



Judicial Council of California

520 Capitol Mall, Suite 600 · Sacramento, California 95814-4717

Telephone 916-323-3121 · Fax 916-323-4347

PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

MICHELLE CURRAN
Administrative Director

April 14, 2025

Hon. Isaac Bryan
Chair, Assembly Natural Resources Committee
1021 O Street, Suite 5630
Sacramento, California 95814

Subject: Assembly Bill 35 (Alvarez) as introduced – Oppose

Dear Assembly Member Bryan:

The Judicial Council regrettably must oppose AB 35, which requires an action or proceeding brought to attack, review, set aside, void, or annul the approval of a clean hydrogen environmental assessment or the issuance of a discretionary permit or authorization for a clean hydrogen transportation project, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

CEQA actions are already entitled to calendaring preference “over all other civil actions” in both the superior courts and the Courts of Appeal pursuant to section [21167.1\(a\)](#) of the Public Resources Code. Imposing the 270-day timeline on top of existing calendar preferences is arbitrary and likely to be unworkable in practice. This limited timeframe is especially restrictive if the court of appeal or the California Supreme Court must also decide some portion of a CEQA case. Even assuming that no extensions of time are granted for any aspect of the proceedings, it takes an estimated six months to get a case to hearing in the superior court, plus the additional time for the judge to decide and issue a decision.

When everything is a priority, nothing is a priority. The courts are overwhelmed with the task of managing complicated calendars with myriad cases – each of which often comes with delays due to extension requests by counsel – but with finite resources and finite hours in the day. As with other legislation creating or prioritizing calendaring preferences, the expedited judicial review requirements proposed by AB 35 will likely have an adverse impact on other cases in the courts,

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so setting a timeline for deciding CEQA cases has the practical effect of pushing other cases on a court's docket to the back of the line. This means that those other cases – including statutorily mandated calendar preferences, such as juvenile cases, criminal cases, civil cases in which a party is at risk of dying, wage theft cases, election issues – will likely take longer to be calendared and adjudicated.

For these reasons, the Judicial Council opposes AB 35.

Should you have any questions or require additional information, please contact Heather Resetarits at 916-323-3121 or at heather.resetarits@jud.ca.gov.

Sincerely,



Cory T. Jasperson
Director
Governmental Affairs

CTJ/HR/jh

cc: Members, Assembly Natural Resources Committee
Hon. David Alvarez, Member of the Assembly, 80th District
Lawrence Lingbloom, Chief Consultant, Assembly Natural Resources Committee
Casey Dunn, Consultant, Assembly Republican Caucus Committee
Jith Meganathan, Deputy Legislative Secretary, Office of the Governor
Michelle Curran, Administrative Director, Judicial Council of California