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City of San Clemente

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF ORANGE

12  
13 CITY OF SAN CLEMENTE, a California  
municipal corporation

14 Petitioner and Plaintiff,

15 v.

16 FOOTHILL/EASTERN  
17 TRANSPORTATION CORRIDOR  
AGENCY, a Joint Powers Agency;  
18 BOARD OF DIRECTORS OF THE  
FOOTHILL/EASTERN  
19 TRANSPORTATION CORRIDOR  
AGENCY;  
20 COUNTY OF ORANGE, a political  
subdivision of the State of California;  
21 BOARD OF SUPERVISORS OF THE  
COUNTY OF ORANGE;  
22 STATE OF CALIFORNIA  
DEPARTMENT OF  
23 TRANSPORTATION, a state agency;  
MALCOLM DOUGHERTY, acting in his  
24 official capacity as Director of the  
California Department of Transportation,  
25 and DOES 1 through 100, inclusive,

26 Respondents and  
27 Defendants.  
28

**DEEMED VERIFIED PURSUANT  
TO CODE OF CIVIL  
PROCEDURE SECTION 446**

**EXEMPT FROM FILING FEES  
PURSUANT TO GOV. CODE § 6103**

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange  
**07/28/2017** at 06:09:49 PM  
Clerk of the Superior Court  
By Sarah Loose, Deputy Clerk

Case No. 30-2017-00934703-CU-PT-CXC

**VERIFIED PETITION FOR  
PEREMPTORY WRIT OF MANDATE;  
COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

**[California Environmental Quality Act;  
Code of Civ. Proc. §§ 1060, 1085, and 1094.5;  
Pub. Res. Code §§ 21168 and 21168.5]**

Judge William Claster  
Dept: CX102

1 possession of or otherwise authorize the construction of a major thoroughfare in the Avoidance  
2 Area; (2) CalTrans lacks the authority to rescind and/or preclude state highway and/or freeway  
3 routes and/or alignments dually adopted by the State Legislature and/or CTC; and (3) even if  
4 CalTrans did have such authority, the Protective Agreement improperly restricts the authority of  
5 CalTrans and/or the CTC to designate the appropriate route/alignment for SR 241 following  
6 appropriate environmental review, a noticed public hearing, and an opportunity for public  
7 comment and deliberation.

8 124. Furthermore, an actual controversy has arisen and now exists between the City and  
9 Respondents, in that the City contends, and Respondents dispute, that any alignment approved  
10 concerning the southern portion of the Foothill Transportation Corridor segment of SR-241 must  
11 connect to Route 5 south of San Clemente near Basilone Road in San Diego County. The City  
12 contends, and Respondents dispute, that any alignment for the southern portion of the Foothill  
13 Transportation Corridor segment of the SR-241 connecting to Route 5 in the City of San  
14 Clemente does not, and cannot, conform to the route description for SR-241 as set forth in Streets  
15 and Highways Code section 541.

16 125. The Legislature establishes the framework for the State Highway System by  
17 specifically describing each route in the California Streets and Highways Code. This description  
18 establishes the route corridor and the termini of the route. The Streets and Highways Code  
19 section 541 currently describes the SR-241 route as "Route 5 south of San Clemente to Route 91  
20 in the City of Anaheim." (Emphasis added) While the CTC selects the exact location of the  
21 route, the specific alignment must conform to the route described in the statute. (See Cal. Str. &  
22 High. Code, § 75 [empowering the CTC to "[s]elect, adopt, and determine the location of State  
23 highways on routes authorized by law" (emphasis added)]; see also CalTrans Project  
24 Development Procedures Manual Ch. 23, Art. 1.) The Legislature intended Route 241 to bypass  
25 San Clemente and connect to Route 5 in San Diego County, as confirmed by the map employed  
26 and relied upon by legislators throughout the legislative history for Streets and Highways Code  
27 section 541. (Exhibit "E.")

28 126. Additionally, an actual controversy has arisen and now exists between the City and