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

Re: STB Finance Docket No. 35724 (Sub-No. 1).

California High-Speed Rail Authority's Petition for Exemption of Fresno to Bakersfield HST Section.

Dear Ms. Brown:

I have previously appeared in this proceeding, and I submit herewith my objection to the California High-Speed Rail Authority (Authority) being granted leave to file a reply to those who filed replies to the Authority's Petition for Exemption (of the Fresno to Bakersfield HST Section), filed September 26, 2013.

The Authority's Request for Leave unabashedly acknowledges 49 C.F.R. section 1104.13(c), the Board's rule against allowing "a reply to a reply." This time-honored rule was adopted many years ago for justifiable reasons and has served the Board well since. While section 1104.11 expressly provides that a party's request for "leave to amend any document is a matter of the Board's discretion," there is no such language in section 1104.13. Hence, it does not appear that the Board is given the discretion to grant an exception to the prohibition against filing a reply to a reply. The difference in the two rules is clear and unmistakable: The Board has no power to grant leave to file a reply to a reply, and I noticed that the Authority has not cited any legal authorities establishing otherwise.

Besides, from an administrative policy point of view, it would be a terrible mistake for the Board to grant the Authority leave to file its "reply to a reply." It would profoundly undermine the rule and would encourage participants in future proceedings to make the same request. Not only would this consume significant Board and staff time reviewing and acting upon such prohibited requests, it would also invite appeals on grounds that the denials were arbitrary and capricious.

It is also unfortunate that the Authority filed its 16-page "Reply" concurrent with its Request for Leave, and we would hope that the Board would admonish the Authority for doing so. This

behavior is tantamount to presenting evidence or making an argument to a jury before the trial court has ruled to allow such evidence or argument. Even though the Board may disregard the Authority's proffered Reply, it can still create the unwanted impression that the Reply may have poisoned the well; that the contents of the Reply may have influenced the Board's ultimate decision regarding the Authority's Petition for Exemption.

In conclusion, I trust that the Board will not hesitate in promptly denying the Authority leave to file its attempted Reply.

Respectfully submitted,

Michael E. LaSalle