

# In the Supreme Court of the State of California

**CITY AND COUNTY OF SAN FRANCISCO,**

**Plaintiff and Appellant,**

**v.**

**REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al.,**

**Defendants and Respondents.**

Case No. S242835

First Appellate District, Division One, Case No. A14450  
San Francisco County Superior Court, Case No. CPF-14-513-434  
Honorable Marla J. Miller, Judge

## **ANSWER BY THE BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY TO PETITION FOR REVIEW**

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## **INTRODUCTION**

The Board of Trustees of the California State University (CSU) agrees with the Board of Directors of Hastings College of the Law that the petition for review should be denied, and CSU will not repeat the points made in that answer here. CSU submits this separate answer only to note facts relevant to CSU and to CSU parking stations located on the campus of San Francisco State University (SFSU).

The Court of Appeal correctly determined that the City's effort to compel CSU to collect a tax from students, employees, and visitors who use these parking stations violates the settled rule that state entities performing a governmental function are exempt from local regulation, absent the state's consent. (Slip opn., p. 17.)

Further review by this court in this fact-bound case is not warranted.

## **DISCUSSION**

It is a fact of modern life that a significant portion of the state's university students travel to school by private vehicles. The Legislature has thus authorized CSU "to acquire...real property and to construct, operate, and maintain motor vehicle parking facilities and other transportation facilities thereon for state University officers, employees, students or other persons." (Ed. Code, § 89701, subd. (a).) The Legislature has appropriated all parking revenues received by CSU, to the extent not pledged in connection with university bonds or notes, for the "acquisition, construction, operation, and maintenance" of university parking facilities and for the "study, development, enhancement, operation, and maintenance of alternative methods of transportation" for CSU officers, students, and employees. (Ed. Code, § 89701, subd. (b)(3).)

CSU and SFSU are located in an urban environment where parking is scarce. (CT 191 at ¶ 24.) CSU owns and operates nine parking stations on

SFSU's campus on a non-profit basis to provide parking for students, employees, and visitors. (CT 190 at ¶11; CT 192 at ¶ 31.) Students, employees, and visitors to the campus must park either in these campus lots or attempt to park on crowded city streets. (CT 189 at ¶ 7.) They use virtually all of the parking available at the campus. (CT 190 at ¶ 8.)

The trial court correctly found that each of the on-campus parking stations is integral to fulfilling SFSU's educational mission. (CT 191 at ¶ 24, CT 560.)

### CONCLUSION

Further review by this court is not warranted, and the petition should be denied.

Dated: July 24, 2017

Respectfully submitted,

XAVIER BECERRA  
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/s/ ROBERT E. ASPERGER

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**CERTIFICATE OF COMPLIANCE**

I certify that the attached Answer by The Board of Trustees of the California State University to Petition for Review uses a 13-point Times New Roman font and contains 387 words.

Dated: July 24, 2017

XAVIER BECERRA  
Attorney General of California

/s/ ROBERT E. ASPERGER

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**DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL**

Case Name: City and County of San Francisco v. Regents of the University of California, et al.  
No.: **S242835**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically. Participants in this case who are not registered with TrueFiling will receive hard copies of said correspondence through the mail via the United States Postal Service or a commercial carrier.

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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 24, 2017, at Sacramento, California.

N. Mosely  
\_\_\_\_\_  
Declarant

*/s/ N. Mosely*  
\_\_\_\_\_  
Signature



STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **SAN FRANCISCO, CITY AND COUNTY OF v. REGENTS OF THE  
UNIVERSITY OF CALIFORNIA**

Case Number: **S242835**

Lower Court Case Number: **A144500**

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Date

/s/Robert Asperger

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Office of the Attorney General

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