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604 Plover Court
Bakersfield, CA 93309-1336
May 13, 2013

ENTERED
Office of Proceedings
May 13, 2013
Part of Public
Record

Cynthia T. Brown, Chief
Section of Administration
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

RE: Finance Docket No. 35724, California High-Speed Rail Authority - Construction
Exemption - in Merced, Madera and Fresno Counties, California

1. PETITION FOR EXEMPTION
2. MOTION TO DISMISS PETITION FOR EXEMPTION OF CALIFORNIA HIGH-SPEED RAIL AUTHORITY

Clarification of California High-Speed Rail Authority Letter filed May 10, 2013

Dear Ms. Brown:

In reviewing the May 10, 2013 “reply” letter (Reply Letter) submitted by the California High-Speed Rail Authority (Authority), there appears to be a significant inconsistency between the way the Authority described the scope of the requested exemption in its Petition for Exemption (Petition) and the way it described the scope in its Reply Letter.

Specifically, the Authority’s Petition states that the exemption would apply to “construction of a 29-mile segment of the Merced to Fresno HST Section” Later in the document, at the bottom of page 4, the Authority again references a “29-mile segment of the Merced to Fresno HST Section, from north of Fresno through the City of Fresno.”¹

But in the first paragraph of its Reply Letter, the Authority states that the Petition concerns “approximately 65 miles of a dedicated high-speed passenger rail line between Merced and Fresno, California.” The Authority later, in the second paragraph of its letter, again refers to “this initial 65-mile segment” as the “only portion of the planned system now before the Board.”

This significant inconsistency of material facts in the Petition and the Reply Letter makes it difficult, if not impossible, for both the Board and those in opposition to the Petition to understand the scope of the Petition and evaluate whether the segment of the line at issue in the Petition is consistent with the transportation policies outlined in 49 USC Section 10101.

¹ It is known from newspaper accounts and other sources that this segment begins at approximately Avenue 17 near Madera and goes to American Avenue south of Fresno which is about 29 miles.

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The Board should require the Authority to clarify whether its Petition concerns a 29-mile segment from Madera to Fresno or a 65-mile segment from Merced to Fresno.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Descary". The signature is fluid and cursive, with a prominent loop at the end of the last name.

William C. Descary

Cc: Congressman Kevin McCarthy, 23rd District, CA