

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Friends of Calwa, Inc. and Fresno Building Healthy

(b) County of Residence of First Listed Plaintiff Fresno County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Jerome N. Frank Legal Services Org.; 127 Wall Street, New Haven, CT 06511; (203) 432-4800

DEFENDANTS

California Dept. of Transportation; United States Dept. of

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) Robert Vaghini; Kristen Sarna

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): NEPA, 42 U.S.C. §§ 4321 et seq.; Clean Air Act, 42 U.S.C. §§ 7401 et seq.; Administrative Procedure Act, 5 U.S.C. §§ 701 et seq. Brief description of cause: Violations of the Clean Air Act, National Environmental Policy Act, and Administrative Procedure Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Geoffrey Wilson, Fresno County Superior Court DOCKET NUMBER 23CECG04109

DATE 4/20/2026 SIGNATURE OF ATTORNEY OF RECORD

Handwritten signature of attorney

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

1 Stephanie L. Safdi (CA Bar No. 310517)
2 Maria Michalos (CA Bar Student Cert. No. 01256346)
3 ENVIRONMENTAL JUSTICE LAW
4 AND ADVOCACY CLINIC
5 Jerome N. Frank Legal Services Organization
6 127 Wall Street
7 New Haven, CT 06511
8 Telephone: (203) 432-4800
9 Facsimile: (203) 432-1426
10 Stephanie.safdi@ylsclinics.org

11 Phoebe S. Seaton (CA Bar No. 238273)
12 Michael Claiborne (CA Bar No. 281308)
13 LEADERSHIP COUNSEL FOR
14 JUSTICE AND ACCOUNTABILITY
15 2210 San Joaquin Street
16 Fresno, California 93721
17 Telephone: (559) 369.2780
18 pseaton@leadershipcounsel.org
19 mclaiborne@leadershipcounsel.org

20 Attorneys for Plaintiffs Friends of Calwa, Inc. and
21 Fresno Building Healthy Communities

22 **UNITED STATES DISTRICT COURT**
23 **EASTERN DISTRICT OF CALIFORNIA**
24 **(Fresno Division)**

25 FRIENDS OF CALWA, INC. and FRESNO
26 BUILDING HEALTHY COMMUNITIES,

27 Plaintiffs,

28 v.

CALIFORNIA DEPARTMENT OF
TRANSPORTATION; UNITED STATES
DEPARTMENT OF TRANSPORTATION;
FEDERAL HIGHWAY ADMINISTRATION;
DINA EL-TAWANSY, in her official capacity
as Director of the California Department of
Transportation; SEAN DUFFY, in his official
capacity of Secretary of Transportation; and
SEAN MCMASTER, in his official capacity
as Administrator of the Federal Highway
Administration.

Defendants.

Case No. 1:23-CV-00353-JLT-EPG

**SECOND AMENDED AND
SUPPLEMENTAL COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

National Environmental Policy Act, 42 U.S.C.
§§ 4321 et seq.; Clean Air Act, 42 U.S.C.
§§ 7401 et seq.; Administrative Procedure
Act, 5 U.S.C. §§ 701 et seq.

I. INTRODUCTION

1
2 1. This action challenges approvals by Defendants California Department of
3 Transportation (“Caltrans”) and Federal Highway Administration (“FHWA”), an agency within the
4 U.S. Department of Transportation (collectively, “Defendants”), of the South Fresno State Route 99
5 Corridor Project (the “Project”), which would reconstruct and expand two interchanges on North
6 Avenue and American Avenue connecting California State Route 99 to local roadways in South
7 Fresno. The Project would increase roadway capacity for heavy-duty truck traffic and support further
8 industrial buildout in nearby low-income communities of color.

9 2. For over fifty years, State Route 99 has cut a line through South Fresno, dividing
10 communities and cutting off residents from the commercial and economic resources of downtown,
11 while carrying an expanding flow of truck traffic and attendant pollution into local neighborhoods.

12 3. Neighborhoods and communities surrounding the interchanges in South Fresno—
13 including the historic unincorporated communities of Calwa and Malaga to the east and adjacent
14 neighborhoods in the City of Fresno (the “City”)—are among the most polluted in the state from
15 particulate matter and other traffic-related emissions, as well as from industrial facilities fed by the
16 trucks that flow from State Route 99. They are also among the most socially vulnerable, bearing the
17 marks of decades of racial segregation and discrimination in zoning and financial services.

18 4. The neighborhoods impacted by the Project are also home to significantly higher
19 shares of people of color and children and have significantly higher poverty rates relative to
20 surrounding areas. Unlike more affluent and white neighborhoods in the northern parts of the City
21 and elsewhere in Fresno County, South Fresno communities have been zoned for industrial land uses
22 and have experienced a lack of investment in neighborhood-serving amenities and resources, like
23 grocery stores, parks, quality housing, and multi-modal transportation options. These communities
24 have inherited and continue to suffer from a legacy of environmental racism and neglect.

25 5. The State of California has acknowledged the disproportionate pollution burdens
26 impacting South Fresno and has taken actions to help remedy the legacy of environmental racism in
27 these communities. In particular, the State adopted legislation and other directives requiring state and
28 local agencies to reduce pollution exposures, reverse industrialization trends, and promote

1 environmental justice in as well as direct resources to overburdened communities. Among such
2 efforts, the California Air Resources Board (“CARB”) designated a large area of South Fresno as a
3 priority community requiring air monitoring and the reduction of air pollution from traffic and
4 industry. Likewise, the California Attorney General’s Office has warned the County of Fresno (the
5 “County”) that its land use policies targeting South Fresno for industrial development likely violate
6 state civil rights law and environmental justice mandates. And the State has approved implementation
7 plans to bring damaging ozone and particulate matter pollution in the region down to federally
8 required levels.

9 6. Defendants’ Project conflicts with these policies and practices to reduce air pollution
10 and industrial burdens and correct disparities in South Fresno communities. The Project would
11 expand the capacity of State Route 99 interchanges, facilitating increased traffic flow—particularly of
12 heavy-duty trucks—between the highway and local South Fresno roadways. The existing
13 interchanges and adjacent local roads have deteriorated over time due to their use by heavy-duty
14 trucks traveling to existing industrial facilities concentrated in the area. Instead of simply remedying
15 these problems, Defendants proposed and approved a project that would facilitate increased industrial
16 buildout and related heavy-duty truck traffic, exacerbating pollution burdens and locking in a vision
17 of expanding industrialization in the area, which denies South Fresno residents access to the
18 opportunities enjoyed in other areas of the City and County.

19 7. As a joint project between Caltrans and FHWA, the Project is subject to the
20 protections of the National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq. (“NEPA”), and the
21 California Environmental Quality Act, California Public Resources Code sections 21000 et seq.
22 (“CEQA”). These laws require Caltrans—which is charged with NEPA as well as CEQA compliance
23 for the Project—to carefully analyze and disclose potential environmental impacts of the Project,
24 including impacts on air quality, traffic, and environmental justice, as well as conflicts with air
25 quality plans and land use policies. As a federal transportation project, the Project is also subject to
26 federal Clean Air Act protections, which require Defendant U.S. Department of Transportation,
27 acting through FHWA, to ensure that the Project is consistent with federal air quality goals and will
28 not interfere with plans to correct air quality violations in the area. *See* 42 U.S.C. § 7506(c).

1 8. Defendants’ environmental review of the Project fell significantly short. Caltrans
2 prepared a joint Environmental Assessment under NEPA and Environmental Impact Report under
3 CEQA, which, among other things: failed to acknowledge the existence of any impacted
4 communities; failed to disclose the full scope of the Project; and failed to adequately analyze the
5 Project’s direct, indirect, and cumulative effects. In doing so, Caltrans refused to prepare a detailed
6 Environmental Impact Statement (“EIS”) for the Project under NEPA, instead relying on the flawed
7 EIR to find that the Project is not likely to have a significant adverse impact on the human
8 environment despite Caltrans’ conclusion that greenhouse gas impacts would be significant and
9 unavoidable. And Caltrans failed to make underlying technical studies and reports readily accessible
10 to the public, including in Spanish, the language spoken by a majority of affected residents.

11 9. Likewise, even following a remand from this Court, FHWA improperly disclaimed its
12 obligation to perform a hot-spot analysis to assess the Project’s propensity to aggravate damaging
13 particulate matter pollution and failed to ensure that the Project comes from a conforming Regional
14 Transportation Plan (“RTP”) and Federal Transportation Improvement Program (“FTIP” or “TIP”) as
15 required by the Clean Air Act. FHWA also failed to adequately consult with the public on its
16 transportation conformity determination or provide reasonable access to technical information
17 underlying its determination for public review and comment. And it failed to carry out reasonable
18 interagency consultation to ensure that its conformity determination would be informed by the
19 technical expertise of the U.S. Environmental Protection Agency and other appropriate administrative
20 agencies.

21 10. The numerous inadequacies in the environmental analysis mean that decision-makers
22 and the public have been left in the dark about the Project’s environmental impacts, including the
23 Project’s contribution to already disproportionate and elevated pollution burdens borne by South
24 Fresno communities and its conflict with laws and policies designed to reverse these trends.

25 11. The Court should therefore issue a declaration that Defendants’ support for and
26 approvals of the Project violate federal environmental laws, and an order setting aside approvals of
27 the Project and certification of the legally deficient environmental documents on which they rely.

28

II. JURISDICTION AND VENUE

1
2 12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, as Plaintiffs
3 assert federal claims under the Administrative Procedure Act, 5 U.S.C. §§ 701 et seq. (“APA”) for
4 violations of NEPA and the Clean Air Act. This Court also has subject matter jurisdiction under 23
5 U.S.C. §§ 327(c)(3)(B) and 327(d) and the May 27, 2022 Memorandum of Understanding between
6 Caltrans and FHWA, which together provide for exclusive jurisdiction in the federal district court for
7 the compliance, discharge, and enforcement of any responsibilities assigned by FHWA and assumed
8 by Caltrans, including compliance with NEPA. The State of California has consented to federal
9 jurisdiction in these matters and has waived any claim of sovereign immunity pursuant to California
10 Streets and Highways Code section 820.1.

11 13. Declaratory and injunctive relief is sought and authorized under 28 U.S.C. §§ 2201
12 and 2202.

13 14. Plaintiffs have performed any and all conditions precedent to filing this action and
14 have exhausted all administrative remedies available to them to the extent required by law, and the
15 violations of law claimed below are ripe for judicial review.

16 15. Plaintiffs have served the Attorney General of the State of California with this
17 amended and supplemental complaint and prior pleadings in compliance with California Code of
18 Civil Procedure section 388. The Notices and Proofs of Service for the original and first amended
19 complaints are provided as Exhibit A, and the Notice and Proof of Service for the Second Amended
20 and Supplemental Complaint is provided as Exhibit B.

21 16. Venue lies in this District, pursuant to 28 U.S.C. § 1391(e), because the events giving
22 rise to this lawsuit occur in this District and because Caltrans, a Defendant in the action, resides
23 within this District.

24 17. A substantial part of the events or omissions which give rise to the claims herein
25 occurred in Fresno County; the Project is located in Fresno County and administered by Caltrans
26 District Six, which includes and has offices in Fresno County; Plaintiffs’ offices and staff are located
27 in Fresno County; and many of the adverse impacts of Defendants’ violations of the law occurred or
28 will occur in Fresno County. Therefore, assignment to the Fresno Division of this Court is proper

1 under U.S. District Court for the Eastern District of California, Civil Local Rule 120(d).

2 18. An actual justiciable controversy exists between the parties hereto.

3 **III. PARTIES**

4 19. Plaintiff FRIENDS OF CALWA, INC. (“Friends of Calwa”) is a California non-profit
5 organization headquartered in Fresno County in the community of Calwa. The community of Calwa
6 was named after the California Wine Association, which produced local wines from a nearby
7 vineyard. From the large brick winery owned by the California Wine Association, which has now
8 crumbled, a person in Calwa can see the skyline of downtown Fresno and imagine the possibilities
9 that have not been available in the heavily industrialized neighborhood. In their fight to improve their
10 community for future generations, neighbors in the community of Calwa have a strong history of
11 organizing together. Following that tradition of neighbors helping neighbors, Friends of Calwa was
12 formed in 2009 by a group of Calwa neighbors who came together with the vision that all people,
13 regardless of income level, cultural background, or political persuasion are entitled to live in
14 neighborhoods that nurture their development. Friends of Calwa brings resources and people together
15 to foster a healthy and thriving Calwa, where all people have access to quality education, good jobs,
16 healthy food, public transportation, housing, recreation and parks, retail, meaningful civic
17 engagement, and the opportunity to enjoy artistic, spiritual, and cultural amenities. In service of this
18 mission, Friends of Calwa works to promote environmental health and justice in Calwa, including by
19 advocating before local, state, and federal agencies to protect the health and environment of the local
20 community from harmful industrial development and traffic, and from consequent toxic pollution.

21 20. Friends of Calwa, and Calwa residents on whose behalf the organization advocates,
22 are directly and adversely impacted by the Project. Friends of Calwa’s mission to ensure that
23 residents enjoy equal access to environmental benefits and protection from health and environmental
24 burdens regardless of race, color, national origin, or income is frustrated by Defendants’ support for
25 and approval of the Project. Friends of Calwa has been and will be required to divert resources from
26 other organizationally essential programs and services to challenge Defendants’ actions and the
27 damage to environmental quality and efforts to achieve federal air quality standards that will flow
28 from these actions. Friends of Calwa has also been required to invest staff time and other resources to

1 ensure that residents of Calwa and other area residents have opportunities to provide input to Caltrans
2 regarding the Project.

3 21. Plaintiff FRESNO BUILDING HEALTHY COMMUNITIES (“Fresno BHC”) is a
4 California nonprofit organization headquartered in the City of Fresno. Fresno BHC’s mission is to
5 foster thriving communities where all children and families can live healthy, safe, and productive
6 lives. Fresno BHC is led by and works for the rights of people of color, as well as for the benefit of
7 all Fresno County residents, and works in partnership with community residents, young people, and
8 community and faith-based organizations to advance its mission. Many of Fresno BHC’s staff and its
9 executive team members were born and raised in South Fresno and are directly impacted by the
10 disparities affecting South Fresno; as a result, they care deeply about accomplishing Fresno BHC’s
11 mission. Fresno BHC brings attention and resources to Fresno communities and neighborhoods that
12 need it most, including Calwa, Malaga, and other South Fresno communities. In service of this
13 mission, Fresno BHC endeavors to build community members’ leadership and further community
14 priorities relating to six focus areas: (1) advancing health equity across Fresno; (2) ensuring access to
15 safe, affordable housing for every community member; (3) uplifting neighborhoods through
16 community-engaged economic development; (4) advocating for responsible land use practices which
17 support the development of parks and sustainable business, rather than polluting facilities; (5)
18 improving access to outdoor spaces; and (6) advocating for quality transportation options which
19 result in safer streets, cleaner air, and better public transit. One of Fresno BHC’s current projects is
20 managing the state-funded renovation of the 70-year-old Calwa Park, which has provided generations
21 of community members with valued recreational and outdoor experiences and is located
22 approximately one and a half miles from the Project site.

23 22. The Project will directly impact Fresno BHC and the communities on whose behalf
24 Fresno BHC advocates. Fresno BHC’s mission to foster healthy and thriving communities is
25 frustrated by Defendants’ support for and approval of the Project. In addition, Fresno BHC has been
26 and will be required to divert staff time and other resources away from other important projects and
27 services, such as its efforts to support local training and leadership and to build environmental and
28 community assets in South Fresno, to oppose Defendants’ approvals of the Project and counteract the

1 adverse environmental and health impacts that will result from the Project.

2 23. Defendant U.S. DEPARTMENT OF TRANSPORTATION (“USDOT”) is the
3 executive department of the federal government responsible for oversight of the transportation
4 planning process, including implementing the requirements of NEPA with respect to federal highway
5 projects, 23 U.S.C. § 139, and ensuring the conformity of federally-developed, funded, or approved
6 transportation projects with approved State Implementation Plans to obtain National Ambient Air
7 Quality Standards pursuant to section 176(c) of the Clean Air Act, 42 U.S.C. § 7506(c). *See* 40
8 C.F.R. § 93.100.

9 24. Defendant FEDERAL HIGHWAY ADMINISTRATION (“FHWA”) is a federal
10 agency within USDOT that supports state and local governments in the design, construction, and
11 maintenance of the Nation’s highway system, including by providing financial and technical
12 assistance. Pursuant to authority delegated by USDOT, 49 C.F.R. § 1.85, FHWA has primary
13 responsibility for ensuring that federal highway projects, including the Project, comply with relevant
14 state and federal laws. The Project is a joint project of FHWA and Caltrans. Pursuant to 23 U.S.C.
15 § 327(b) and the Memorandum of Understanding between FHWA and Caltrans dated May 27, 2022,
16 FHWA assigned to Caltrans the USDOT Secretary’s responsibilities for compliance with NEPA with
17 respect to highway transportation projects in California. Although this Project is subject to this NEPA
18 assignment, USDOT, acting through FHWA, remains responsible for transportation conformity
19 determinations under section 176 of the Clean Air Act, 42 U.S.C. § 7506(c). FHWA issued a
20 transportation conformity determination for the Project on October 3, 2022, and reaffirmed this
21 determination following remand from this Court on September 29, 2025.

22 25. Defendant CALIFORNIA DEPARTMENT OF TRANSPORTATION (“Caltrans”) is
23 a California public agency responsible for managing California’s highway and freeway system.
24 Caltrans is the lead agency responsible for the Project’s environmental review under CEQA and, as
25 assigned by FHWA, under NEPA. Caltrans is listed as the Project Applicant on the February 6, 2023
26 Notice of Determination under CEQA. Plaintiffs are informed and believe, and on that basis allege,
27 that Caltrans is undertaking the Project as part of its broader vision, goals, and policies to expand
28 capacity of State Route 99 to support increased movement of goods.

1 26. Defendant SEAN DUFFY is the Secretary for Transportation for USDOT and is
2 named herein and at all times mentioned herein in his official capacity. Secretary Duffy is responsible
3 for the administration, operations, and activities of USDOT, including oversight of FHWA.

4 Defendants USDOT and Secretary Duffy are referred to collectively in this complaint as USDOT.

5 27. Defendant SEAN MCMASTER is the Administrator of FHWA, an agency of the
6 federal government, and is named herein and at all times mentioned herein in his official capacity.

7 Defendants FHWA and Administrator McMaster are referred to collectively in this complaint as
8 FHWA.

9 28. Defendant DINA EL-TAWANSY is the Director of Caltrans, an agency of the State of
10 California, and is named herein and at times mentioned herein in her official capacity. Defendants
11 Caltrans and El-Tawansy are referred to collectively in this complaint as Caltrans.¹

12 IV. LEGAL BACKGROUND

13 A. The Clean Air Act

14 29. The purpose of the Clean Air Act is “to protect and enhance the quality of the
15 Nation’s air resources so as to promote the public health and welfare and the productive capacity of
16 its population.” 42 U.S.C. § 7401(b)(1). In adopting the Act, Congress recognized that the
17 proliferation of “industrial development, and the increasing use of motor vehicles, has resulted in
18 mounting dangers to the public health and welfare.” 42 U.S.C. § 7401(a)(2).

19 30. To this end, section 176(c) of the Clean Air Act imposes an affirmative duty on
20 federal agencies to assure that any project subject to federal approvals or receiving federal assistance
21 or support conforms with state implementation plans (“SIPs”) to attain or maintain national ambient
22 air quality standards (“NAAQS”) in the area affected by the Project. 42 U.S.C. § 7506(c); *see also* 42
23 U.S.C. § 7410(a) (setting forth SIP requirements).

24 31. “Conformity” for purposes of section 176(c) means:

- 25 (A) conformity to an implementation plan’s purpose of eliminating or
26 reducing the severity and number of violations of the national
27 ambient air quality standards and achieving expeditious attainment

28 ¹ Defendant public officers named in their official capacities have been substituted pursuant to
Federal Rule of Civil Procedure 25(d).

1 of such standards; and
2 (B) that such activities will not—(i) cause or contribute to any new
3 violation of any standard in any area; (ii) increase the frequency or
4 severity of any existing violation of any standard in any area; or
5 (iii) delay timely attainment of any standard or any required interim
6 emission reductions or other milestones in any area.
7 42 U.S.C. § 7506(c)(1).

8 32. The Clean Air Act delegates to the U.S. Environmental Protection Agency (“EPA”)
9 and USDOT the duty to promulgate criteria and procedures to assure conformity for transportation
10 plans, programs, and projects. 42 U.S.C. § 7506(c)(4)(B). These transportation conformity
11 regulations, codified at 40 C.F.R. Part 93, apply in all nonattainment and maintenance areas for
12 transportation-related criteria pollutants, including but not limited to ozone, particulate matter (PM_{2.5}
13 and PM₁₀), and carbon monoxide (CO). 40 C.F.R. § 93.102(b); *see also* 40 C.F.R. § 93.101.

14 33. The transportation conformity regulations impose additional requirements on FHWA
15 in CO, PM₁₀, and PM_{2.5} nonattainment and maintenance areas to ensure that projects will not
16 contribute to new localized violations of these damaging pollutants or impede the timely attainment
17 of the NAAQS. 40 C.F.R. § 93.116(a). To satisfy these requirements, FHWA must generally employ
18 a “hot-spot analysis,” meaning “an estimation of likely future localized CO, PM₁₀, and/or PM_{2.5}
19 pollutant concentrations and a comparison of those concentrations to the [NAAQS]. Hot-spot analysis
20 assesses impacts on a scale smaller than the entire nonattainment or maintenance area, including, for
21 example, congested roadway intersections and highways or transit terminals, and uses an air quality
22 dispersion model to determine the effects of emissions on air quality.” 40 C.F.R. § 93.101; *see* 40
23 C.F.R. § 93.116(a).

24 34. Hot-spot analyses for PM₁₀ and PM_{2.5} must be based on quantitative analysis methods
25 and are required for projects that fall within any of five enumerated categories. 40 C.F.R.
26 § 93.123(b). These categories include, among others: “expanded highway projects that have a
27 significant increase in the number of diesel vehicles” and projects that “affect[] intersections that are
28 at Level-of-Service [(“LOS”)] D, E, or F with a significant number of diesel vehicles” or that could
fall to these low levels of service because of increased diesel truck traffic “related to” the project. 40
C.F.R. § 93.123(b)(1); *see* 40 C.F.R. § 93.116(a). EPA’s guidance documents refer to projects falling

1 within any of these categories as Projects of Local Air Quality Concern. *See, e.g.*, Transp. and
2 Climate Div., *PM Hot-spot Guidance*, U.S. Env't Prot. Agency (Oct. 2021),
3 <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1013C6A.pdf>.

4 35. The transportation conformity regulations also dictate public and interagency
5 consultation on proposed conformity determinations. *See generally* 40 C.F.R. § 93.105 (describing
6 consultation procedures). Public consultation means “a proactive public involvement process which
7 provides opportunity for public review and comment by, at a minimum, providing reasonable public
8 access to technical and policy information considered by the agency at the beginning of the public
9 comment period.” 40 C.F.R. § 93.105(e).

10 36. Additionally, interagency consultation procedures ensure that agencies at the federal,
11 state, regional, and local levels with responsibilities over SIPs are involved in evaluating the Project’s
12 conformity. 40 C.F.R. § 93.105(c); *see also* 40 C.F.R. § 93.116(a). To that end,
13 interagency consultation must be used to develop a process to evaluate and choose models and
14 associated methods and assumptions to be used in PM hot-spot analyses. 40 C.F.R. § 93.105(c)(1)(i).
15 Interagency consultation must also be used to determine which transportation projects are
16 “regionally significant” for purposes of a regional emissions analysis (*see* 40 C.F.R. § 93.122) and
17 which should be considered to have a significant change in design concept and scope from the
18 regional transportation plan and transportation improvement program. 40 C.F.R. § 93.105(c)(1)(ii).

19 37. Conformity regulations also require that a project either come from a
20 conforming metropolitan transportation plan and transportation improvement program or meet the
21 conformity criteria applicable to evaluation of transportation plans and programs. 40 C.F.R.
22 § 93.115(a). A project is considered to be from a conforming transportation plan and program if,
23 among other things, the project is included in the plan and program and its design concept and
24 scope have not changed significantly from those described in the plan and program. 40 C.F.R.
25 § 93.115(b)-(c). The design concept and scope of the Project must also have been “adequate at the
26 time of the TIP conformity determination to determine its contribution to the TIP’s regional
27 emissions.” 40 C.F.R. § 93.115(c)(1). For purposes of § 93.115, “design concept” refers to “the type
28 of facility identified by the project,” and “design scope” refers to “the design aspects which will

1 affect the proposed facility’s impact on regional emissions.” 40 C.F.R § 93.101.

2 38. Violations of the Clean Air Act’s transportation conformity requirements are
3 reviewable under the APA, 5 U.S.C. §§ 701 et seq.

4 **B. The National Environmental Policy Act**

5 39. Congress enacted NEPA “to promote efforts which will prevent or eliminate damage
6 to the environment” and to “stimulate [human] health and welfare.” 42 U.S.C. § 4321. Recognizing
7 the “profound influences” of “industrial expansion” and other intensive human activity on the natural
8 environment and human health and welfare, NEPA requires the federal government to use all
9 practical means to improve and coordinate federal plans, functions, programs, and resources to
10 “assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing
11 surroundings.” 42 U.S.C. § 4331.

12 40. NEPA is intended to ensure that all federal agencies consider the environmental
13 impacts of their actions in their decision-making processes, thereby making environmental protection
14 part of the mandate of every federal agency. 40 C.F.R. § 1500.1(a).² NEPA fulfills this purpose by
15 requiring that agencies take a “hard look” at the environmental impacts of federal action before the
16 action occurs and by ensuring that “relevant information will be made available to the larger audience
17 that may also play a role in both the decisionmaking process and the implementation of that
18 decision.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349-50 (1989). NEPA’s
19 purpose is not to generate paperwork, but to provide for informed decision-making and excellent
20 agency action. 40 C.F.R. § 1500.1(c).

21 41. NEPA and its implementing regulations require the preparation of a detailed
22 statement, referred to as an Environmental Impact Statement, for all “major Federal actions
23 significantly affecting the quality of the human environment.” 40 C.F.R. § 1502.3; 42 U.S.C.
24 § 4332(C). The EIS must provide a full and fair discussion of significant environmental impacts and
25 inform decision-makers and the public of reasonable alternatives that would avoid or minimize
26 adverse impacts to or enhance the quality of the human environment. 42 U.S.C. § 4332(C); 40 C.F.R.

27 _____
28 ² Citations to NEPA regulations at 40 C.F.R. Part 1500 et seq. are to regulations in effect at the time
of Project approval.

1 § 1502.1.

2 42. An agency’s NEPA review must consider the direct effects of the agency action, as
3 well as “[i]ndirect effects, which are caused by the action and are later in time or farther removed in
4 distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.1(g)(1)-(2). And it must consider
5 “[c]umulative effects, which are effects on the environment that result from the incremental effects of
6 the action when added to the effects of other past, present, and reasonably foreseeable actions,”
7 regardless of what agency or person undertakes those actions. 40 C.F.R. § 1508.1(g)(3). Cumulative
8 effects may “result from individually minor but collectively significant actions taking place over a
9 period of time.” *Id.* The requirement that agencies consider the full range of cumulative effects
10 prevents agencies from “impermissibly subject[ing] the decisionmaking process contemplated by
11 NEPA to the tyranny of small decisions”—that is, from “dividing a project into multiple actions, each
12 of which individually has an insignificant environmental impact, but which collectively have a
13 substantial impact.” *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1078 (9th Cir. 2002)
14 (citations omitted).

15 43. In evaluating the significance of agency action, the agency must consider “both the
16 context and the intensity of the possible effects” and base its decision on consideration of all relevant
17 factors. *Bark v. U.S. Forest Serv.*, 958 F.3d 865, 869 (9th Cir. 2020). Effects that must be considered
18 include ecological, aesthetic, historic, cultural, economic, social, and health effects, whether direct,
19 indirect, or cumulative. 40 C.F.R. § 1508.1(g)(4).

20 44. To determine whether a proposed action significantly affects the environment such
21 that an EIS is required, the lead agency may initially prepare an Environmental Assessment (“EA”).
22 40 C.F.R. §§ 1501.5(a), 1501.5(c)(1). An EA must provide sufficient evidence and analysis of the
23 proposed action’s direct, indirect, and cumulative impacts to determine whether the lead agency must
24 prepare an EIS.

25 45. The lead agency may issue a Finding of No Significant Impact (“FONSI”) only if the
26 EA supports the finding that the proposed action will not have a significant effect on the
27 environment. 40 C.F.R. § 1501.6(a). If at any point the agency determines that the action is likely to
28 have a significant impact on the environment, then the agency must prepare an EIS before proceeding

1 with the action. 23 C.F.R. § 771.119(i); *see Ocean Advocates v. U.S. Army Corps of Eng'rs*, 402 F.3d
2 846, 864 (9th Cir. 2005) (explaining that an “EIS *must* be prepared where ‘substantial questions are
3 raised as to whether a project . . . *may* cause significant degradation of some human environmental
4 factor”” (citation omitted)).

5 46. Courts will set aside a FONSI and require the preparation of an EIS if the FONSI is
6 based on conclusory or perfunctory assertions that do not reflect adequate consideration of relevant
7 factors. *Ocean Advocates*, 402 F.3d at 864, 870.

8 47. Claimed violations of NEPA are reviewed under the Administrative Procedure Act, 5
9 U.S.C. §§ 701-706. The APA confers a right of judicial review on any person that is adversely
10 affected by agency action. 5 U.S.C. § 702. Under the APA, a reviewing court must “hold unlawful
11 and set aside agency action, findings, and conclusions” found to be “arbitrary, capricious, an abuse of
12 discretion, or otherwise not in accordance with law” or “unsupported by substantial evidence” in the
13 record, as well as those found to be “without observance of procedure required by law.” 5 U.S.C.
14 § 706(2).

15 V. FACTUAL BACKGROUND

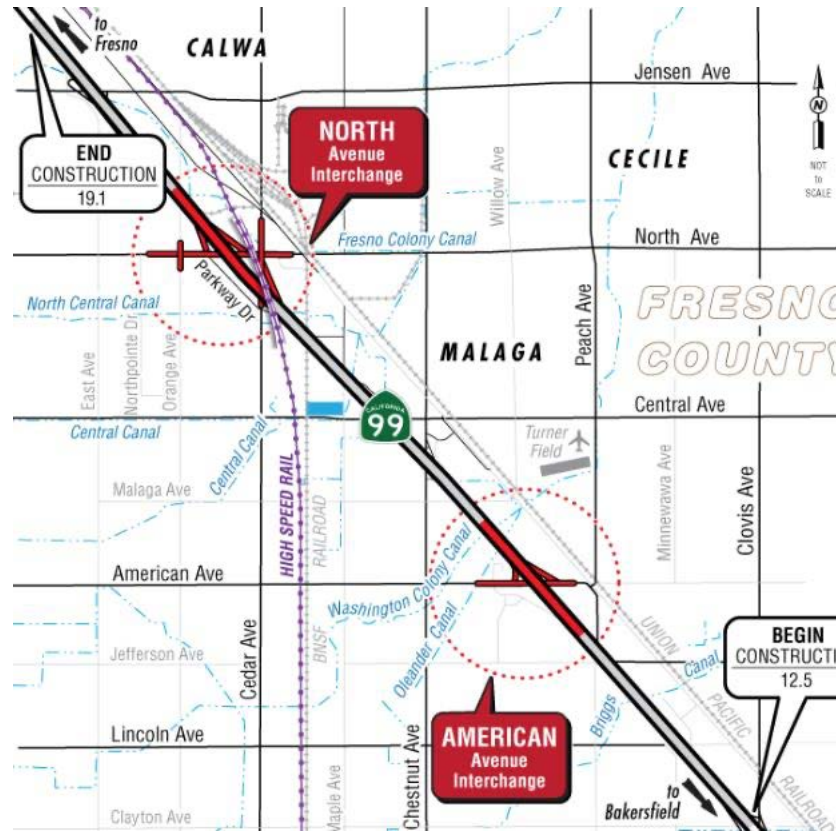
16 A. Community and Environmental Setting

17 Communities within Vicinity of Project Site

18 48. The Project is located at the southern edge of the City in close proximity to multiple
19 communities and neighborhoods which will be directly impacted by the Project. These residential
20 areas, collectively referred to herein as “South Fresno,” are home to thousands of residents living
21 within a mile and a half of the Project site to the east and west of State Route 99. South Fresno
22 neighborhoods include low-income neighborhoods located within the City’s jurisdictional limits and
23 others in unincorporated County but within the City’s planned development trajectory known as its
24 sphere of influence.

25 49. The historic communities of Calwa and Malaga lie within roughly a mile of the
26 Project site and just to the east of State Route 99, as depicted on the Project map below: Calwa just
27 north of the Project’s North Avenue Interchange, and Malaga between the Project’s North Avenue
28 Interchange and its southern American Avenue Interchange. Calwa and Malaga are located in census

1 tracts home to nearly 8,500 people. While Malaga is entirely unincorporated, the eastern portion of
 2 Calwa has been annexed into the City and only the western portion of the community remains
 3 unincorporated.



17 Source: Caltrans, South Fresno State Route 99 Corridor Project Draft Environmental Impact Report,
 18 Figure 1-2.

19 50. South Fresno is served by an array of community assets and sensitive land uses,
 20 including the Sikh Temple Gurdawara Nanaksar (0.6 miles from the Project), Orange Elementary
 21 School (0.85 miles from the Project), and West Fresno Elementary and Middle School (1.4 miles
 22 from the Project). Calwa and Malaga specifically host two elementary schools (both just over a mile
 23 from the Project), numerous residential homes, churches, parks, and local businesses. A juvenile
 24 detention facility housing up to 1,400 children lies just 300 yards from the center of the Project's
 25 American Avenue Interchange site.

26 51. Calwa and Malaga are disproportionately low-income communities of color relative to
 27 North Fresno neighborhoods, Fresno County, and the state as a whole. According to the 2024
 28 American Community Survey, 98.1% of Calwa residents and 89.6% of Malaga residents identify as

1 Hispanic or Latino/a/e. South Fresno communities also qualify as areas as of racially and ethnically
2 concentrated poverty according to a definition adopted by the U.S. Department of Housing and Urban
3 Development. Calwa and Malaga face high rates of household poverty. According to 2023-2024
4 school year data from the California Department of Education, 92.6% of students at Malaga
5 Elementary School and 97.8% of students at Calwa Elementary School qualified for free or reduced-
6 price meals.

7 52. The Project’s location in South Fresno is no accident: The City and County—with
8 which Caltrans is cooperating on the Project—have a long history of government-sponsored
9 segregation and discriminatory land use practices, which have concentrated highways and industrial
10 development in and near South Fresno communities. This history of segregation goes back to at least
11 1873, when the City’s white residents during a town meeting agreed to restrictive covenants that
12 prohibited the sale or rental of housing to immigrants and people of color outside of certain South
13 Fresno neighborhoods. In 1918, the City’s first general plan furthered residential segregation by
14 designating the southern parts of the City both for multi-family housing targeted toward lower-
15 income households and for polluting land uses, leading to the concentration of industrial development
16 in the area’s poorest neighborhoods and in communities of color.

17 53. This history continued into the 1930s, when “redlining maps” created by the quasi-
18 governmental Home Owners’ Loan Corporation (“HOLC”) categorized neighborhood desirability for
19 financial lending based on “risk factors” including neighborhoods’ racial composition and polluting
20 land uses. A 1936 HOLC map for Fresno marked areas in Southwest and Southeast Fresno as red
21 (“Hazardous”) and yellow (“Definitely Declining”), denoting these census tracts as the riskiest for
22 financial investment based on the racial background of their populations and zoning for “business” in
23 the area. Residents and businesses in these neighborhoods were systematically denied mortgages or
24 provided mortgages on unfavorable terms compared to mortgages issued in neighborhoods classified
25 as lower-risk. Like racially restrictive covenants, the HOLC maps both recorded and furthered formal
26 segregation practices. They also drove housing instability, poverty, and the concentration of industrial
27 land uses in and around redlined neighborhoods—patterns which persist today.

28 54. In the 1950s, the construction of State Route 99 further cemented Fresno’s decades-

1 long history of government-sponsored segregation, creating a physical barrier cutting off lower-
2 income South Fresno communities of color from the public and private resources of downtown and
3 wealthier neighborhoods comprised of a greater share of white residents. The establishment of the
4 highway destroyed more than 20 blocks of existing housing; according to news reports, a former
5 member of Fresno County’s Board of Supervisors would refer to the highway as “Fresno’s Berlin
6 Wall.”

7 55. This history affects the current environmental landscape of South Fresno. Truck routes
8 that serve industrial development cut through and surround South Fresno communities, running
9 alongside homes, places of worship, and parks. As a result, Calwa and other communities in
10 Southwest and South Central Fresno experience greater volumes of truck traffic than other census
11 tracts in and around the City, including Northwest and Northeast Fresno neighborhoods.

12 56. South Fresno residents have advocated for years for the City, County, and State to act
13 to redress these disparities, including through the cessation of new industrial facility siting in their
14 neighborhoods, re-routing of truck traffic away from homes and other sensitive land uses, improved
15 environmental quality, and public and private investment in their communities.

16 **Environmental Burdens Concentrated in South Fresno Communities**

17 57. Concentrated development and operation of heavy industrial uses and warehouse
18 facilities, together with heavy-duty truck traffic that serves these uses, expose South Fresno residents
19 to a wide range of negative health, safety, and environmental impacts.

20 56. The development and operation of industrial facilities and the resulting influx of
21 thousands of daily truck trips into South Fresno communities generate diesel emissions, dust, and
22 other unhealthy air emissions, which infiltrate residents’ homes, degrade outdoor air quality, and
23 result in acute and long-term health impacts. Industrial facilities and trucks passing along local
24 roadways also generate significant street noise and ground-borne vibrations, which residents can hear
25 and feel in their homes; nighttime light pollution which disrupts sleep; safety risks to pedestrians,
26 cyclists, and public transit users; and odors, among other impacts. Children growing up in and
27 attending school in South Fresno communities are especially vulnerable to these impacts.

28 57. These impacts occur against a backdrop of already severe air pollution burdens from

1 transportation emissions. EPA has designated the San Joaquin Valley, where the Project is located, in
2 “serious” nonattainment for PM_{2.5} pollution and “extreme” nonattainment for 8-hour ozone. The San
3 Joaquin Valley is also under a maintenance plan to prevent backsliding on PM₁₀ pollution.

4 58. South Fresno bears the hallmarks of severe pollution impacts from the concentration
5 of pollution sources in close proximity to communities, including vehicular and heavy-duty truck
6 traffic. According to CalEnviroScreen, Calwa is more severely impacted by cumulative pollution
7 burdens than 99% of census tracts in the state, and Malaga ranks among the most impacted of all
8 census tracts in the state, falling in the 99.9th percentile for cumulative pollution burden. Similarly,
9 the communities are more burdened by diesel particulate matter (“DPM”)—a carcinogenic air toxin
10 emitted by trucks and industrial operations—than 67% and 70% of California census tracts,
11 respectively.

12 59. Health outcomes for populations in these communities are among the worst in the
13 country. According to EJScreen, EPA’s former tool currently hosted by Public Environmental Data
14 Partners, the census tracts containing Calwa and Malaga have populations with life expectancies
15 lower than 70% or more census tracts in the United States. According to CalEnviroScreen, Calwa and
16 Malaga residents experience more emergency room visits for asthma than 83% and 82% of all census
17 tracts in the state, respectively. South Central and Southwest Fresno experience more emergency
18 room visits than 98% of the state. In addition, Calwa and Malaga both rank in the 71st percentile of
19 census tracts in the state for rates of cardiovascular disease, according to CalEnviroScreen, and
20 Calwa and Malaga residents are exposed to greater cancer-causing toxic releases to air than 80% and
21 75% of census tracts in the country, according to EJScreen. According to a study by the University of
22 California Berkeley Graduate School of Journalism, life expectancy for South Fresno communities is
23 on average 20 years shorter than their North Fresno counterparts just miles away.

24 60. The State Legislature and State agencies, including Caltrans, have recognized the need
25 for concerted action to reverse the environmental disparities, disinvestment, and segregation which
26 impact low-income communities of color across the state, and South Fresno in particular.

27 61. For instance, Senate Bill (“SB”) 1000, Cal. Gov. Code § 65302(h), mandates that local
28 agencies identify and describe disadvantaged communities and include environmental justice policies

1 in their general plans to “reduce the unique or compounded health risks” for those communities.
2 Among other requirements, SB 1000 mandates policies to improve air quality, reduce pollution
3 exposures, and promote safe and sanitary homes for disadvantaged communities. SB 1000 also
4 requires environmental justice policies that “promote civic engagement in the public decisionmaking
5 process.”

6 62. In March 2022, California Attorney General Rob Bonta issued a letter to the County
7 highlighting multiple deficiencies in the draft County General Plan update’s implementation of SB
8 1000. The letter explained that the proposal failed to address the breadth of environmental issues
9 faced by Calwa and Malaga, failed to reduce pollution exposure for disadvantaged communities or
10 buffer existing or new sensitive land uses from many other sources of pollution, and failed to include
11 policies to address housing needs in these communities. The letter further pointed out that the draft
12 General Plan update failed to prioritize improvements and programs that address the needs of
13 disadvantaged communities such as Calwa and Malaga.

14 63. The Attorney General’s letter took particular issue with proposed Policy No. ED-A.7,
15 titled “Locating New Industrial Sites,” which would “encourage the location of new and expanding
16 industry within Fresno County” and provided that the “[i]nitial focus of potential new or redeveloped
17 industrial areas shall include Malaga [and] Calwa” According to the Attorney General, “[t]he
18 County’s ‘clear commitment’ and ‘unequivocal directive’ to prioritize Malaga and Calwa for new or
19 redeveloped industrial sites in light of the known pollution burdens, health risks and population
20 demographics raises civil rights and environmental justice concerns.”

21 **Planned Industrial Campus**

22 64. The County’s and City’s general plans both envision the continued proliferation of
23 industrial development in and around South Fresno communities, including through the development
24 of a nearly 3,000-acre Fresno County Business and Industrial Campus in Malaga (the “Industrial
25 Campus”). As early as 2007, the Fresno County Board of Supervisors began to lay the groundwork
26 for further industrialization in South Fresno, referencing a potential industrial park, which is now
27 coming into fruition. In 2017, the County Board of Supervisors “directed staff to proceed with
28 evaluation of options to develop an industrial area within the unincorporated area of Fresno County

1 with initial focus on the Malaga, Calwa, and the Golden State Industrial Corridor.” Subsequently, at a
2 public meeting in August 2021, the Board voted unanimously to approve a 2,940-acre site bounded
3 by North and American Avenues and by State Route 99 to the west for further study for the proposed
4 Industrial Campus. The Board also directed staff to assess utility and roadway infrastructure
5 availability and needs to support this industrial expansion.

6 65. According to a public statement by a Board member who also sits on the board of the
7 Fresno County Transportation Authority (a Project sponsor), the Project would directly enable the
8 development of the Industrial Campus. The Supervisor acknowledged that the County is “doing the
9 industrial park because it is potentially a fit for this area with these [Caltrans projects] and other
10 improvements” and that “interchange upgrades [are] a help to the industrial park.” Caltrans and the
11 County worked together to ensure that the American Avenue interchange expansion would
12 accommodate truck traffic serving the Campus’s 97 million square feet of building inventory.

13 66. On October 26, 2021, Caltrans engineers met with the County to discuss adapting the
14 Project to accommodate the planned Industrial Campus. During this exchange, the County requested
15 that the American Avenue Interchange be converted from two lanes into four. On December 10,
16 2021, Caltrans again met with the County to further discuss the Project’s accommodation of
17 Industrial Campus infrastructure needs. A Caltrans engineer noted that if the County preferred the
18 four-lane alternative, new traffic projections including the Industrial Campus would be required.
19 Caltrans prepared a document dated December 10, 2021 addressing the question of how to
20 accommodate the County’s request, noting that changing the Project to a four-lane interchange would
21 require “additional environmental consideration.” However, Caltrans ultimately adopted the four-lane
22 concept as requested by the County without producing additional traffic data or conducting further
23 environmental analysis.

24 67. Despite these meetings, Caltrans repeatedly denied knowledge of the Industrial
25 Campus. On March 16, 2023, EPA specifically inquired about the planned Industrial Campus and its
26 connection with the Project in an email to Caltrans requesting that interagency consultation be
27 reopened. On March 30, 2023, a Caltrans representative sent an email to EPA in response stating,
28 “My team has confirmed with the County that there is no planned or approved Industrial Park at this

1 location.”

2 68. Similarly, on May 12, 2023, a representative from CARB emailed Caltrans requesting
3 a more comprehensive analysis of the Project based on “recent land use development proposals that
4 overlap with the Project.” CARB attached to the email a letter dated May 12, 2023 specifically
5 referencing the Industrial Campus. On May 26, 2023, a Caltrans representative sent CARB an email
6 in response stating, “At this time we have no new information that would warrant doing any
7 additional studies for the Project. Fresno County has not prepared any preliminary studies,
8 environmental documents or requested any changes to the General Plan regarding any large scale
9 development near our project.”

10 69. Plaintiffs are informed and believe, and on this basis allege, that Caltrans has not
11 conducted any environmental analysis related to the planned Industrial Campus or its implications for
12 traffic, air quality, and other environmental impacts of the Project.

13 **B. The South Fresno State Route 99 Corridor Project and its Adverse Impacts on South**
14 **Fresno**

15 70. Caltrans has recognized that heavy-duty truck traffic flowing from State Route 99 onto
16 local roadways in South Fresno is already resulting in cracked and deteriorating pavement, potholes,
17 and hazardous conditions for local residents.

18 71. Instead of simply addressing the existing issues, Caltrans proposed to initiate a
19 highway expansion project that would increase heavy-duty truck capacity from State Route 99 into
20 and around South Fresno communities and allow for further industrial expansion in the area,
21 including next to homes, schools, and other land uses with vulnerable populations.

22 72. Currently, vehicles traveling along State Route 99 access local roadways around
23 Calwa and Malaga by way of “half interchanges” at North, Cedar, and American Avenues; these half
24 interchanges separate on- and off-ramps, limiting traffic flow between the highway and local roads.

25 73. The Project would replace the existing half interchanges with two new and expanded
26 “full” highway interchanges. Construction of these interchanges will involve development of new
27 ramps and grade separations at the junction of State Route 99 and North Avenue and American
28 Avenue for the purpose of increasing traffic capacity at the crossings and allowing for bidirectional

1 traffic flow at the interchanges. The Project will also involve construction of a new four-lane bridge
2 structure crossing over State Route 99. Caltrans' combined Environmental Impact
3 Report/Environmental Assessment ("EIR/EA") for the Project states that the interchange expansion is
4 needed to increase capacity for heavy-duty truck traffic and other vehicles entering and exiting State
5 Route 99 from local roadways.

6 74. According to the Project EIR/EA, Caltrans is pursuing the Project in coordination with
7 the Project sponsors, the Fresno County Transportation Authority ("FCTA") and the Fresno Council
8 of Governments, as well as "in cooperation" with the City and County. FCTA's governing board
9 includes elected officials representing the City, County, and other local governments.

10 75. Caltrans entered into Cooperative Agreements with FCTA in which FCTA assumed
11 responsibility for establishing the Project's scope and securing funding, and Caltrans assumed
12 responsibilities for the development of Project plans, serving as the lead agency under CEQA,
13 obtaining permits, awarding construction contracts, and acquiring and developing rights-of-way
14 required for the Project.

15 76. The Project will channel an estimated \$119-146 million of state, local, and regional
16 funds to build out the new interchanges to further industrialization in South Fresno (including the
17 planned Industrial Campus), rather than support efforts that could repair local roadways and improve
18 bicycle and pedestrian infrastructure.

19 77. Caltrans considered just two build alternatives for each interchange, which differed
20 only in their configuration (for instance, a "spread diamond" versus "partial cloverleaf"
21 configuration). Caltrans did not consider alternatives for the Project that would remediate the current
22 infrastructure without increasing traffic capacity.

23 78. According to Caltrans, the Project is part of an "ultimate route concept" for State
24 Route 99 that would expand the highway from six to eight lanes—a 33% increase of road capacity.

25 79. According to the Project EIR/EA, the new interchanges are intended to "serve as main
26 points of access for the existing and developing industrial and commercial businesses" in the South
27 Fresno area. This Project is one of dozens of Caltrans projects planned and ongoing in Caltrans
28 District Six to expand traffic flow along State Route 99. As stated in Caltrans' State Route 99

1 Business Plan, the purpose of these interchange projects is to accommodate expanding industrial
2 development and goods movement along State Route 99.

3 80. The EIR/EA concludes the Project would increase average daily traffic volumes at the
4 American Avenue Interchange by thousands of vehicles by 2046.

5 81. The EIR/EA's air quality report concludes that each Project alternative would increase
6 vehicle miles traveled "because the additional capacity of the interchanges increases the efficiency of
7 the interchanges and allows more direct access to local areas along [State Route] 99."

8 82. As a result of these changes, the Project would adversely affect air quality in the
9 region and South Fresno by increasing particulate matter pollution. In particular, the Project would
10 increase the total emissions of PM₁₀ at the American Avenue Interchange by 65% in 2026 and by
11 nearly 842% by 2046 (from 0.024 pounds/day at baseline to 0.23 pounds per day in 2046). The
12 EIR/EA also identifies a 50% increase in PM_{2.5} pollution at American Avenue by 2026.

13 83. PM_{2.5} particles pose a significant health risk to humans because of their ability to
14 penetrate the lungs and enter the bloodstream. Short and long-term exposure to both PM₁₀ and PM_{2.5},
15 especially at high concentrations, can trigger illness, hospitalization, and premature death from
16 respiratory, cardiovascular and other causes.

17 84. DPM is a type of PM_{2.5} comprised of the solid material emitted in diesel exhaust
18 derived from combustion engines in trucks, industrial operations, construction equipment, and other
19 sources. CARB has identified DPM as a toxic air contaminant due to its carcinogenic properties.
20 DPM also contributes to other health effects associated with PM_{2.5}.

21 85. Nitrogen Oxides (NO_x) are another form of air pollutants emitted from combustion
22 engines and industrial operations. Exposure to NO_x may increase the risk of premature death,
23 cardiopulmonary effects, intensified allergic responses, emergency room visits for asthma, and
24 decreased lung function and growth in children.

25 86. Children, infants, the elderly, and people suffering from heart or lung disease, asthma,
26 or chronic illness are particularly sensitive to the effects of exposure to air pollution. Increased rates
27 of infant mortality, reduced lung function and development, and increased severity of asthma attacks
28 and hospitalization for asthma are among the heightened risks experienced by children and infants

1 compared to adults as a result of air pollution exposure. People of color and people with lower
2 socioeconomic status may also face higher health risks from exposure to particulate matter pollution.

3 87. In addition to operational impacts, the EIR/EA acknowledges that Project construction
4 would cause degradation of air quality due to release of particulate emissions, including CO, NO_x,
5 volatile organic compounds, PM_{2.5}, PM₁₀, and Toxic Air Contaminants like DPM. Based on Caltrans'
6 proposed construction schedule, Project construction is expected to last for over three years, from
7 December 2027 through March 2031.

8 88. The EIR/EA further identifies a significant increase in emissions of carbon dioxide, a
9 greenhouse gas, due to population growth and commercial and industrial development attributable to
10 the Project. By 2046, carbon dioxide emissions would increase by 3,414 tons per year at the
11 American Avenue Interchange and by 4,281 tons per year at the North Avenue Interchange.

12 89. The EIR/EA fails to acknowledge Caltrans' close collaboration with the County to
13 ensure the Project would accommodate the needs of the Industrial Campus, or to account for the
14 Industrial Campus and its additive effects to the impacts disclosed in the EIR/EA. Plaintiffs are
15 informed and believe, and on that basis allege, that the EIR/EA's exclusion of the Industrial Campus
16 resulted in significant underestimation of the Project's likely effects on traffic, air quality, and other
17 impacts.

18 90. Plaintiffs are informed and believe, and on that basis allege, that increased traffic
19 capacity, induced truck and car traffic, increased vehicle miles traveled, induced industrial
20 development, light, glare, aesthetic, air quality, traffic safety, and public health impacts from the
21 Project would be significantly greater than identified in the EIR/EA. Plaintiffs are informed and
22 believe, and on that basis allege, that these impacts would disproportionately, and in some cases
23 exclusively, impact South Fresno communities and South Fresno roadways utilized by traffic on the
24 American Avenue and/or North Avenue Interchanges.

25 91. Plaintiffs are informed and believe, and on that basis allege, that increased traffic
26 capacity and induced truck and car traffic associated with the Project would result in significant noise
27 and ground-borne vibrational impacts, which would negatively affect nearby residential
28 neighborhoods and communities; worsen already significant noise pollution from industrial

1 development, warehouse facilities, highways, and other sources; and contribute to negative public
2 health impacts associated with the Project. Plaintiffs are informed and believe, and on that basis
3 allege, that these impacts would disproportionately, and in some cases exclusively, impact South
4 Fresno communities and South Fresno roadways utilized by traffic that travels on the American
5 Avenue and/or North Avenue Interchanges.

6 92. Plaintiffs are informed and believe, and on that basis allege, that the Project will allow
7 for, incentivize, contribute to, and/or expedite increased industrial buildout in and around South
8 Fresno communities, exacerbating existing traffic, noise, odor, air quality, aesthetic, and other
9 environmental, public health, and housing burdens and reducing the land available to meet residents'
10 needs for access to educational opportunities, medical centers, affordable housing, groceries and fresh
11 food, green space, recreational centers, retail, and other opportunities. Plaintiffs are informed and
12 believe, and on that basis allege, that these impacts would disproportionately, and in some cases
13 exclusively, impact South Fresno communities located close to the Project site and South Fresno
14 roadways utilized by traffic that travels on the American Avenue and/or North Avenue Interchanges.

15 93. Plaintiffs are informed and believe, and on that basis allege, that construction and
16 operation of the Project would exacerbate South Fresno communities' disconnection from downtown
17 and other more affluent neighborhoods with greater access to resources and amenities. Plaintiffs are
18 informed and believe, and on that basis allege, that as a result, the Project will disproportionately
19 negatively impact South Fresno communities by compounding barriers for residents of South Fresno
20 communities to access such resources and amenities.

21 **C. Environmental Review Process, Public Input, and Project Approval**

22 **Draft Environmental Impact Report/Environmental Assessment**

23 94. Caltrans is the public agency with principal responsibility for reviewing the Project
24 under CEQA as well as NEPA, pursuant to assignment by FHWA.

25 95. On March 8, 2019, Caltrans issued a Notice of Preparation that it would prepare a
26 Draft EIR for the Project under CEQA.

27 96. Caltrans issued and circulated the Draft EIR to the public for review and comment
28 under CEQA between October 14, 2021 and December 3, 2021. The Draft EIR specified that the

1 document would also serve as an Environmental Assessment for purposes of NEPA.

2 97. Caltrans did not include technical studies relied on and underlying the Draft EIR/EA
3 in the environmental document or make them publicly available on the Project website. Missing
4 studies referred to in the EIR/EA included but are not limited to: the Noise Impact Study (2020), the
5 Paleontological Evaluation Report (February 2020), the Draft Relocation Impact Study (2020), the
6 Initial Site Assessment (2020), the Historic Resource Evaluation Report (April 2020), the Historic
7 Property Survey Report (May 2020), the Traffic Study (2020), the Location Hydraulics Study and
8 Floodplain Evaluation Report (2018), Community Studies (2018-2022), and a Community Impact
9 Memorandum (2020).

10 98. Plaintiffs are informed and believed, and on that basis allege, that the Community
11 Studies the EIR/EA referenced as the basis for the Community Impact Memorandum do not exist and
12 were never undertaken.

13 99. On November 29, 2021, counsel for Plaintiffs requested that an electronic copy of a
14 Spanish translation of the Draft EIR/EA be made available to the public, and that the comment period
15 be extended to run from the date that the Spanish translation was released.

16 100. Caltrans circulated a Spanish-language version of the Draft EIR/EA for public review
17 and comment from December 15, 2021 to January 28, 2022.

18 101. Despite barriers to public participation, a number of organizations submitted
19 comments expressing concern with the Project. These included written comments by the regional Air
20 District and by a coalition of local community-based organizations and residents, including Plaintiff
21 Fresno BHC. Friends of Calwa hosted meetings with Caltrans on April 22 and August 31, 2022, at
22 which residents and staff expressed concerns that the Project would likely spur more industrial
23 development and generate more truck traffic in the area, worsening air quality and habitability of
24 these communities.

25 102. Comments expressed numerous concerns with the Draft EIR/EA and with Defendants'
26 support for the Project, including but not limited to the following:

27 103. The Draft EIR/EA did not acknowledge the presence of Calwa, Malaga, or any other
28 communities within the Project vicinity, nor did it acknowledge the poor quality of existing

1 environmental conditions in these communities or the particular vulnerability of their residents to
2 added pollution burdens. Rather, the Draft EIR/EA stated that there are “no neighborhoods in or close
3 to the Project area,” that “no minority or low-income populations were identified in the Project area,”
4 that “no sensitive receptors have been identified for this project,” and that “the closest residential
5 neighborhoods [are] over two miles away” despite multiple communities being located within a 1.5
6 mile radius of the Project. The Draft EIR/EA also failed to consider the 1,400-bed juvenile detention
7 facility, the Juvenile Justice Campus, which directly abuts the American Avenue Interchange Project
8 site.

9 104. The Draft EIR/EA did not acknowledge the presence of schools, places of worship,
10 residential neighborhoods, and other sensitive land uses along North Avenue, American Avenue, and
11 other local roads onto which traffic using the Project interchanges flows.

12 105. As a consequence, the Draft EIR/EA failed to record an accurate environmental
13 baseline for the Project or to appropriately consider impacts on sensitive receptors and environmental
14 justice.

15 106. The Draft EIR/EA failed to conduct a reasonably thorough analysis of the Project’s
16 potential, during both construction and operation, to degrade air quality and adversely impact
17 sensitive receptors in the Project vicinity by compounding already severe particulate matter, ozone,
18 and other air pollution. The EIR/EA likewise failed to analyze DPM associated with truck and car
19 traffic and industrial development that would occur as a result of the Project or the potential public
20 health impacts of this pollution on sensitive receptors near the Project site. And it failed to consider
21 dust impacts on sensitive receptors from Project construction and operation or emissions resulting
22 from tire wear.

23 107. The EIR/EA did not consider indirect air quality impacts associated with industrial
24 buildout in South Fresno communities, which the Project is intended to support.

25 108. The Draft EIR/EA’s purported cumulative impacts analysis failed to consider the
26 Project together with similar past, present, and reasonably foreseeable future actions.

27 109. The Draft EIR/EA’s cumulative impacts analysis listed only a handful of
28 “cumulatively considerable projects:” development of the Central Pacific Railroad in the 1870s;

1 construction of the Golden State Highway in 1927, later relocated to its existing site as State Route
2 99 in 1965; ongoing construction of the California High-Speed Rail Project in the Project area; two
3 nearby industrial projects (an Amazon Fulfillment Center and Ulta Beauty Distribution Center);
4 implementation of the 2000 Fresno County General Plan and related Specific Plan; and the 2018
5 Regional Transportation Plan.

6 110. The Draft EIR/EA did not consider in its cumulative impacts analysis similar State
7 Route 99 projects, including the 19 capacity-increasing candidate projects (two in Fresno County), 45
8 operational improvement candidate projects (10 in Fresno County), and three new interchange
9 candidate projects listed in the 2020 Route 99 Business Plan for Caltrans Districts Six and Ten. Nor
10 did Caltrans consider the cumulative impacts of its 2005 Route 99 Corridor Enhancement Master
11 Plan intended to guide public and private sections decisions with the goal of “reliev[ing] congestion
12 and improv[ing] the movement of goods” along State Route 99.

13 111. The Draft EIR/EA did not consider cumulative impacts of the Project together with the
14 numerous existing and planned industrial facilities in the Project area other than the Amazon
15 Fulfillment Center and Ulta Beauty Distribution Center. Nor did it consider the impacts of the Project
16 together with the planned Industrial Campus, for which the Project was specifically tailored.

17 **Transportation Conformity Determination**

18 112. In the Draft EIR/EA, Caltrans acknowledged that as a regionally significant project
19 located in an area subject to approved State Implementation Plans for PM_{2.5} and ozone and a
20 Maintenance Plan for PM₁₀, the Project is subject to Clean Air Act transportation conformity
21 requirements. These include a project-level hot-spot analysis to assess the Project’s potential to result
22 in localized particulate matter pollution, a determination that the Project comes from a conforming
23 RTP and FTIP, reasonable opportunity for interagency consultation, and a proactive public
24 involvement process.

25 113. In July 2020, Caltrans circulated a memorandum to interagency consultation partners
26 requesting concurrence that the Project is not a Project of Air Quality Concern and that no hot-spot
27 analysis would be necessary to determine transportation conformity for the Project.

28 114. The interagency consultation memorandum failed to notify consultation partners of

1 Caltrans' determination that the Project would worsen PM_{2.5} and PM₁₀ pollution at the American
2 Avenue Interchange. The memorandum also failed to notify consultation partners of Caltrans'
3 determination that the Project would affect multiple intersections with a significant number of diesel
4 vehicles at an existing LOS of D or F and others that would change to an LOS of D or E due to
5 increased traffic volumes from a significant number of diesel vehicles related to the Project. The
6 memorandum stated that the Project would serve only "already established commercial and retail
7 industry," thereby failing to notify consultation partners that the Project would foreseeably result in
8 increased diesel truck traffic and other sources of particulate matter pollution by inducing new
9 industrial development. The memorandum also informed consultation partners that significant
10 projected increases in average annual daily truck traffic would be due to "normal anticipated
11 population increases" despite significant evidence that these increases were specifically attributable
12 to the Project. The interagency consultation memorandum further failed to notify consultation
13 partners of the Industrial Campus that had been in planning since at least 2007, or to account for
14 traffic and emissions associated with the Campus in its analysis, despite the close coordination
15 between the County and Caltrans to co-design the projects.

16 115. Plaintiffs are informed and believed, and on that basis allege, that Defendants did not
17 make the July 2020 interagency consultation memorandum or supporting technical documentation
18 readily available to the public.

19 116. In August 2020, FHWA and EPA concurred on the basis of the July 2020 interagency
20 consultation memorandum that the Project was not a Project of Air Quality Concern.

21 117. On or about September 2, 2022, Caltrans submitted to FHWA a request for a project-
22 level conformity determination for the Project. In its August 22, 2022 cover letter requesting the
23 determination, Caltrans asserted that the Project is listed in the Fresno Council of Governments'
24 Amendment No. 3 to the 2021 FTIP and Formal Amendment No. 5 to the 2018 RTP. As supporting
25 documentation, Caltrans submitted an Air Quality Conformity Analysis dated August 2022 ("2022
26 Analysis").

27 118. In its August 2022 Air Quality Conformity Analysis, Caltrans cited an earlier January
28 2021 Air Quality Report ("2021 Report") for the source of the data in the 2022 Analysis. However,

1 there exist significant discrepancies between the data in the 2021 Report and the data used in the
2 2022 Analysis. For example, Caltrans concludes in the 2022 Analysis that proportional truck traffic
3 will be reduced at the North Avenue Interchange if the Project is built, while the 2021 Report shows
4 the opposite. The 2022 Analysis offered no explanation for the discrepancies between the data in the
5 two reports.

6 119. Despite their discrepancies, the data in the 2022 Air Quality Conformity Analysis and
7 2021 Air Quality Report both reflect that diesel truck traffic would increase if the Project were built
8 relative to if it were not built. The 2022 Analysis attributes the increase in truck traffic entirely to
9 normal anticipated population growth even though Caltrans predicted significantly more diesel traffic
10 under the Build alternatives compared to No Build alternatives in the same years.

11 120. The data in the 2022 Analysis reflects that the Project would impact existing
12 interchanges with current LOS of C and D. The analysis projected a degradation or maintenance in
13 LOS at almost every existing interchange in 2026 and 2046. The new interchanges created by the
14 Project would range between LOS B and LOS F.

15 121. The 2022 Analysis did not address the potential for the Project to induce new
16 industrial development and attendant truck traffic or affect nearby sources of pollution, including
17 industrial and goods movement facilities. The 2022 Analysis did not address or acknowledge the
18 planned Industrial Campus and did not produce new traffic data based on knowledge of Industrial
19 Campus traffic projections and its reliance on the Project's interchanges.

20 122. Despite the projected increases in diesel truck traffic and worsening traffic congestion
21 attributable to the Project, Caltrans nevertheless concluded in the 2022 Air Quality Conformity
22 Analysis that the Project meets transportation conformity requirements without a hot-spot analysis.

23 123. Plaintiffs are informed and believe, and on that basis allege, that Defendants did not
24 perform a hot-spot analysis for the Project to assess its potential to contribute to localized violations
25 of PM_{2.5} or PM₁₀ pollution.

26 124. Plaintiffs are informed and believe, and on that basis allege, that Defendants did not
27 provide the 2022 Air Quality Conformity Analysis to interagency consultation partners before
28 requesting concurrences that the Project was not a Project of Air Quality Concern or to formally

1 reopen interagency consultation for the conformity determination on the basis of new information set
2 forth in the 2022 Analysis.

3 125. Caltrans' 2022 Air Quality Conformity Analysis states that the Project is included in
4 the regional emissions analysis for the Fresno Council of Governments' 2018 RTP found by FHWA
5 to conform to the SIP on July 26, 2018. The 2022 Analysis also states that the Project is listed in the
6 Fresno Council of Governments' FTIP adopted on July 26, 2018 and found by FHWA to conform to
7 the SIP on April 16, 2021.

8 126. In the 2022 Analysis, Caltrans' description of the applicable FTIP references two
9 different FTIPs: the 2019 FTIP, approved by the Fresno Council of Governments on July 28, 2018,
10 and 2021 FTIP, found to conform on April 16, 2021.

11 127. Neither the referenced RTP nor FTIP includes the Project in its approved form in their
12 list of projects considered for their conformity analyses. The 2018 RTP includes a project described
13 as "[o]n Route 99 in Fresno County and near Fresno, from 0.1 mile north of Clovis Avenue
14 Undercrossing to 0.1 mile south of Church Avenue Undercrossing," with a projected cost of more
15 than \$130 million. By contrast, the 2019 FTIP lists a project identified as the "South Fresno
16 Interchange Project," which it describes as "Environmental engineering for modifying interchanges"
17 on State Route 99 between American and North Avenues, with a total projected cost of \$3 million.
18 By letter dated October 3, 2022, FHWA determined that the Project conforms with applicable State
19 Implementation Plans. FHWA's conformity determination recognized that the Project is in an area
20 designated as in nonattainment for ozone and PM_{2.5} pollution but did not acknowledge the Project's
21 potential to conflict with the Maintenance Plan for PM₁₀ pollution.

22 128. Plaintiffs are informed and believe, and on that basis allege, that Defendants did not
23 notify the public of the 2022 Air Quality Conformity Analysis and its supporting technical
24 documentation or provide an opportunity for public review and comment on the 2022 Analysis before
25 FHWA issued its October 3, 2022 conformity determination for the Project.

26 129. FHWA's 2022 conformity determination states that the Project is included in the
27 Fresno County of Governments' "current Regional Transportation Plan (RTP) and Transportation
28 Improvement Program (TIP), as amended."

1 130. Plaintiffs are informed and believe, and on that basis allege, that Defendants did not
2 make an adequate determination that the Project comes from a conforming regional transportation
3 plan and TIP, or alternatively, that the Project satisfies the criteria and procedures that apply for
4 regional transportation plans, TIPs, and FHWA projects.

5 131. On March 16, 2023, EPA requested that Caltrans reopen interagency consultation on
6 the ground that EPA’s concurrence was not informed by information about the Industrial Campus and
7 its connection to the Project. The EPA also forwarded this request to FHWA representatives. In
8 addition to denying knowledge of the Industrial Campus, a Caltrans representative stated that no new
9 information was available that would warrant reopening interagency consultation.

10 132. On May 12, 2023, CARB sent Caltrans a letter requesting a more comprehensive
11 analysis of the Project based on the proposed Industrial Campus, noting that Caltrans released the
12 draft EIR/EA over a month after the Fresno County Board of Supervisions approved the initial
13 feasibility study for the proposed Industrial Campus. CARB urged Caltrans to consider the adverse
14 air quality effects likely to result from the Project’s effect on industrial development in the
15 surrounding areas.

16 **Final EIR/EA and Project Approval**

17 133. The Final EIR/EA, released January 2023, set forth a new alternative not included or
18 considered in the Draft EIR/EA—a hybrid of Alternatives 1 and 2 for the American Avenue
19 Interchange—which Caltrans identified as the Preferred Alternative along with Alternative 2 for
20 North Avenue. The final EIR/EA failed to analyze multiple categories of environmental impacts for
21 the Hybrid Alternative, including but not limited to a traffic and air quality analysis.

22 134. In response to comments, the Final EIR/EA defended Caltrans’ decision not to
23 consider impacts on Calwa, Malaga, and other adjacent communities and sensitive land uses, instead
24 deeming them “outside the Project area.” In support of this finding, the Final EIR/EA reduced the
25 Project area for the environmental justice and community cohesion analysis from two miles in the
26 Draft EIR/EA to 0.5 miles, asserting that the Project area in the Draft EIR/EA was “incorrectly
27 labeled.” Caltrans declined to update the substantive analyses in the EIR/EA to consider impacts on
28 these and other adjacent communities. The Final EIR/EA also did not consider the impacts on the

1 nearby Juvenile Justice Campus, although the detention facility falls within the redrawn 0.5-mile
2 Project area at only 300 yards from the proposed American Avenue Interchange expansion.

3 135. The Final EIR/EA dismissed Plaintiffs’ concerns relating to the Project’s potential air
4 quality impacts and their associated public health impacts on the basis of FHWA’s determination and
5 EPA’s concurrence that the Project would not result in new violations of the Clean Air Act and on the
6 basis that the Project would “benefit traffic circulation.”

7 136. Caltrans adopted the new Hybrid Alternative for the American Avenue Interchange
8 and Alternative 2 for North Avenue as the Project and certified the Final EIR/EA.

9 137. Together with issuance of the Final EIR/EA, Caltrans issued a FONSI for the Project
10 under NEPA, dated January 24, 2023. The FONSI stated that the Hybrid Alternative at American
11 Avenue and Alternative 2 at North Avenue “will have no significant impact on the human
12 environment,” without further analysis or explanation.

13 138. Caltrans did not provide a public comment period on the FONSI, despite requests by
14 Plaintiffs’ counsel.

15 **D. Proceedings on Remand from this Court**

16 139. Plaintiffs filed this action against Caltrans and FHWA stating claims for violations of
17 NEPA and CEQA on March 8, 2023 and amended on June 22, 2023 to add claims against FHWA
18 and USDOT for violations of the Clean Air Act transportation conformity requirements.³

19 140. On December 4, 2023, Defendants moved for a voluntary remand of FHWA’s
20 conformity determination for the Project. On December 21, 2023, this Court granted Federal
21 Defendants’ motion for voluntary remand, vacated all deadlines associated with claims against
22 Federal Defendants, and held Plaintiffs’ claims against Federal Defendants in abeyance pending the
23 outcome of the remand proceedings.

24 141. On May 31, 2024, FHWA issued a public notice published in the Federal Register
25 reopening the period for public comments on “certain technical analyses underlying its October 3,
26 2022, Project Level Conformity Determination” through July 14, 2024. FHWA released for public

27 _____
28 ³ On October 19, 2023, this Court entered an Order granting Caltrans’ Motion to Dismiss as to the state law claims only, which Plaintiffs had refiled in Fresno Superior Court on October 2, 2023.

1 review and comment two documents—the 2020 interagency consultation memorandum and 2022 Air
2 Quality Conformity Analysis—but did not release for public review additional documents on which
3 FHWA based its determination. Plaintiffs submitted comments on July 14, 2024 on the numerous
4 factual and legal deficiencies in the conformity analysis, together with an expert report critiquing the
5 conformity determination. South Fresno residents submitted both written and oral comments
6 expressing concern with the adequacy of FHWA’s analysis and with the Project’s impacts on air
7 quality in this overburdened area.

8 142. On June 20, 2024, Defendants held a public meeting in Malaga to discuss the Clean
9 Air Act conformity determination, which was attended by over 50 concerned residents and other
10 community stakeholders. Caltrans failed to provide signage to the meeting, resulting in residents
11 struggling to identify the location; failed to explain the nature of the Project, the meaning of a
12 transportation conformity determination, or the analyses on which FHWA was seeking comment; and
13 failed to provide translation and interpretation services for the predominantly Spanish-speaking
14 residents of South Fresno.

15 143. On January 17, 2025, EPA sent a letter to FWHA requesting an update on the timing
16 and process for reopening interagency consultation for the Project. In the letter, EPA shared concerns
17 regarding impacts from the anticipated business and industrial development as well as whether
18 FHWA planned to supplement the traffic data provided in the August 2022 Air Quality Conformity
19 Analysis. Specifically, EPA stated, “We believe this data is relevant to EPA’s assessment of whether
20 the Project is one of air quality concern.”

21 144. On March 12, 2025, FWHA held an interagency consultation meeting on the Project,
22 which was closed to the public. According to FHWA, the purpose of the meeting was to provide a
23 high-level update on the remand process and collect interagency partner comments on the 2022
24 conformity determination and Caltrans’ 2022 Air Quality Conformity Analysis. Plaintiffs are
25 informed and believe, and on that basis allege, that FHWA and Caltrans did not prepare any further
26 analysis to inform interagency consultation.

27 145. At the meeting, Caltrans provided a brief presentation summarizing the Project, its
28 prior traffic findings, and conformity analysis. Caltrans’ presentation also stated that the Project had

1 been listed in the Fresno Council of Governments' 2019 FTIP Formal Amendment No. 12 and 2018
2 RTP Formal Amendment No. 3. The presentation did not compare the Project listings with the
3 Project's approved design concept and scope.

4 146. According to meeting minutes, interagency consultation partners, including EPA and
5 CARB, expressed concerns with the adequacy of Caltrans and FHWA's consideration and production
6 of data and information about traffic volumes, the Project scope and exclusion of the Industrial
7 Campus from the analysis, and community input, among other concerns.

8 147. On September 29, 2025, FHWA issued a letter to Caltrans' District Six Director
9 recording FHWA's decision to affirm its October 3, 2022 conformity determination. FHWA stated
10 that it was not necessary to reopen the 2022 conformity determination or issue a new conformity
11 determination as a result of the remand process and consideration of public comment and interagency
12 consultation partner input. FHWA did not identify or disclose any underlying analysis explaining its
13 decision to affirm the prior determination. On the same day, FHWA filed a Notice of Agency Action
14 noticing the completion of FHWA's administrative process following the Court's remand of the
15 challenged agency action.

16 **VI. CAUSES OF ACTION**

17 **FIRST CAUSE OF ACTION**

18 **VIOLATIONS OF THE CLEAN AIR ACT**

19 **(Against Defendants FHWA and USDOT)**

20 148. Plaintiffs incorporate herein by reference the allegations contained in the foregoing
21 paragraphs.

22 149. The Project is subject to transportation conformity requirements and rules imposed by
23 § 176(c) of the Clean Air Act, 42 U.S.C. § 7506(c), and its implementing regulations, 40 C.F.R. Part
24 93.

25 150. Defendants FHWA and USDOT violated § 176(c) of the Clean Air Act and its
26 implementing regulations by failing to provide for legally adequate public and interagency
27 consultation on transportation conformity; by failing to assess PM_{2.5} and PM₁₀ conformity using a
28 quantitative hot-spot analysis; by failing to ensure that the Project comes from a conforming

1 Transportation Improvement Program and Regional Transportation Plan; and by relying on faulty
2 data and analysis to support its decision to reaffirm its 2022 conformity determination. These
3 violations are subject to judicial review under the APA, 5 U.S.C. §§ 701-706.

4 151. Defendants also violated the law by failing to consider the Project's potential to
5 conflict with, and by supporting, approving, and funding the Project despite its inconsistency with the
6 applicable Maintenance Plan for PM₁₀ pollution and SIPs for PM_{2.5} and ozone in violation of 42
7 U.S.C. § 7506(c)(1).

8 152. As a result of these violations, Defendants' determination of transportation conformity
9 is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law, in violation
10 of the Clean Air Act and its implementing regulations and the APA, 5 U.S.C. § 706(2)(A). Likewise,
11 Defendants' support for, approval of, and financing of the Project without making a legally adequate
12 determination that the Project conforms to the approved ozone and PM_{2.5} SIPs and PM₁₀ Maintenance
13 Plan are arbitrary, capricious, and an abuse of discretion.

14 153. These deficiencies include, without limitation, the following:

15 **Failure to Conduct a Hot-Spot Analysis**

16 154. Defendants' decision not to perform a particulate matter hot-spot analysis for the
17 Project was arbitrary, capricious, and not in accordance with the law.

18 155. Defendants' conclusion that the Project was not a Project of Air Quality Concern and
19 did not require a hot-spot analysis to assess PM_{2.5} and PM₁₀ conformity conflicts with the evidence
20 before Defendants that the Project would: (1) expand State Route 99 by increasing the number of
21 highway lanes and interchange capacity, creating a significant increase in the number of diesel
22 vehicles, 40 C.F.R. § 93.123(b)(1)(i); and (2) affect intersections that are at LOS D, E, or F with a
23 significant number of diesel vehicles and others that will change to such LOS because of increased
24 traffic volumes resulting from the Project, 40 C.F.R. § 93.123(b)(1)(ii). Defendants acted arbitrarily,
25 capriciously, and in violation of FHWA regulations by determining that the Project fell within none
26 of the categories mandating a hot-spot analysis under 40 C.F.R § 93.123(b)(1) despite this evidence
27 and by relying on factors not in the regulations to circumvent the requirement to conduct a hot-spot
28 analysis.

1 156. Defendants acted arbitrarily, capriciously, and in violation of the law by failing to
2 consider whether the Project would result in increased PM_{2.5} and PM₁₀ emissions by affecting
3 existing and planned nearby sources of particulate matter pollution, including industrial and goods
4 movement facilities. Defendants failed to consider the environmental effects of the planned Industrial
5 Campus, even though Caltrans designed the American Avenue Interchange to accommodate County
6 requests to provide infrastructure to support Industrial Campus truck traffic. Defendants failed to
7 incorporate traffic projections attributed to the Industrial Campus into the conformity analysis,
8 despite the conclusions of Caltrans engineers and an internal memo that such analysis was required
9 for environmental consideration including air quality conformity.

10 157. Defendants acted arbitrarily, capriciously, and in violation of the law by failing to
11 consider whether the Project would result in a significant increase in diesel truck traffic by inducing
12 further industrial development and truck traffic.

13 158. As a result of these violations, Defendants failed to make a legally adequate
14 determination that the Project would not cause or contribute to any new localized particulate matter
15 pollution violations, increase the frequency or severity of such violations, or delay timely attainment
16 of the particulate matter NAAQS. 40 C.F.R. § 93.116(a). Defendants' determination of transportation
17 conformity for the Project was thus arbitrary, capricious, an abuse of discretion, and otherwise not in
18 accordance with law in violation of the Clean Air Act and its implementing regulations and the APA,
19 5 U.S.C. § 706(2)(A).

20 **Failure to Come from a Conforming Regional Transportation Plan and Transportation**
21 **Improvement Plan**

22 159. Defendants' finding that the Project comes from a conforming RTP and FTIP as
23 required by 42 U.S.C. § 7506(c)(2)(C) and 40 C.F.R. § 93.115 was arbitrary, capricious, an abuse of
24 discretion, and not in accordance with the law. The Project's design concept and scope have changed
25 significantly from those described in the operative Regional Transportation Plan and Federal
26 Transportation Improvement Program and in a manner that would significantly impact use of the
27 facility, in conflict with the criteria prescribed by 40 C.F.R. §§ 93.115(b)(1) and (c)(1). Defendants
28 also incorrectly concluded that the Project's design concept and scope were adequate at the time of

1 the FTIP conformity determination to determine its contribution to the FTIP’s regional emissions, in
2 violation of 40 C.F.R. § 93.115(c)(1).

3 160. Defendants failed to perform an analysis demonstrating that the projected emissions
4 from the Project, together with emissions projected for the conforming RTP and FTIP, do not cause
5 exceedances of emission reduction projections and schedules as required for projects that, as here, do
6 not come from a conforming plan and program. 42 U.S.C. § 7506(c)(2)(D).

7 161. Defendants failed to demonstrate that the Project satisfies the conformity criteria and
8 procedures under 40 C.F.R. § 93.109(b) for FHWA projects.

9 162. Defendants failed to conduct an analysis as to whether the Project is consistent with
10 the relevant motor vehicle emissions budget for the area as required for projects that do not come
11 from a conforming RTP and FTIP. 40 C.F.R. § 93.118(a).

12 **Inadequate Interagency Consultation**

13 163. Defendants failed to provide a “reasonable opportunity for consultation” on project-
14 level transportation conformity with the EPA and other consultation partners. 40 C.F.R.
15 § 93.105(a)(2). In particular, Defendants failed to notify consultation partners of evidence indicating
16 that the Project qualifies as a type of project requiring a quantitative hot-spot analysis under 40
17 C.F.R. § 93.123(b), including because it is projected to: worsen particulate matter pollution at
18 affected interchanges; result in a significant increase in the number of diesel vehicles; affect multiple
19 intersections with a significant number of diesel vehicles at a level-of-service of D, E, or F or those
20 that would change to such level-of-service because of increased diesel traffic resulting from the
21 Project; and foreseeably result in increased diesel truck traffic and other sources of particulate matter
22 pollution by inducing new industrial development or affecting nearby existing and planned sources of
23 pollution, including the Industrial Campus and other industrial and goods movement facilities.

24 164. Defendants failed to provide the August 2022 Air Quality Conformity Analysis to
25 interagency consultation partners before requesting concurrences that the Project was not a Project of
26 Air Quality Concern or to formally reopen consultation for the 2022 conformity determination on the
27 basis of new information and reasoning set forth in the Analysis.

28 165. Defendants failed to consult with interagency consultation partners on important

1 considerations affecting assessment of localized PM_{2.5} and PM₁₀ violations, including the geographic
2 area and emissions sources to be covered by the analysis, nearby sources affected by the Project, and
3 background particulate matter pollution concentrations, as required by EPA's October's 2021 PM
4 Hot-spot Guidance.

5 166. Defendants failed to consult with interagency consultation partners on whether the
6 Project should be considered to have a significant change in design concept and scope from the RTP
7 and TIP, in violation of 40 C.F.R. § 93.105(c)(1)(ii).

8 167. Defendants provided misleading and incomplete information and data to interagency
9 consultation partners, resulting in internally inconsistent and inaccurate conclusions pertaining to
10 traffic impacts and air quality considerations that are unsupported by their own data analyses.

11 168. Defendants failed to adequately consider interagency consultation partners' concerns
12 about the Project. In particular, FHWA failed to consider transportation projections associated with
13 the planned Industrial Campus, failed to supplement incomplete traffic data, failed to address
14 concerns regarding the adequacy of responses to public comments, and failed to address concerns
15 with the basis for its conclusion that the Project does not qualify as a Project of Air Quality Concern.

16 169. Defendants failed to reopen the October 2022 conformity determination for further
17 analysis on the basis of interagency consultation partner concerns.

18 **Inadequate Public Consultation**

19 170. Defendants failed to provide a proactive public involvement process on its
20 transportation conformity determination as required by the transportation conformity regulations, 40
21 C.F.R. § 93.105(e).

22 171. Defendants failed to provide legally adequate public notice or an adequate opportunity
23 for public review and comment on transportation conformity and the reasoning, data, and analysis
24 underlying its determination. In particular, Defendants failed to provide reasonable public access to
25 technical and policy documents on which its 2022 conformity determination and subsequent 2025
26 reaffirmation were based, and it failed to cure the defects in public noticing and consultation on
27 remand.

28 172. Defendants failed to provide meaningful opportunity for Spanish-speaking residents to

1 consult on the air quality conformity determination. Defendants did not provide Spanish interpreters
2 and translators at the June 20, 2024 public meeting on transportation conformity despite being made
3 aware that residents in attendance would require such services. Nor did Defendants make residents
4 aware that they would be required to bring their own translators to the public meeting until the
5 meeting was already underway.

6 173. Defendants failed to provide critical information about the purpose, scale, and impacts
7 of the Project necessary to allow the public to fully understand its air quality implications. This
8 includes information about the 3,000-acre Industrial Campus planned in coordination with the
9 Project, other development that will be affected by the Project, and expected traffic increases related
10 to planned and projected industrial development as well as induced traffic from the interchange
11 expansions.

12 174. Defendants failed to disclose interagency partners' concerns that Caltrans omitted vital
13 information about planned industrial development connected to the Project, as well as concerns
14 related to air quality degradation from the Project.

15 **SECOND CAUSE OF ACTION**

16 **VIOLATIONS OF NATIONAL ENVIRONMENTAL POLICY ACT**

17 **(Against Defendant Caltrans)**

18 175. Plaintiffs incorporate herein by reference the allegations contained in the foregoing
19 paragraphs.

20 176. Caltrans has failed to prepare adequate environment review documents, to satisfy its
21 duty to provide full and good faith public disclosure of the Project's impacts, and to provide for
22 public comment and participation in the public review process, in violation of NEPA and its
23 implementing regulations. 42 U.S.C. § 4331; 40 C.F.R. § 1500.1–.6.

24 177. As a result of these violations, Caltrans' NEPA documentation, FONSI, and approval
25 of the Project are arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with
26 law, in violation of NEPA and its implementing regulations and are subject to judicial review under
27 the APA, 5 U.S.C. §§ 701-706.

28 178. These deficiencies include, without limitation, the following:

Failure to Prepare an EIS

1
2 179. Caltrans unlawfully failed to prepare an EIS even though substantial evidence in the
3 record showed that the Project is likely to cause significant impacts on the environment. 23 C.F.R.
4 § 771.123(a).

5 180. Caltrans failed to prepare an EIS even though substantial questions were raised about
6 the significance of multiple factors, such as adverse effects on air quality, public health, and safety,
7 and possible violation of federal and state laws and local planning processes meant to protect the
8 environment. 40 C.F.R. § 1501.3(b); *see Ocean Advocates*, 402 F.3d at 864 (requiring that an “EIS
9 *must* be prepared if ‘substantial questions are raised as to whether a project . . . *may* cause significant
10 degradation of some human environmental factor’”) (citation omitted).

11 181. Caltrans erred in issuing a FONSI despite evidence in the record showing the
12 existence of significant adverse environmental effects, including but not limited to Caltrans’ findings
13 that the Project would have significant and unavoidable impacts on GHG emissions.

14 182. Caltrans erred in its determination of environmental significance by failing to consider
15 appropriately the relevant context and intensity of possible environmental effects, including direct,
16 indirect, and cumulative effects. *See Bark v. U.S. Forest Serv.*, 958 F.3d 865, 869-72 (9th Cir. 2020)
17 (affirming that a significance determination “includes considerations of both the context and the
18 intensity of the possible effects.”)

19 183. Caltrans’ FONSI was conclusory and did not reflect adequate consideration of relevant
20 factors necessary for understanding the environmental effects of the Project. *Ocean Advocates*, 402
21 F.3d at 864.

Inadequacy of Environmental Assessment

22
23 184. Caltrans failed to consider the full extent of direct, indirect, and cumulative effects of
24 the Project by limiting consideration of impacts to only those within the “Project area,” which the
25 EIR/EA narrowly defined as “all properties that would be potentially purchased and converted to
26 transportation use” within a half mile from the center of the new interchanges. This narrow definition
27 fails to acknowledge, despite substantial evidence in the record, that impacts of the Project extend
28 beyond its immediate physical footprint. As a result, the EIR/EA improperly omits from its

1 description of the environmental setting any acknowledgment of the thousands of residents in Calwa,
2 Malaga, and other impacted communities, and it fails to consider impacts on these residents and other
3 sensitive receptors and land uses within 1.5 miles of the Project, including schools, places of worship,
4 and businesses. Further, the EIR/EA failed to consider the unique risks of the Project to impacted
5 disadvantaged communities whose members are particularly vulnerable to environmental effects.

6 185. The EIR/EA failed to consider the effects of the Project when combined with other
7 similar past, present, and reasonably foreseeable future projects—including the numerous related
8 Caltrans District Six highway expansion projects planned or undertaken along the State Route 99
9 Corridor under Caltrans’ State Route 99 Corridor Enhancement Master Plan and State Route 99
10 Business Plan, as well as industrial buildout in South Fresno such as the planned Industrial Campus.

11 186. The EIR/EA failed to adequately analyze the Project’s impacts on important sources
12 of air pollution emissions impacting nearby communities, including NO_x, dust, and emissions
13 associated with tire wear, as well as pollution resulting from further industrial buildout facilitated by
14 the Project.

15 187. The EIR/EA’s findings regarding the Project’s impacts on air quality, health, dust
16 exposure, scenic vistas and public views, light and glare, noise, vibration, environmental justice, and
17 other resources are unsupported by substantial evidence in the record, in violation of the APA, 5
18 U.S.C. § 706(2)(E), and the EIR/EA fails to articulate a satisfactory explanation establishing a
19 rational connection between the facts found and the conclusions made.

20 188. The EIR/EA’s conclusory finding that the Project was not a Project of Air Quality
21 Concern and did not warrant a Hot-Spot Analysis is not supported by substantial evidence in the
22 record.

23 189. The EIR/EA failed to consider a reasonable range of alternatives, as required by
24 NEPA and its implementing regulations, including alternatives that would address existing traffic
25 safety impacts on local communities and deterioration of local roadways without expanding traffic
26 flow and capacity, causing air pollution and other adverse impacts, or inducing additional industrial
27 buildout in South Fresno. Likewise, the EIR/EA violated NEPA by defining the Project’s objectives
28 so narrowly as to exclude a meaningful analysis of reasonable, less impactful, alternatives.

1 **Failure to Provide for Public Participation**

2 190. Caltrans failed to ensure that all relevant information about the Project and its
3 environmental effects was made available to the public by failing to acknowledge the existence of
4 impacted vulnerable communities and by failing to include adequate discussion of environmental
5 justice, air quality, and other impacts in the EIR/EA. *See* 42 U.S.C. § 4332(2)(C); 40 C.F.R.
6 § 1500.1(a).

7 191. Caltrans failed to make technical information, studies, and reports relied on and
8 incorporated into the EIR/EA and data underlying the EIR/EA’s findings and conclusions readily
9 available to the public.

10 192. Caltrans failed to provide meaningful opportunity for Spanish-speaking residents to
11 participate in the NEPA process. In particular, Caltrans only released a Spanish translation of the
12 EIR/EA following requests, despite the majority of residents in nearby communities speaking
13 Spanish as their primary language. Caltrans also failed to make readily available Spanish-language
14 versions of studies and reports relied on by and incorporated into the Final EIR/EA.

15 193. Caltrans failed to adequately respond to public comments on the EIR/EA.

16 194. Caltrans failed to allow for public review of the FONSI even though the Project is
17 closely similar to one that ordinarily requires an EIS. 40 C.F.R. § 1501.6(b)(2)(i).

18 **VII. REQUEST FOR RELIEF**

19 WHEREFORE, Plaintiffs request that the Court grant the following relief:

- 20 1) For declaratory judgment that Defendant Caltrans’ policies, practices, and conduct
21 regarding this Project violate the APA, NEPA, and NEPA’s implementing regulations.
- 22 2) For declaratory judgment that Defendants FHWA and USDOT have violated the
23 Clean Air Act and the APA, and that the transportation conformity determination for
24 the Project was *void ab initio* and provided no lawful basis for granting any approval
25 or authorization of federal funds in reliance thereon.
- 26 3) Vacate Defendants FHWA’s and USDOT’s approvals and authorization of funding for
27 the Project and Defendant Caltrans’ approval of the Project.
- 28 4) Issue a preliminary and permanent injunction ordering Defendants to cease

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constructing and operating the Project, and from taking any action to implement, fund, or initiate any portion or aspect of the Project, unless and until they comply with NEPA and the Clean Air Act.

- 5) Award Plaintiffs their reasonable attorneys’ fees, costs, expenses, and disbursements associated with this action.
- 6) Grant Plaintiffs such additional relief as the Court may deem just and proper.

Respectfully submitted,

DATED: April 20, 2026

ENVIRONMENTAL JUSTICE LAW AND
ADVOCACY CLINIC
Jerome N. Frank Legal Services Organization

By: /s/ Stephanie Safdi
Stephanie L. Safdi

DATED: April 20, 2026

LEADERSHIP COUNSEL FOR JUSTICE AND
ACCOUNTABILITY

By: /s/ Michael Claiborne
Phoebe Seaton
Michael Claiborne

Attorneys for Plaintiffs
FRIENDS OF CALWA, INC. and FRESNO
BUILDING HEALTHY COMMUNITIES

EXHIBIT A

March 8, 2023

Crown Quadrangle
559 Nathan Abbott Way
Stanford, CA 94305-8610
Tel 650 725-8571
Fax 650 723-4426
www.law.stanford.edu

Via U.S. Mail

Attorney General Rob Bonta
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

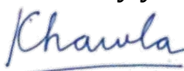
**Re: Friends of Calwa, Inc. and Fresno Building Healthy Communities v.
California Department of Transportation and Federal Highway
Administration**

Dear Attorney General Rob Bonta,

Enclosed please find a copy of the Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") in the above-captioned action. Petitioners and Plaintiffs Friends of Calwa, Inc. and Fresno Building Healthy Communities filed suit against the California Department of Transportation ("Caltrans") for failure to observe the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations section 15000 et seq., in the administrative process that culminated in Caltrans' decision to approve the South Fresno State Route 99 Corridor Project on January 30, 2023 and certify the Environmental Impact Report for this Project, as noticed in Caltrans' Notice of Determination dated February 6, 2023. The Petition also states claims against Caltrans and the Federal Highway Administration for violations of the National Environmental Policy Act, 42 U.S.C. section 4321 et seq., arising out of these approvals and the issuance of a Finding of No Significant Impact for the Project.

A copy of the Petition is provided to you in compliance with Public Resources Code section 21167.7 and Code of Civil Procedure section 388.

Sincerely yours,



Kiran Chawla, Certified Law Student
Jacqueline M. Maldonado, Certified Law Student
Stephanie L. Safdi, Supervising Attorney

ENVIRONMENTAL LAW CLINIC
Mills Legal Clinic at Stanford Law School

PROOF OF SERVICE

At the time of service, I was over 18 years of age **and not a party to this action**. I am employed in the County of Santa Clara, State of California. My business address is 559 Nathan Abbot Way, Stanford CA 94305

On March 8, 2023, I served true copies of the following document(s) described as:

NOTICE OF FILING CEQA LITIGATION

on the parties in this action as follows:

Attorney General Rob Bonta
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the person at the address listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the Stanford Environmental Law Clinic's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on March 8, 2023 at Stanford, California.



Ana Villanueva

June 22, 2023

Crown Quadrangle
559 Nathan Abbott Way
Stanford, CA 94305-8610
Tel 650 725-8571
Fax 650 723-4426
www.law.stanford.edu

Via U.S. Mail

Attorney General Rob Bonta
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

Re: Friends of Calwa, Inc. and Fresno Building Healthy Communities v. California Department of Transportation and Federal Highway Administration, et al., Case No. 1:23-cv-00353-JLT-EPG

Dear Attorney General Rob Bonta,

Enclosed please find a copy of the First Amended Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Amended Petition") in the above-captioned action. Petitioners and Plaintiffs Friends of Calwa, Inc. and Fresno Building Healthy Communities filed suit against the California Department of Transportation ("Caltrans") for failure to observe the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations section 15000 et seq., in the administrative process that culminated in Caltrans' decision to approve the South Fresno State Route 99 Corridor Project on January 30, 2023 and certify the Environmental Impact Report for this Project, as noticed in Caltrans' Notice of Determination dated February 6, 2023.

The Amended Petition also states claims against Caltrans for violations of the National Environmental Policy Act, 42 U.S.C. section 4321 et seq., and against the U.S. Department of Transportation and the Federal Highway Administration under the Clean Air Act, 42 U.S.C. section 7506(c), arising out of these approvals, the issuance of a Finding of No Significant Impact for the Project, and determination of transportation conformity for the Project. Additional civil rights claims are made against Caltrans under California Government Code sections 11135 and 8899.50.

A copy of the Amended Petition is provided to you in compliance with Public Resources Code section 21167.7 and Code of Civil Procedure section 388.

Sincerely yours,



Jacqueline M. Maldonado, Certified Law Student
Stephanie L. Safdi, Supervising Attorney

Rica V. Garcia, Supervising Attorney

ENVIRONMENTAL LAW CLINIC
Mills Legal Clinic at Stanford Law School

PROOF OF SERVICE

At the time of service, I was over 18 years of age **and not a party to this action**. I am employed in the County of Santa Clara, State of California. My business address is 559 Nathan Abbot Way, Stanford CA 94305

On June 22, 2023, I served true copies of the following document(s) described as:

NOTICE OF FILING AMENDED CEQA PETITION

on the parties in this action as follows:

Attorney General Rob Bonta
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the person at the address listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the Stanford Environmental Law Clinic's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on June 22, 2023 at Stanford, California.



Ana Villanueva

EXHIBIT B

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

April 20, 2026

Via U.S. Mail

Attorney General Rob Bonta
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

Re: Friends of Calwa, Inc. and Fresno Building Healthy Communities v. California Department of Transportation, U.S. Department of Transportation, and Federal Highway Administration, et al., 23-cv-00353-JLT-EPG (E.D. Cal.)

Dear Attorney General Rob Bonta,

Enclosed please find a copy of the Second Amended and Supplemental Complaint for Declaratory and Injunctive Relief ("Second Amended Complaint") in the above-captioned action. This action challenges the environmental reviews and approvals of the South Fresno State Route 99 Corridor Project ("Project") by Defendants California Department of Transportation ("Caltrans"), U.S. Department of Transportation ("USDOT"), and Federal Highway Administration ("FHWA"), as well as their respective administrators and directors in their official capacities. Specifically, this Second Amended Complaint states claims against Caltrans for violations of the National Environmental Policy Act, 42 U.S.C. § 4321 et seq. and the Administrative Procedure Act, 5 U.S.C. § 701 et seq. ("APA"), as well as claims against the USDOT and FHWA for violations of the Clean Air Act, 42 U.S.C. § 7401 et seq. and APA.

The above-captioned action is related to the action Friends of Calwa, Inc., et al. v. Caltrans, et al., 23CECG04109 (Fresno Superior Court), which states claims against Caltrans for its review and approval of the Project under the California Environmental Quality Act, Public Resources Code § 21000 et seq., Government Code section 11135, and Government Code section 8899.50.

A copy of this Second Amended Complaint is provided to you in compliance with Code of Civil Procedure section 388.

Sincerely yours,

A handwritten signature in black ink that reads "Jane Lord-Krause". The signature is written in a cursive style with a horizontal line underneath it.

Jane Lord-Krause, Student Attorney
Maria Michalos, Student Attorney
Elizabeth Stevenson, Student Attorney
Stephanie L. Safdi, Supervising Attorney
ENVIRONMENTAL JUSTICE LAW AND
ADVOCACY CLINIC
Jerome N. Frank Legal Services
Organization

PROOF OF SERVICE

At the time of service, I was over 18 years of age and not a party to this action. My work address is 127 Wall Street, New Haven CT 06511.

On April 20, 2026, I served a true and correct copy of the following document:

NOTICE OF FILING OF SECOND AMENDED AND SUPPLEMENTAL COMPLAINT

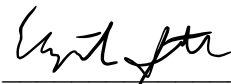
on the Attorney General of the State of California pursuant to California Code of Civil Procedure section 388 at the following address:

Attorney General Rob Bonta
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

BY MAIL: I caused the enclosed document to be placed in a sealed envelope or package addressed to the person at the address listed above for collection and mailing, following our ordinary business practices. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on April 20, 2026.



Elizabeth Stevenson