



March 10, 2022

Sally Lukenbill
Executive Director
State Public Works Board
915 L Street, 9th Floor
Sacramento, CA 95814

Re: Objection to RON by 7-Eleven, Inc. (“SEI”)

Dear Ms. Lukenbill:

On March 7, 2022, Douglas A. Gravelle, Esq., counsel for 7-Eleven, Inc. (“SEI”) filed several objections to the Public Works Board’s adoption of the Resolution of Necessity concerning Authority Parcel Number FB-10-1098-1, a temporary construction easement, (the “Property”) scheduled for consideration at the March 11, 2022 California Public Works Board meeting.

The Authority hereby responds to each of Mr. Gravelle’s objections as follows:

Objection 1: “Any hearing on the RON pursuant to the Notice before Monday, March 21, 2022 is improper and any RON adopted at any hearing before March 21, 2022 is invalid.”

A Property owner must be given “a reasonable opportunity to appear and be heard on the matters referred to in [California Code of Civil Procedure (CCP)] Section 1240.030”, and the Property owner must file a written request to appear within 15 days after the notice was mailed if the property owner desires to appear and be heard at the RON hearing. (CCP sec. 1245.235(a) and (b)(3).) However, CCP Section 1245.235(d) states that “[n]otwithstanding subdivision (b), the governing body may satisfy the requirements of this section through any other procedure that has given each person described in subdivision (a) reasonable written personal notice and a reasonable opportunity to appear and be heard” as to whether the necessary elements of adopting a RON have been satisfied. (CCP sec. 1245.235(d).) In this case, the Property owner received notice of the Resolution of Necessity hearing and the Property owner’s representative had sufficient time to prepare and send a comprehensive letter objecting to the adoption of a Resolution of Necessity for several reasons and requesting an opportunity to be heard. Therefore, under CCP Section 1245.235(d), the Authority believes the Property owner was provided with adequate notice and a reasonable opportunity to appear and be heard at the hearing. This is especially so right now because appearances can be made virtually, rather than in person.

Objection 2: “[T]he Notice is legally deficient and any RON that is adopted based on the Notice is invalid.”

California Code of Civil Procedure section 1245.235(a) requires notice before the Public Works Board may adopt a Resolution of Necessity. Subsection (b) sets forth that the notice must be sent by first class mail and shall state (1) “the intent of the governing body to adopt the resolution” and (2) “the right of such person to appear and be heard on the matters referred to in Section 1240.030.” The notice provided met all of these requirements and thus fully complied with statute.

Objection 3: The Property is not necessary for the project.

The Authority’s design-build contractor has communicated and affirmed to the Authority that this Property is necessary for the construction of the high-speed rail system and the Property has been environmentally cleared for the necessary use. The Authority’s Project Construction Management consultant (the design-build oversight consultant) has reviewed this need and has confirmed that the Property is necessary for the construction of the high-speed rail system.

Objection 4: The Project is not planned and located in a manner most consistent with the greatest public good and the least private injury.

In order to determine whether the high-speed rail project is planned and located in a manner most consistent with the greatest public good and the least private injury, the Authority had to consider all impacts associated with the proposed alignments, including, but not limited to, the impacts to all private and public property owners, any cost savings and any environmental impacts. When considering all impacts (positive and negative), the Authority determined that the project, as is currently planned and located, is planned and located in a manner most consistent with the greatest public good and the least private injury.

In conclusion, the Authority respectfully requests that the Board find that the criteria necessary for the adoption of a Resolution of Necessity have been met in this circumstance and that the Board adopt the requested Resolution of Necessity.

Respectfully Submitted,



Kendall Lynn Darr Bonebrake
Assistant Chief Counsel

cc: Dennis Kim, Director of Real Property
Deborah Gebers, Senior Right of Way Agent
Joe Carroll, Attorney for the Public Works Board