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VIA E-FILING

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April 12, 2013

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

ENTERED  
Office of Proceedings  
April 12, 2013  
Part of Public Record

**Re: STB Finance Docket No. 35724, California High-Speed Rail Authority—Construction Exemption—In Merced, Madera and Fresno Counties, California**

Dear Ms. Brown:

This letter responds to certain concerns raised by sixteen parties<sup>1</sup> in letters to the Surface Transportation Board (“Board”) in the above-referenced docket.<sup>2</sup> On March 27, 2013, the California High-Speed Rail Authority (“Authority”) filed in this docket (1) a Petition for Exemption (“Petition”) from the prior approval requirements of 49 U.S.C. § 10901 for the construction of the Merced to Fresno HST Section of the Authority’s HST System, and (2) a Motion to Dismiss that Petition for lack of jurisdiction.

The letters do not substantively address the Petition for Exemption standard of 49 U.S.C. § 10502 that is at issue in this proceeding. However, the letters urge the Board to “initiate a review”<sup>3</sup> of the Authority’s proposed high-speed train system and “open this project to a full investigation.”<sup>4</sup> As detailed in the Authority’s Petition, the exemption process provided by 49 U.S.C. § 10502 from the detailed application procedures of 49 U.S.C. § 10901 is the appropriate means by which the Board should consider and authorize the construction of the Authority’s proposed project, if the Board decides that it has jurisdiction over the project.

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<sup>1</sup> (1) Kings County Board of Supervisors; (2) Darlene Rodriguez; (3) Charlene & Richard Hook; (4) Chowchilla Water District; (5) Michael E. LaSalle; (6) Dewey and Karen Allen; (7) Karen Stout; (8) Chowchilla Elementary School District; (9) Chowchilla Union High School District; (10) David Rogers, Supervisor, District 2, County of Madera; (11) Preserve Our Heritage; (12) Donald P. Wagner, California State Assembly Member, 68th District; (13) Findley M. Upton Family Trust; (14) Frank Oliveira; (15) Aaron Fukuda; and (16) Alan Scott.

<sup>2</sup> The Authority responded to the reply deadline extension requests of four additional parties on April 11, 2013.

<sup>3</sup> Kings County at 2.

<sup>4</sup> Rodriguez at 2, Hook at 2, Allen at 2, Stout at 1.

The letters also state general concerns about the feasibility of constructing the Authority's HST System. Through the Authority's filings in the above-referenced docket, the Authority seeks at this time the Board's permissive authority to construct only the Merced to Fresno HST Section of its larger HST System, or a determination that the Board does not have jurisdiction over such construction. The Authority has identified construction funds for, and completed a full environmental review of, this Merced to Fresno HST Section.

Finally, the letters express general concerns about the environmental impacts of the Authority's HST System construction. As set forth in the Petition, the Authority and its federal partners have thoroughly reviewed the proposed construction of the Merced to Fresno HST Section from an environmental and historic perspective, and have complied with all applicable environmental and historic resource laws. Specifically, the environmental analysis documents prepared by the Authority and its partners address the issues raised by the letters.<sup>5</sup> In its Petition, the Authority requests that the Board adopt this review, and today the Board has issued a Notice of Adoption Recommendation.<sup>6</sup>

If you have any questions, please contact me.

Respectfully submitted,



Linda J. Morgan  
*Attorney for California High-Speed Rail Authority*

Enclosure

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<sup>5</sup> See, e.g., Final EIR/EIS, Vol. 1 §§ 3.2 (Transportation), 3.8 (Hydrology and Water Resources), 3.12 (Socioeconomics, Communities, and Environmental Justice), 3.13 (Station Planning, Land Use, and Development), 3.14 (Agricultural Lands), and Final EIR/EIS, Vol. 4, ch. 16 (Standard Responses) at 14-16 (agricultural land impacts), 30-33 (impact on agricultural communities), 46 (school transportation). The Final EIR/EIS is available at <http://www.cahighspeedrail.ca.gov/final-eir-m-f.aspx>.

<sup>6</sup> 78 Fed. Reg. 22031 (Apr. 12, 2013).

## CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2013, I served the foregoing RESPONSE OF CALIFORNIA HIGH-SPEED RAIL AUTHORITY TO REQUESTS FOR EXTENSION OF TIME TO REPLY upon the following parties of record in this proceeding:

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