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STB Finance Docket No. 35724
PROTEST TO CHSRA PETITION FOR EXEMPTION

This Protest is made in response to the Petition for Exemption filed by the California High Speed Rail Authority ("CHSRA"). The undersigned strongly urges the Surface Transportation Board (STB) to undertake a full review of the proposed project, on the basis that key elements of the proposed project are inconsistent with national rail policies, as set forth in Section 10101 of Title 49, United States Code.

I. BASIS OF PROTEST

The project proposed by the CHSRA is the largest, most complex, and most expensive rail project ever to come before the Board. The current estimate for the entire project is from \$68 to \$100 billion dollars. \$3.3 billion dollars in federal funds have already been put at risk. As currently proposed, all costs of the proposed project would be paid for with public funds, and NO private funding has been identified. Because this project is so different from the privately funded projects typically reviewed by the Board, the STB needs to undertake a thorough evaluation of the proposed project, to make sure that it will, in fact, conform to the national policies set out in Subsections (4) and (5) of Section 10101. If the STB will conduct such a full evaluation, the undersigned is confident that it will determine that the proposed project will undermine, not achieve, what our national rail policies require.

Pursuant to Section 10101, the STB is supposed to "ensure the development and continuation of a sound rail transportation system..." and to "foster sound economic conditions in transportation..." In fact, the proposed project will not advance, "a sound rail transportation system," and it will specifically undermine and disrupt existing passenger rail transportation services in the California Central Valley. In other words, the proposed project will be a "setback," not an advance, for rail transportation in California and the nation. It also appears that the proposed project will interfere with existing freight transportation service. Additionally, the proposed project is not only economically unsound in and of itself, but will actually undermine present, as well as future, "sound economic conditions in transportation."

II. CONCLUSION

The STB has a legal duty to evaluate whether or not the proposed project, the first truly high speed rail project in the nation, will in fact conform to our national rail policies. The STB should not grant this huge project an "exemption," but should do a full investigation. While this process may take longer than the CHSRA desires, the CHSRA has only itself to blame for that. Well knowing that it needed STB approval, the CHSRA made a conscious decision not to make the required application in a timely manner. Therefore, the undersigned urges the Board to take the following actions at this time:

1. Deny CHSRA's petition for exemption;
2. Direct the CHSRA to apply for permission under section 10901 to construct the proposed new rail lines;

3. Conduct such hearings as are appropriate; and
4. If necessary, seek an injunction forbidding any construction until the Board has concluded its proceedings under section 10901.

Respectfully submitted,

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Dated: May 7, 2013
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