



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

FOR IMMEDIATE RELEASE: August 3, 2015

Contact: [Gerry Braun](mailto:gbraun@sandiego.gov), Director of Communications: gbraun@sandiego.gov (619) 533-4782

SDSU Must Pay for Street Projects, Supreme Court Says *Trustees' plan to leave infrastructure costs to City taxpayers is shot down*

The California Supreme Court today ruled that the California State University Board of Trustees violated state environmental laws by expanding the campus of San Diego State University without including funds for infrastructure improvements that are needed to prevent congestion on San Diego streets.

City Attorney Jan Goldsmith declared the decision an important victory for San Diego taxpayers, who were on the hook for several millions in street improvements that the project's environmental impact report said were necessary to mitigate project impacts. The City had previously won this case before an appellate court, but the CSU Board appealed. Deputy City Attorney Christine M. Leone argued the case before the Supreme Court in May.

City of San Diego v Board of Trustees of the California State University (copy attached) was closely watched throughout the state, and especially by other college cities – including Bakersfield, Fresno, Long Beach, Monterey Bay and San Francisco – where the CSU system was similarly trying to stick cities with the bill for street projects identified as necessary mitigation in the projects' environmental impact reports.

The EIR for the San Diego State University expansion identified 15 intersections, eight street segments, four freeway segments and one freeway ramp meter that would be significantly impacted by the project. It calculated the project's "fair-share contribution" of the needed improvements at \$15 million, but took no responsibility for those costs, effectively leaving them with the City and Caltrans.

The CSU Board of Trustees contended it did not have to pay for the mitigation projects because the Legislature had not allocated funds specifically for that purpose. San Diego argued that the California Environmental Quality Act includes no such exemption, and noted that numerous potential funding sources already exist and are identified in the project's budget.

The Supreme Court ordered the Board to vacate its certification of the EIR and to proceed with a new document that will discuss all potential funding sources and provide a compelling argument if any of them cannot be used for project mitigation.

"This is an important decision which treats the CSU system like any other developer. It must come to the table and negotiate its fair share in a way that protects the environment and protects the city's taxpayers," Goldsmith said. **"I am proud that our City Attorney's Office took the lead on this important legal issue, which has great significance in cities throughout our state."**

In an amicus brief, the League of California Cities and the California State Association of Counties asserted that if the CSU Board's position was upheld it would "undermine the missions of cities and counties, which provide critical local public services – a patently unfair result."

###

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at <http://www.sannet.gov/city-attorney>

1200 Third Avenue, Suite 1620, San Diego, California 92101-4188 (619) 236-6220