that
25 Respondents comply with laws relating to environmental protection. ECOS and its members
26 are adversely affected by Respondents' failure to comply with CEQA.

27 8. Respondent CALIFORNIA DEPARTMENT OF TRANSPORTATION
28 ("CalTrans") is an agency of the State of California. CalTrans is the CEQA "lead agency" for

1 the Project. As lead agency for the Project, Caltrans is responsible for preparation of an
2 environmental document which describes the Project and its impacts, and, if necessary,
3 evaluates mitigation measures and/or alternatives to lessen or avoid any significant
4 environmental impacts. Caltrans is responsible for implementing and complying with the
5 provisions of CEQA and the CEQA Guidelines with respect to the Project.

6 9. Respondent TONY TAVARES is the Director of Caltrans. As Director, Mr.
7 Tavares is responsible for the day-to-day operation of Caltrans. Mr. Tavares is sued in his
8 official capacity as Director of Caltrans.

9 10. Petitioners are unaware of the true names and capacities of Respondents identified
10 as Does 1-20. Petitioners are informed and believe, and on that basis alleges, that Respondents
11 Does 1-20, inclusive, are individuals, entities or agencies with material interests affected by the
12 Project with respect to the Project or by the County's actions with respect to the Project. When
13 the true identities and capacities of these Respondents have been determined, Petitioners will,
14 with leave of Court if necessary, amend this Petition to insert such identities and capacities.

15 **STATEMENT OF FACTS**

16 **A. THE PROJECT**

17 11. The Project adds managed lanes on I-80 and US-50 by combining lane
18 conversion, restriping, and shoulder and median reconstruction with a concrete barrier. The
19 Project also includes drainage modifications due to median reconstruction in the locations to
20 which sheet flow currently drains. The Project also includes modification of existing ITS
21 elements and infrastructure and the addition of new ITS elements, including ramp meters,
22 fiber-optic conduit and cables, and overhead signs.

23 12. The Project includes the "Build Alternatives" consisting of the following three
24 geographic segments:

25 a. Segment 1 stretches from Kidwell Road in Eastern Solano County through
26 Davis to the Eastern end of the Yolo Causeway east of Enterprise Boulevard in West
27 Sacramento. Segment 1 consists of three sub-segments: Segment 1a is from Kidwell Road to
28 Solano County/Yolo County Line; Segment 1b is from the Solano/Yolo County Line to the

1 west end of the Yolo Causeway; Segment 1c is from the start of the Yolo Causeway to east of
2 Enterprise Boulevard.

3 b. Segment 2 starts just east of Enterprise Boulevard and continues north on
4 I-80 to West El Camino Avenue.

5 c. Segment 3: Segment 3 starts at the I-80/US-50 Separation and continues
6 east along US-50 to I-5 near downtown Sacramento. Segment 3 consists of two sub-segments:
7 Segment 3a is the I-80/US-50 Separation to Jefferson Boulevard Undercrossing; Segment 3b is
8 the Jefferson Boulevard Undercrossing to just east of I-5.

9 13. The approved Project is Build Alternative 4b which adds a high-occupancy toll
10 lane in each direction for free use by vehicles with three or more riders (HOT 3+) and an I-80
11 managed lane direct connector. Vehicles with fewer than three riders would pay a fee for lane
12 usage.

13 **B. Caltrans Environmental Review for the Project**

14 14. On June 7, 2021, Caltrans issued a Notice of Preparation of an Environmental
15 Impact Report for the Project.

16 15. On November 13, 2024, Caltrans released the Draft EIR for a 45-day public
17 review and comment period from November 13, 2024 to January 5, 2024. Caltrans
18 subsequently extended the public review and comment period to January 12, 2024. Petitioners
19 timely submitted comments on the Draft EIR and objected to the Project.

20 16. On or about April 30, 2024, Caltrans released the Final EIR for the Project.

21 **C. Caltrans Certification for the Final EIR and Approval of the Project**

22 17. On April 30, 2024, Caltrans certified the Final EIR and approved the Project,
23 Build Alternative 4b.

24 18. On May 1, 2024, after certification of the Final EIR and approval of the Project,
25 Caltrans filed a Notice of Determination with the Office of Planning and Research, Office of
26 Planning & Research.

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1 **JURISDICTION AND VENUE**

2 19. This Court has jurisdiction over the matters alleged in this Petition pursuant to
3 Code of Civil Procedure section 1094.5, and Public Resources Code section 21168. In the
4 alternative, this Court has jurisdiction pursuant to Code of Civil Procedure section 1085 and
5 Public Resources Code section 21168.5.

6 20. Pursuant to Code of Civil Procedure section 401(1), venue is proper in this Court
7 because Caltrans is a state agency and the California Department of Justice has an office in
8 Alameda County.

9 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**
10 **AND INADEQUACY OF REMEDY**

11 21. Petitioners have performed any and all conditions precedent to filing the instant
12 action and have exhausted any and all available administrative remedies to the extent required
13 by law.

14 22. Petitioners have complied with the requirements of Public Resources Code, section
15 21167.5 by mailing written notice of this action to the Respondents. A copy of this written
16 notice and proof of service are attached as Exhibit A to this Petition for Writ of Mandate.

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

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

24 25. This action has been brought within 30 days of the filing of the Notice of
25 Determination.

26 **STANDING**

27 26. Petitioners have standing to assert the claims raised in this Petition because
28 Petitioners' and their respective members' aesthetic and environmental interests are directly

1 and adversely affected by the Respondents' approval of the Project.

2 **PUBLIC BENEFIT**

3 27. This action involves enforcement of an important right affecting the public
4 interest. By ensuring that Project impacts are properly evaluated and mitigated Petitioners will
5 confer a substantial benefit to the citizens of northern California and the State of California
6 generally, and therefore will be entitled to an award of reasonable attorneys' fees pursuant to
7 Section 1021.5 of the Code of Civil Procedure.

8 **CAUSE OF ACTION**

9 **(Violation of the California Environmental Quality Act,
Public Resources Code, § 21000 *et seq.*)**

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

12 29. Respondents committed a prejudicial abuse of discretion and failed to proceed in a
13 manner required by law by certifying a Final EIR that fails to meet the requirements of CEQA
14 for disclosure, analysis, and/or mitigation of significant project impacts.

15 **CALTRANS' FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS VIOLATE**
16 **CEQA**

17 30. Respondents' Findings of Fact and Statement of Overriding Consideration violate
18 the requirements of the CEQA Guidelines. The Findings and Statement of Overriding
19 Consideration fail to identify the changes or alterations that are required to avoid or substantially
20 lessen the project's significant environmental effects (CEQA Guidelines §§ 15091(a)(1); 15093,
21 and the Findings and Statement of Overriding Consideration are not supported by substantial
22 evidence. (CEQA Guidelines, §§ 15091(b); 15093(a); Pub. Resources Code 21081(b)).

23 **CALTRANS IMPROPERLY PIECEMEAL THE PROJECT**

24 31. CEQA requires that all foreseeable uses of a project, the "whole of the action", be
25 analyzed in the same environmental review document in order to preclude impermissible
26 "piecemealing" of environmental review. (CEQA Guidelines § 15378; *Rio Vista Farm Bureau*
27 *Center v. County of Solano* (1992) 5 Cal.App.4th 351, 369-370.) A CEQA project must
28 include "the whole of an action" that has a potential for resulting in either a direct physical

1 change in the environment or a reasonably foreseeable indirect physical change in the
2 environment, and encompasses the activity being approved. (CEQA Guidelines, § 15378.) A
3 project is not each separate governmental approval when there are several approvals by one
4 agency or review by several agencies. (Guidelines, §15378.) Guidelines section 15126
5 provides that “[a]ll phases of a project must be considered when evaluating its impact on the
6 environment...” All phases of a project must be considered as the “whole of the action,” so
7 that “environmental considerations do not become submerged by chopping a large project into
8 many little ones, each with a potential impact on the environment, which cumulatively may
9 have disastrous consequences.” (*Bozung v. Local Agency Formation Commission of Ventura*
10 *County* (1975) 13 Cal.3d 263, 283–284, *Burbank-Glendale-Pasadena Airport Authority v.*
11 *Hensler* (1991) 233 Cal.App.3d 577, 592.)

12 32. CEQA avoids such a result by defining the term “project” broadly. (CEQA
13 Guidelines, §15002(d).) “‘Project’ means the whole of an action, which has a potential for
14 resulting in a physical change in the environment, directly or ultimately, . . .” (CEQA
15 Guidelines, 15378(a).) *Citizens Association for Sensible Development of Bishop Area v. County*
16 *of Inyo* (1985) 172 Cal.App.3d 151, 165.) “The term ‘project’ refers to the activity which is
17 being approved and which may be subject to several discretionary approvals by governmental
18 agencies. The term ‘project’ does not mean each separate governmental approval. [¶] . . . Where
19 the lead agency could describe the project as either the adoption of a particular regulation . . . or
20 as a development proposal which will be subject to several governmental approvals . . . the lead
21 agency shall describe the project as the development proposal for the purpose of environmental
22 analysis.” (*Id. citing* CEQA Guidelines § 15378(c)-(d).)

23 33. Prior to approval of the Project, Caltrans relied upon a categorical exemption to
24 approve a “pavement rehabilitation” project that constituted a road-widening construction project
25 along the same sections of I-80 as this Project. Caltrans split that so-called project and this
26 Project to avoid addressing the environmental consequences of both projects as a whole.

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1 **THE EIR CONTAINS AN INADEQUATE ALTERNATIVES ANALYSIS**

2 34. CEQA requires that an EIR consider a reasonable range of alternatives. (Pub.
3 Resources Code §§ 21002, 21061, 21100; CEQA Guidelines § 15126.6; see, e.g., *Citizens of*
4 *Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 566 (1990) (EIR must consider a
5 reasonable range of alternatives that offer substantial environmental benefits and may feasibly be
6 accomplished.) “CEQA and the Guidelines are replete with references to the need to discuss
7 project alternatives.” (*Laurel Heights Improvement Association v. Regents of the University of*
8 *California* (1988) 47 Cal.3d 376, 400, *citing* §§ 21001(g); 21002.1(a); 21061; 21100(c), (d);
9 CEQA Guidelines § 15126(d), (d)(3).) These statutory and regulatory provisions clearly
10 indicate that one of “an EIR’s major functions is to ensure that all reasonable alternatives to
11 proposed projects are thoroughly assessed by the responsible official.” (*Laurel Heights, supra*,
12 47 Cal.3d at 400, *quoting Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197.) Agencies
13 must prevent “significant, avoidable damage to the environment” by adopting feasible
14 alternatives, and cannot approve a project if such alternatives exist. (CEQA Guidelines §§
15 15002(a)(3); 15021(a)(2); *see also* §§ 21002, 21002.1, 21081.)

16 35. An EIR must “consider a reasonable range of potentially feasible alternatives that
17 will foster informed decision making and public participation,” as determined by “the rule of
18 reason.” (Guidelines § 15126.6(a).) Agencies must consider alternatives that “*would feasibly*
19 *attain most of the basic objectives of the project but would avoid or substantially lessen any of*
20 *the significant effects of the project*,” “even if these alternatives would impede to some degree
21 the attainment of the project objectives, or would be more costly.” (*Id.*, § 15126(a), (b)
22 [emphasis added].)

23 36. Not only must an EIR include a reasonable range of alternatives, its discussion of
24 those alternatives must also be reasonably specific. “The EIR shall include sufficient
25 information about each alternative to allow meaningful evaluation, analysis, and comparison
26 with the proposed project.” (*Id.*, § 15126.6(d).) Under CEQA, the “key issue is whether the
27 selection and discussion of alternatives fosters informed decision making and informed public
28 participation.” (*Laurel Heights, supra*, 47 Cal.3d at 404 .) “It is the project proponent’s

1 responsibility to provide an adequate discussion of alternatives. (Guidelines, § 15126(d).) That
2 responsibility is not dependent in the first instance on a showing by the public that there are
3 feasible alternatives. If the agency concludes there are no feasible alternatives, it must explain in
4 meaningful detail in the EIR the basis for that conclusion.” (*Laurel Heights, supra*, 47 Cal.3d at
5 404-405.) Such an explanation is necessary for an EIR “to enable meaningful participation by
6 the public.” (*Id.* at 405.)

7 37. The Final EIR contains an overly narrow range of alternatives. The alternatives
8 considered by Caltrans all add a lane to the freeway, thereby increasing road capacity and likely
9 future VMT increases for I-80 in the Project area.

10 38. The EIR studied seven alternatives, with (a) and (b) options listed for most of
11 these depending on whether median ramps and a flyover lane at the eastern end are included.
12 Alternative 1 is the required No Build alternative. Alternatives 2 through 6 add a lane with
13 various configurations of High Occupancy Vehicle (HOV), High Occupancy Toll (HOT), and
14 transit use on the new lane. Alternative 7 takes an existing lane for HOV use, however, this is
15 highly unlikely to be chosen since Caltrans has always constructed a new lane for HOVs in the
16 past).

17 39. Given the strong state policy framework against road capacity expansion and VMT
18 increases, the EIR failed to consider alternatives that achieve more GHG reduction and cause
19 less environmental impact while achieving the Project’s stated objectives. The EIR failed to
20 consider numerous alternatives that did not increase roadway capacity, such as: 1) to price all
21 lanes of the existing freeway; 2) construction of a dual express lane in each direction with
22 single occupant vehicles tolled as specified in the Sacramento Area Council of Government’s
23 2020 Metropolitan Transportation Plan/Sustainable Communities Strategy (SACOG 2020
24 MTP/SCS) and also requested by the Yolo County Transportation District and California Air
25 Resources Board; 3) use of technology to optimize operations; 4) improving public transit such
26 as more frequent bus service and/or better and more frequent rail service; and 5) regional
27 Transportation Demand Management programs.

1 **THE EIR FAILED TO ADEQUATELY CONSIDER INDUCED TRAFFIC AND GROWTH**
2 **INDUCING IMPACTS**

3 40. The EIR failed to consider long-term increases in traffic volume stemming from
4 widening the road, increasing capacity, and in turn influencing land use and behavior patterns.
5 The EIR incorrectly states that the Project will have “less than significant impact” on
6 population growth either directly or indirectly.

7 41. Road widening induces additional traffic in two main ways: 1) by changing short-
8 term behavior, in particular as individuals see reduced congestion and choose to drive rather
9 than using other alternatives such as carpooling, taking transit, or telecommuting; and 2) by
10 changing long-term land-use patterns and behavior, in particular as individuals and businesses
11 perceive that easy availability of commuting makes it possible to locate in certain places rather
12 than others. Induced traffic is a well-established concept in the research literature dating back
13 at least 50 years. (See Downs, 1962, Handy and Bournet, 2014; Hymel, 2019; Volker, Lee, and
14 Handy, 2020.) Many decades of experience in California demonstrates the reality of this
15 phenomenon, for example through the rapid growth of communities such as Vacaville, Dixon,
16 and Fairfield which are almost entirely dependent on I-80 for long-distance motor vehicle
17 travel.

18 42. The EIR employed an identical future land use scenario for all EIR alternatives.
19 Caltrans’ materials state that land use inputs were not developed for each individual alternative.
20 Instead, the SACOG 2020 MTP/SCS land use forecasts associated with specific model years
21 2016, 2027, and 2040 were used without modification. This limited the sensitivity of the traffic
22 and revenue forecasts to any unique land use effects associated with each alternative.

23 43. The EIR relied on analysis procedures not compatible with the Caltrans’ standards
24 that require induced traffic be considered. Caltrans’ 2020 CEQA guidance states that:

25 “[C]apacity-increasing projects generally need to be evaluated for their potential
26 induced travel. The mechanisms by which induced travel occur include:

- 27 • Route changes (may increase or decrease overall VMT)
- 28 • Mode shift to automobile use (increases overall VMT)

- Longer trips (increases overall VMT)
- More trips (increases overall VMT)
- Location and land use changes (increases overall VMT)” (Caltrans, 2020a, 18)

44. Caltrans adopted the National Center for Sustainable Transportation (“NCST”) induced travel calculator in 2020 as an official tool, and the agency’s *Transportation Analysis Framework* document provides extensive guidance on how it is to be applied. (Caltrans, 2020a). While, this document specifically states that the NCST calculator is to be applied to Yolo County, the EIR fails to integrate NCST numbers for induced traffic into its analysis of long-term impacts of the project. The result is that the EIR understates VMT and GHG emissions while overstating congestion relief.

45. Caltrans’ guidance on assessing induced travel requires that land use development effect be assessed. Additionally, the Governor’s Office of Planning and Research provides guidance that establishes the need to assess land use effects of highway capacity projects. The EIR’s failure to address land use effects resulted in the exclusion of a major source of additional vehicle travel in the assessment. The EIR exaggerates the transportation benefits of the project by stating that it improves traffic more and over a longer period of time than it actually will. The result is that the EIR underestimates the Project’s environmental impacts of related to vehicle travel.

THE EIR RELIES ON INADEQUATE MITIGATION MEASURES FOR VMT/GHG INCREASES

46. If a Project will have a significant impact, CEQA requires that the agency adopt feasible mitigation measures and that they be enforceable. (Pub. Resources Code §§ 21002, 21002.2(b), 21081.) If the agency concludes that there no feasible mitigations or alternatives to reduce the Project’s significant impacts to less than significant, then the agency may must explain why and adopt a statement of overriding considerations that is supported by substantial evidence. (Pub. Resources Code, §§ 21081(b), 21002.)

47. The project list of mitigation measures covers only 43% of the Project’s estimated

1 VMT increase (which is likely low in that it appears not to include truck traffic). The
2 remaining VMT constitutes a significant unmitigated impact. The EIR sets a ceiling of
3 mitigation funds at 14 to 15 percent of construction costs. The EIR, however, does not contain
4 substantial evidence for limiting mitigation funds. Caltrans' conclusions as to why more
5 mitigation measures are not feasible due to a theoretical limited mitigation budget is not
6 supported by substantial evidence, and additional mitigation measures could be feasibly
7 implemented.

8 48. The EIR also impermissibly assumes that the Project's VMT/GHG increases can
9 be mitigated if Caltrans funds projects in local cities. The mitigation measures, however, are
10 not additional measures and are not verifiable as these mitigations would have to be
11 implemented by other entities over which Caltrans has no control, and the mitigation funding
12 is questionable as the EIR only commits Caltrans to fund 12.5% of the cost of trip reduction
13 programs. The mitigations therefore do not meet the "fully enforceable" standard required by
14 CEQA.

15 **THE EIR FAILED TO FULLY DISCLOSE AND ANALYZE THE PROJECT IMPACTS**

16 49. The EIR failed to apply a travel demand modeling approach that accurately
17 assessed the Project traffic impacts. The result is that the EIR's traffic assessment under-
18 estimated the Project's impact on VMT and induced VMT. The EIR failed to apply a dynamic
19 traffic assignment modeling approach that accurately identifies and discloses the Project's effect
20 on travel behavior and its impacts on the environment.

21 50. The EIR applied different values for induced truck VMT in different parts of the
22 EIR in order to minimize environmental impacts

23 51. Sacramento and Yolo Counties are state non-attainment areas for 8-hour ozone and
24 PM 2.5 air pollutants. The EIR determines that the PM10 increases of 0.5% to 9.5% for
25 alternatives 2-7a and 6.1% to 26.9% for 2-7b would result in less than significant impacts, but
26 this is not supported by substantial evidence. Additionally, the increases identified in the EIR
27 fail to take into account induced traffic and increases in congestion.

28 52. The EIR discloses that the Project will increase CO₂ emissions by between 2.2%

1 and 10.9% for the various project alternatives in the 2029 opening year. The EIR fails to
2 address induced travel in this analysis and the result is an underestimation of GHG increases
3 related to the Project. Additionally, this conflicts with CARB's 2022 Scoping Plan that provides
4 a climate planning target to achieve carbon neutrality by 2045 by cutting GHG emission 85%
5 compared to 1990.

6 **INJUNCTION**

7 53. Petitioners hereby incorporate by reference paragraphs 1 through 52 as if fully set
8 forth herein.

9 54. As set forth above, an actual controversy has arisen between Petitioners and
10 Caltrans' regarding Caltrans' failure to comply with CEQA's requirements.

11 55. Caltrans failed to comply with CEQA's mandates and failed to conduct adequate
12 environmental review of the Project review as required by CEQA and, thus, has abused its
13 discretion in approving the Project.

14 56. At all times mentioned herein, Caltrans has been able to comply with CEQA,
15 prepare adequate environmental review, and comply with all relevant provisions of the law.
16 Caltrans has failed and continues to fail to perform its duty to comply with CEQA and all other
17 relevant provisions of the law.

18 57. Petitioners are informed and believe, and on that basis allege, that Caltrans intends
19 to proceed with development of the Project in the near future. Said implementation of the
20 Project will irreparably harm the environment and will result in significant and unmitigated
21 adverse environmental impacts.

22 58. Petitioners possess no speedy, adequate remedy at law, in that implementation and
23 development in connection with the Project will permanently and forever harm, injure, degrade,
24 and impact the environmental values of the County of Yolo and the State of California.
25 Petitioners will suffer irreparable and permanent injuries if Caltrans' actions described herein
26 are not set aside.

27 59. In order to preserve the status quo, this Court should issue a stay and/or restraining
28 order and preliminary and permanent injunction that restrains Caltrans from proceeding with

1 development of the Project.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Petitioners pray for judgment as follows:

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

5 a. vacate and set aside certification of the Final Environmental Impact Report
6 for the Yolo 80 Corridor Improvement Project;

7 b. vacate and set aside Caltrans' approval of the Yolo Corridor Improvement
8 Project;

9 c. suspend all activity that could result in any change or alteration to the
10 physical environment until Respondents have taken such actions as may be necessary to bring
11 their determination, findings or decision into compliance with CEQA;

12 2. Petitioners request a stay and/or preliminary injunction restraining Caltrans from
13 proceeding with development of the Project;

14 3. For Petitioners' costs associated with this action;

15 4. For an award of reasonable attorneys' fees pursuant to Code of Civil Procedure
16 section 1021.5; and

17 5. For such other and further relief as the Court may deem just and proper.

18
19 Dated: May 29, 2024

Respectfully submitted,

20 LAW OFFICES OF DONALD B. MOONEY

21 

22
23 By _____

24 Donald B. Mooney
25 Attorneys for Petitioners Sierra Club and
26 Environmental Council of Sacramento
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1 **VERIFICATION**

2 I am the attorney for Petitioners Attorneys for Petitioners Sierra Club and Environmental
3 Council of Sacramento. Petitioners are located outside the County of Yolo, State of California,
4 where I have my office. For that reason, I make this verification for and on Petitioners' behalf
5 pursuant to California Code of Civil Procedure section 446. I have read the Petition for Writ of
6 Mandate and know its contents. The matters stated in it are true and correct based on my
7 knowledge, except as to the matters that are stated therein on information and belief and as to
8 those matters, I believe them to be true.

9 I declare under penalty of perjury that the above is true and correct. Executed this 29th
10 day of May 2024, at Davis, California.

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Donald B. Mooney
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EXHIBIT A

EXHIBIT A

LAW OFFICE OF DONALD B. MOONEY

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May 28, 2024

***VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL
Tony.Tavares@dot.ca.gov***

Tony Tavares, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Re: NOTICE OF INTENT TO FILE CEQA PETITION

Dear Mr. Tavares

Please take notice that under Public Resources Code section 21167.5, that Petitioners Sierra Club and Environmental Council of Sacramento intend to file a Petition for Writ of Mandate in Alameda County Superior Court under the provisions of the California Environmental Quality Act, Public Resources Code § 21000 *et seq.* against the California Department of Transportation and Tony Tavares challenging the following: 1) certification of the Final Environmental Impact Report (“EIR”) for the Yolo 80 Corridor Project; and 2) approval of the Yolo 80 Corridor Project. The Petition for Writ of Mandate will request that the court direct Respondents to vacate and rescind certification of the Final EIR and approval of the Yolo 80 Corridor Project. Additionally, the Petition will seek Petitioners’ costs and attorney’s fees associated with this action.

Very truly yours,



Donald B. Mooney
Attorney for Sierra Club and Environmental
Council of Sacramento

cc: Erin Holbrook, Chief Counsel
Erin.Holbrook@dot.ca.gov

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 417 Mace Blvd, Suite J-334, Davis, California; I am over the age of 18 years and not a party to the foregoing action. On May 28, 2024, I served a true and correct copy of as follows:

NOTICE OF INTENT LETTER DATE MAY 28, 2024

X (by Electronic Mail) to the person at the email address set forth below:

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

Tony Tavares, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814
Email: *Tony.Tavares@dot.ca.gov*

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 28, 2024 at Davis, California.



Donald B. Mooney