

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 35724

**CALIFORNIA HIGH SPEED RAIL AUTHORITY  
– CONSTRUCTION –  
IN MERCED, MADERA AND FRESNO COUNTIES, CALIFORNIA**

**COMMENTS OF VARIOUS RAIL UNIONS REGARDING  
THE BOARD’S JURISDICTION OVER THE  
CALIFORNIA HIGH SPEED RAIL PROJECT  
AND REPLY TO PETITION FOR EXEMPTION**

**INTRODUCTION AND SUMMARY OF POSITION**

The Brotherhood of Maintenance of Way Employees Division/IBT (“BMWED”), the Brotherhood of Railroad Signalmen (“BRS”), the Brotherhood of Locomotive Engineers and Trainmen (“BLET”), the International Brotherhood of Electrical Workers (“IBEW”), the American Train Dispatchers Association (“ATDA”), and the National Conference of Firemen & Oilers District of Local 32BJ, SEIU (“NCFO”), the unions that represent railroad maintenance of way employees, signal workers, locomotive engineers, electrical and communications workers, train dispatchers, and mechanical shop laborers and hostlers, respectively, on a national basis on all of the Class I rail carriers<sup>1</sup>, (“Unions”) submit these comments regarding the Board’s jurisdiction over the California High-Speed Rail Authority’s (“Authority”) proposal to construct a high speed passenger rail system in California, and in reply to the Authority’s petition for an exemption under 49 U.S.C. §10502 from the prior approval requirements of 49 U.S.C. §10901

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<sup>1</sup> The train dispatchers employed by Union Pacific Railroad Company currently are not represented.

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for the Authority to start construction of the first part of that high speed passenger rail system – a line that will connect with the interstate rail system.

The Unions support California’s plan to add to the Nation’s passenger rail network by constructing new high speed passenger rail lines; and they applaud the start of the project by construction which will begin with the segment running between Merced and Fresno. The Unions also agree with the Board’s decision served April 18, 2013 that denied the Authority’s motion to dismiss its petition for an exemption and held that the Board has jurisdiction over the construction of these new railroad lines.

Although the Board did not set forth its rationale for denial of the motion to dismiss and assertion of jurisdiction at that time, the Unions agree that the Board’s conclusion was correct. Among other things the Unions submit that the Authority’s motion for dismissal was premised on flawed and inapplicable precedent, was contrary to the mandate of the ICC Termination Act, and was not supported by the Board’s prior decision in *All Aboard Florida–Operations LLC–Construction and Operation Exemption*, F.D. 35680 (December 21, 2012) 2012 WL 6659923, the precedent on which the Authority heavily relied in its motion to dismiss. The Unions further submit that *All Aboard Florida* was incorrectly decided, that Vice Chairman Mulvey’s dissent correctly applied the statute to the facts of that case, and that the reasoning of that dissent is even more compelling in the instant case.

In reply to the petition for exemption, the Unions contend that although the project would otherwise require the Board’s approval under 49 U.S.C. §10901, they agree with the Authority that, under the standards of 49 U.S.C. §10502, the project may and should be exempted from the prior approval requirements of Section 10901.

## FACTS

In addition to the facts set forth in the Authority's submissions and in the Board's April 18 decision, the Unions respectfully refer the Board to information about the entire project that is readily available on the Authority's own website ([www.cahighspeedrail.ca.gov](http://www.cahighspeedrail.ca.gov)). That information offers strong support for the Board's assertion of jurisdiction.

The Authority's motion to dismiss described the its current project as the simple construction of a line between Merced and Fresno, but noted that the project would change and stated that the Authority would advise the Board of changes as they developed. However, the description of the project in the Authority's filings was "sparse," to be charitable, with respect to its scope. While technically correct in noting that the initial construction would involve a stand-alone line from Merced to Fresno, the Authority omitted considerable pertinent information about the nature and scope of the project. Plainly, the project is much more than mere construction of a stand-alone line between Merced and Fresno. Rather, the segment to be built between Merced and Fresno is just the first of nine segments that together comprise a much larger 800-mile project that will connect to the interstate rail system and allow passengers to connect to trains moving on that system at multiple locations. Authority Motion to Dismiss at 3.

The Authority's web site page titled "Project Vision and Scope" (Exhibit 1) states that the project will "initially run[] from San Francisco to Los Angeles/Anaheim via the Central Valley and later to Sacramento and San Diego, high speed trains will travel between LA and San Francisco in under 2 hours and 40 minutes, at speeds of up to 220 mph, and will interconnect with other transportation alternatives providing an environmentally friendly option to traveling by plane or car"; there will be "800 miles of track ...up to 24 stations." A page titled "California

High-Speed Rail Big Picture (Exhibit 2) contains a map showing connections with Amtrak's Surfliner Service and the "Northern California Unified Service (San Joaquin/Capitol/ACE)." A page titled "High Speed Rail Connectivity and Bookends" (Exhibit 3) shows connections with Amtrak operations at several locations. A page concerning the Los Angeles-Anaheim segment (Exhibit 4) states that it "travels between Los Angeles Union Station and the planned Anaheim Regional Transportation Intermodal Center (ARTIC) via the existing Los Angeles-San Diego Rail Corridor (LOSSAN) currently utilized by BNSF, Metrolink and Amtrak trains" (Los Angeles Union Station is of course a major terminal for Amtrak intercity passenger trains, and ARTIC anticipates Amtrak service- *See* Amtrak and ARTIC web sites). A page concerning the Los Angeles-San Diego segment (Exhibit 5) also references a connection at Los Angeles Union Station as well as a connection at the San Diego station, both of which are served by Amtrak intercity trains. A page concerning the San Jose-Merced segment (Exhibit 6) describes that segment as connecting to San Jose's Diridon station which is served by Caltrain, ACE and Amtrak intercity service (*see* Amtrak and Caltrain websites). A page concerning the Sacramento-Merced segment (Exhibit 7) describes that segment as connecting to the Amtrak station in Sacramento that is served by Amtrak intercity trains. Thus, while the petition for exemption and motion to dismiss filed by the Authority focused on the initial segment from Merced to Fresno, that segment is just the first leg of a project that will directly connect with intercity passenger trains at several locations and indirectly connect with intercity passenger trains by rail on other locations.

## ARGUMENT

### **I. THE BOARD CORRECTLY HELD THAT IT HAS JURISDICTION OVER CONSTRUCTION OF THE CALIFORNIA HIGH SPEED RAIL SYSTEM BECAUSE IT WILL BE PART OF THE INTERSTATE RAIL SYSTEM**

The Board has exclusive jurisdiction over transportation by rail carrier over a line of railroad between a State and a place in the same State as part of the interstate rail network. 49 U.S.C. §10501(a)(1) and (2) and (b).<sup>2</sup> The Act defines “rail carrier” as an entity that provides “common carrier railroad transportation for compensation,” but not a “street, suburban, or interurban electric railway not operated as part of the general system of rail transportation.” Section 10102(5). Furthermore, under Section 10901 and precedent under that provision, a person may construct or extend and provide transportation over a railroad line only after receiving a certificate to do so from the Board under Section 10901(c).<sup>3</sup> *Railway Labor Executives’ Ass’n. v. ICC*, 914 F. 2d 276, 277 (D.C. Cir. 1990) (“Section 10901 of the Interstate Commerce Act has been held to require the ICC’s approval of the acquisition or operation of a

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<sup>2</sup> ICCTA Section 10501 (a) provides:

(1) Subject to this chapter, the Board has jurisdiction over transportation by rail carrier that is - (A) only by railroad....

(2) Jurisdiction under paragraph (1) applies only to transportation in the United States between a place in – (A) a State and a place in the same or another State as part of the interstate rail network.... (emphasis added)

<sup>3</sup> Section 10901 provides:

(a) A person may -

(1) construct an extension to any of its railroad lines;

(2) construct and additional railroad line;

(3) provide transportation over, or by means of, an extended or additional railroad line; or

(4) in the case of a person other than a rail carrier, acquire a railroad line or acquire or operate an extended or additional railroad line,

only if the Board issues a certificate authorizing such activity under subsection (c).

rail line by an entity that is not a rail carrier”); *Brotherhood of Locomotive Engineers and Trainmen, IBT v. STB*, 457 F. 3d 24, 25 (D.C. Cir. 2006) (“Under the Interstate Commerce Act, as amended, a non-carrier may ‘acquire a railroad line or acquire or operate an extended or additional railroad line, only if the Board issues a certificate authorizing’ the action.”) However, the ICA provides in Section 10502 that the Board shall to the maximum extent possible exempt a person or transaction from an action like certification under Section 10901

whenever the Board finds that the

(1) is not necessary to carry out the transportation policy of section 10101 of this title; and

(2) either—

(A) the transaction or service is of limited scope; or

(B) the application in whole or in part of the provision is not needed to protect shippers from the abuse of market power.

49 U.S. C. 10502(a).

The Board correctly held that it has jurisdiction over the construction of the California High Speed Rail System because the Authority is constructing a railroad line over which it will provide common carrier transportation by railroad. And while the lines constructed will be “intrastate,” as is suggested in the Authority’s own filings, and as is clearly shown by information from the Authority’s own website, the California High Speed Rail project will connect with and become part of the interstate rail network, and the California High Speed Rail service will operate as part of the general system of rail transportation.

Furthermore, as Vice Chairman Mulvey noted in his dissent in *All Aboard Florida*, the ICCTA amended Section 10501 to expand the Board’s jurisdiction over rail transportation within a State. Whereas the Act previously precluded agency jurisdiction over transportation of passengers or property entirely within a State, the ICCTA affirmatively provided the Board with jurisdiction over rail transportation between a place in a State and a place in the same State as

part of the interstate rail network. Thus, not only does the plain language of the statute support the exercise of Board jurisdiction, the change clearly demonstrates Congress's intent to expand the Board's jurisdiction over intrastate rail transportation.

As Vice Chairman Mulvey also noted, the Board's decision in *DesertXpress Enterprises, LLC—Petition for Declaratory Order*, F.D. No. 34914 (June 27, 2007) (2007 WL 1833521 (S.T.B.)) did describe Section 10501(a) as providing the Board with jurisdiction over transportation by rail as long as it was "related to interstate commerce." Additionally, judicial and STB decisions rendered after enactment of the ICCTA that have dealt with the scope of the Board's jurisdiction over intrastate rail transportation have held that the ICCTA substantially expanded the Board's jurisdiction over intrastate lines.

In *CSX Transp. v. Georgia Public Service Comm.*, 944 F. Supp. 1573 (N.D. Ga 1996), the Court noted that the ICCTA repealed ICA provisions regarding state certification of intrastate rates and practices, and deleted as unnecessary a policy statement about regulatory cooperation between the federal and state governments. 944 F. Supp at 1583-1584. The Court further stated that "[p]erhaps the most significant change...is the ICC Termination Act's express removal from the states of jurisdiction over wholly intrastate railroad tracks," and that "[w]ith the extension of exclusive federal jurisdiction over wholly intrastate tracks, one of the few railroad matters previously within the jurisdiction of the states, the ICC Termination Act evinces an intent by Congress to assume complete jurisdiction, to the exclusion of the states, over the regulation of railroad operations." *Id* at 1584. The Court also cited the ICCTA's new provision adding to the Board's exclusive jurisdiction "transportation between a place in a state and a place in the same state as part of the interstate rail network." *Id.*, citing Section 10501(b). *See also Burlington*

*Northern Santa Fe Corp. v. Anderson*, 959 F. Supp 1288, 1294 (D. Mont. 1997)-- “Congress granted the newly established Surface Transportation Board jurisdiction over railroad transportation in both interstate and intrastate commerce 49 U.S.C. §10501.” The Board also has recognized that the ICCTA provided it jurisdiction it did not previously have over intrastate lines. In *Ex Parte No. 388 State Intrastate Rail Rate Authority-Pub. L. No. 96-448* (1996)(1996 WL 148557), the Board noted that the ICCTA (Section 10501(b)) expanded the STB’s jurisdiction to “transportation between a place in a State and a place in the same State as part of the interstate rail network.” And in *Joseph R. Fox-Petition for Declaratory Order*, F.D. 35161 (served May 18, 2009) the Board held that an intrastate yard track disconnected from the interstate system by removal of a switch was still within the STB’s jurisdiction because the railroad might sell the track to someone who would use it for traffic that would move in interstate commerce, and the switch could be restored. While these decisions arose in the context of application of state or local laws, the holdings describe the general jurisdiction of the Board and nothing in the Act suggests that Board jurisdiction over intrastate lines applies only to preempt state regulation and does not constitute general jurisdiction over such lines.<sup>4</sup>

For all these reasons, the Unions submit that the Board’s April 18 decision properly held that the Board has jurisdiction over the construction of the California High Speed Rail System

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<sup>4</sup> As Vice Chairman Mulvey also observed, because of the ICCTA amendments to the Act the pre-1996 decisions cited by the Board majority in *All Aboard Florida*, and by the Authority in its motion to dismiss no longer have any force.

## **II. THE AUTHORITY'S PETITION FOR EXEMPTION SHOULD BE GRANTED**

Section 10502(a) of the Act states that the Board “shall”, “to the maximum extent consistent with” the statute, grant an exemption whenever the Board finds that the application of the statute or a provision of the statute:

- (1) is not necessary to carry out the transportation policy of section 10101 of this title; and
- (2) either—
  - (A) the transaction or service is of limited scope; or
  - (B) the application in whole or in part of the provision is not needed to protect shippers from the abuse of market power.

49 U.S.C. §10502(a). This provision does not merely permit exemptions, it actually directs the granting of exemptions “to the maximum extent consistent with” the statute. And, for about 30 years the ICC and STB have interpreted and applied this provision as mandating the grant of an exemption when one of the criteria in subsection (2) applies, unless it is shown that granting an exemption would be contrary to the national rail transportation policy.

In the instant case there is no question that application of Section 10901 is not needed to protect shippers from the abuse of market power, so the exemption should be granted unless an exemption would be contrary to the national rail transportation policy. The Unions submit that there is nothing in that policy that militates against granting the exemption sought by the Authority.

Most of the aspects of the national rail transportation policy are irrelevant to a proposal to create a new dedicated passenger rail line that will add on to the interstate system and increase the availability of passenger rail transportation. Various elements of the policy concern minimizing regulation; promoting revenue adequacy of carriers; preventing restraints against

market power, predatory pricing and discriminatory rates; ensuring accurate cost information for regulatory proceedings and general protection of shippers. None of those elements of the policy are implicated by the plans of the Authority to build a new high speed rail line. However the project is consistent with elements of the policy concerning maximizing competition among carriers, maximizing competition among modes of transportation, introduction of new entrants that will provide new service and promotion of energy conservation. The creation of the new high speed rail line will offer a new carrier to provide rail transportation, provide new competition for other modes of transportation (highway and aviation), offer a new form of transportation and save energy and reduce pollution.

Sixty years after the reduction of passenger service began and accelerated, decades after the abandonment of many rail lines, and eighty years after the state and federal government began to promote motor vehicle transportation by a massive highway construction program, and to promote aviation by building airports and providing other infrastructure supports for aviation, California (with federal support) is planning to offer new rail service that will increase transportation options in the state, increase competition with other modes of transportation and relieve congestion on those other modes. It is especially significant that California would be the first state to substantially expand passenger rail transportation with a new and high speed service because California effectively doomed passenger rail transportation in the State by its heavy support for highway construction. See Gregory Lee Thompson, *The Passenger Train in the Motor Age, California's Rail and Bus Industries 1910-1941*, Ohio University Press, 1993. Thus, to the extent that the national rail transportation policy is a factor here, the project is consistent with that policy and issuance of the exemption is entirely appropriate.

By contrast, opponents of the project have failed to demonstrate that the project conflicts with the national rail transportation policy such that the exemption should be denied. Some opponents have merely quoted or paraphrased certain elements of the policy, but they have failed to even explain why they believe the project is inconsistent with those elements of the policy; and they certainly have not shown that the project is so at odds with those elements of the policy that the exemption should be denied. Certain opponents have cited complaints about the route chosen by the Authority, expressed concerns about optimal network design, advanced objections to federal spending for this project and complained about the potential impact of the project on the agricultural interests. But none of those concerns or issues is a basis for the Board to deny the exemption sought by the Authority, given the mandate of Section 10205(A) and the actual elements of the national rail transportation policy.

Ultimately the California High Speed Rail project will improve rail transportation in California, provide impetus for rejuvenation of passenger rail transportation nationally, and provide new transportation options for many who would otherwise travel by car or airplane. And the project will have no adverse effects on the current interstate rail system. The Board should therefore grant the exemption. Indeed after the Board has declined jurisdiction, and refused to “exercise regulatory authority”, over projects that have involved changes in ownership of parts of the current interstate rail network where operations on and maintenance of the lines would be performed by entities not subject to the Board’s jurisdiction, there is no basis for the Board to now refuse an exemption for a project that will not affect the current interstate rail network and will add to the interstate rail network where the Board will have jurisdiction over the lines and their operator.

## CONCLUSION

For the foregoing reasons, the Unions respectfully submit that the Board correctly held that it has jurisdiction over construction over the California High Speed Rail Project, including the initial phase of that project between Fresno and Merced and that the petition for exemption sought by the Authority should be granted.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have caused to be served one copy of the foregoing Comments of Various Rail Unions Regarding The Board's Jurisdiction over the California High Speed Rail Project And Reply to Petition for Exemption by First Class Mail, to the following:

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Date: May 8, 2013

/s/Richard S. Edelman

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# **UNIONS' EXHIBIT 1**



[Project Vision and Scope](#)

[Planning and Construction Stages](#)

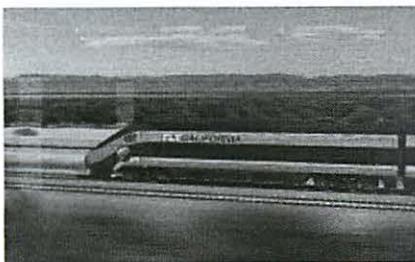
[Get Involved](#)



Click here to contact the California High-Speed Rail Authority.

**The Big Picture**

Learn more about why California needs the high-speed train and the plan for building it.



**Explore the Route**

San Francisco to Los Angeles in 2 hours and 40 minutes. LA to San Diego in 80 minutes. Where will you go?

# Project Vision and Scope

## Vision

Inspired by successful high-speed train systems worldwide, California's electrically-powered high-speed trains will help the state meet ever-growing demands on its transportation infrastructure. Initially running from San Francisco to Los Angeles/Anaheim via the Central Valley, and later to Sacramento and San Diego, high-speed trains will travel between LA and San Francisco in under 2 hours and 40 minutes, at speeds of up to 220 mph, and will interconnect with other transportation alternatives, providing an environmentally friendly option to traveling by plane or car.

## Scope

800 miles of track... up to 24 stations... the most thorough environmental review process in the nation. Due to the large scope of the project, the planning process proceeded in phases: first, program-level review assessing the need and service area for a statewide system, presenting broad policy choices, and identifying corridors for further study, and second, project-level review in more detail for determining the best alignment and station locations within each of nine system sections. Why? Greater community input, resulting in the best system for all Californians.

### Economic Benefits

- High-speed rail means tens of thousands of good, family-supporting jobs for California — jobs not just to build the trains and the train line, but also jobs to operate and maintain it. And there's more — hundreds more jobs will be created for suppliers, restaurants and other businesses along the route.
- As many as 100,000 construction-related jobs each year that the system is being built
- The potential for 450,000 permanent new jobs statewide created by the economic growth high-speed rail will generate over the next 25 years
- Improved movement of people, goods and services
- Faster travel on the ground between major metropolitan areas
- Congestion relief on freeways and at airports

### Environmental Benefits

- Because the electric power to the trains can be produced by sustainable and renewable power sources like wind and solar, this system will cut air pollution and smog throughout California.
- Improved air quality
- Improved energy efficiency: high-speed rail uses only one-third the energy of airplanes and one-fifth the energy of the family car<sup>1</sup>
- Reduced dependence on foreign oil: 12.7 million barrels less per year<sup>2</sup>
- Reduced greenhouse gas emissions: 12 billion pounds less per year<sup>3</sup>

### Community Benefits

- Cheaper, faster and more convenient travel connected to local public transportation
- Revitalized communities and economic development around new transportation terminals
- Transit- and pedestrian-oriented infill development promoted
- Enhanced public safety due to separation of tracks and existing roads and highways



## **UNIONS' EXHIBIT 2**



**CALIFORNIA**  
High-Speed Rail Authority

BIG PICTURE • JANUARY 2013

# California High-Speed Rail Big Picture

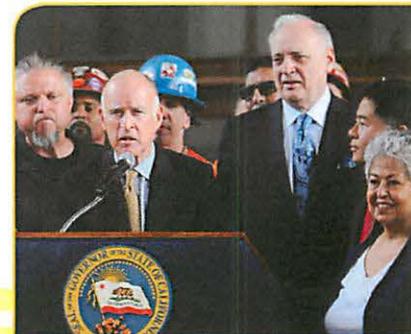
The California High-Speed Rail Authority (Authority) is responsible for planning, designing, building and operation of the first high-speed rail system in the nation. California high-speed rail will connect the mega-regions of the state, contribute to economic development and a cleaner environment, create jobs and preserve agricultural and protected lands. **By 2029, the system will run from San Francisco to the Los Angeles basin in under three hours at speeds capable of over 200 miles per hour. The system will eventually extend to Sacramento and San Diego, totaling 800 miles with up to 24 stations.** In addition, the Authority is working with regional partners to implement a statewide rail modernization plan that will invest billions of dollars in local and regional rail lines to meet the state's 21st century transportation needs.

California's 170,000 miles of roadway are the busiest in the nation. Auto congestion drains \$18.7 billion in lost time and wasted fuel from the state's economy every year. Meanwhile, travel on California's Interstate system is increasing at a rate five times faster than capacity is added. Flights between Los Angeles and the Bay Area – the busiest short-haul market in the U.S. with 5 million passengers annually – are the most delayed in the country, with approximately one of every four flights late by an hour or more.

Over the next 30 to 40 years, California will add the current population of New York state to its current 38 million residents. Meeting the transportation demands associated with that growth will require major infrastructure investments. The question is not if those investments need to be made, but how those investments can provide the greatest benefits.

It's clear that California cannot provide an effective transportation system for 50 million to 60 million residents with a "more of the same" approach.

California's history of investing in game-changing infrastructure improvements has been a key contributor to its economic-powerhouse status. High-speed rail is a logical next step. The experience of other countries – California's competitors in the global economy – demonstrates that high-speed rail is integral to building a more efficient transportation system, boosting economic productivity and promoting a more sustainable society.



*"If you believe that California will continue to grow, as I do, and that millions more people will be living in our state, this is a wise investment. Building new runways and expanding our airports and highways is not the only alternative."*

- Edmund G. Brown Jr.,  
Governor of California

### HIGH-SPEED RAIL MORE COST EFFECTIVE THAN ALTERNATIVES

Providing the equivalent new capacity on the state's highways and airports would cost more than double the investment to develop a high-speed rail system between San Francisco and Los Angeles. If it was even possible, that would mean building 4,300 new highway lane miles, 115 additional airport gates, and four new airport runways at an estimated cost of \$158 billion. While the High-Speed Rail system will operate without subsidies, Caltrans estimates operations and maintenance costs on those new highway lanes at \$132.8 billion for over 50 years.

### CALIFORNIA GEOGRAPHY IS PERFECT FOR HIGH-SPEED RAIL

California's geography positions it perfectly for a successful high-speed rail system. Existing international systems have proven that high-speed rail is much more efficient, economical and environmentally beneficial than cars and airplanes for intercity trips between 100 and 600 miles. When compared to the cost, time, required energy and greenhouse emissions of air and auto travel, high-speed rail will generate huge savings.

### HIGH-SPEED RAIL STRENGTHENS CALIFORNIA'S ECONOMIC COMPETITIVENESS

California's High-Speed Rail system will spur economic development, enhance environmental and energy goals, create near and long-term employment, improve mobility and save money over the coming decades. Californians will begin to see these benefits as early as 2013, when initial construction will provide a much needed economic boost to the Central Valley and produce 20,000 jobs annually for five years. Connecting Los Angeles and San Francisco will generate 66,000 jobs annually for 15 years and the Phase 1 Blended System will generate 2,900 permanent operations jobs.

As the Golden State's great economic centers are connected, our economy will be given the opportunity to grow in ways never before imagined. Meanwhile, goods will move more freely from our ports to vital markets as freight rail traffic is alleviated. California's workers, who waste too much time and money in cars and at airports, will spend their time more productively. These are just a few of the ways in which High-Speed Rail will induce economic development.

### HIGH-SPEED RAIL PROVIDES AN EXCELLENT RETURN ON THE INVESTMENT

The \$2.6 billion initial state investment in high-speed rail from Proposition 1A bond funds will produce a net economic impact of \$8.3 to \$8.8 billion – a 3:1 return. State and local governments will earn more than \$600 million back in tax revenue, or nearly 25 percent of what the state will spend on initial construction of the high-speed rail system.

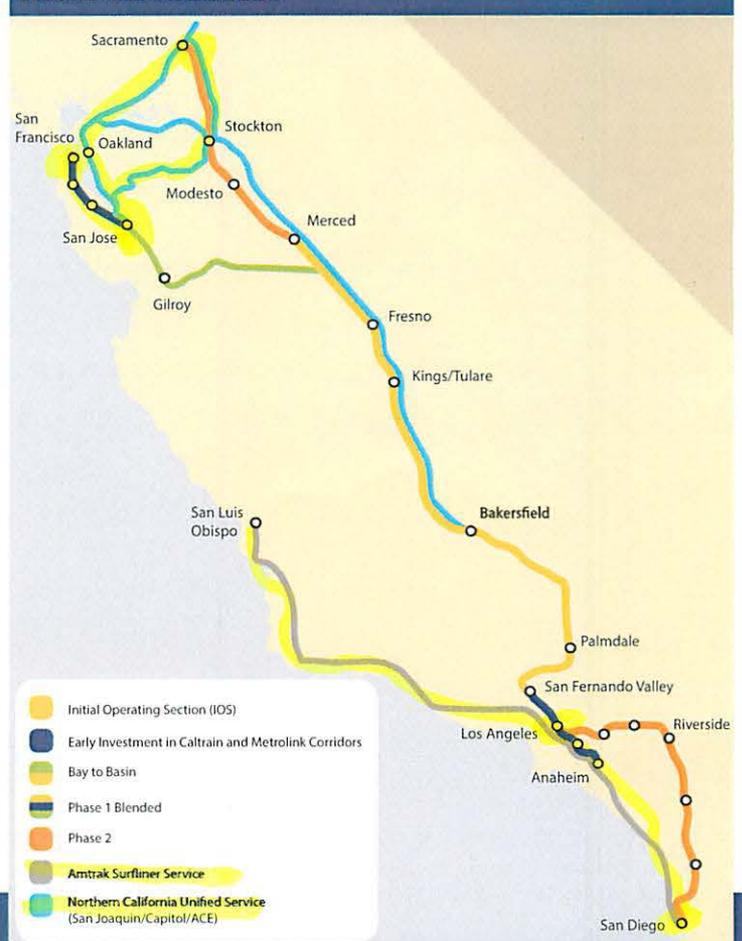
### ENVIRONMENTAL AND QUALITY OF LIFE BENEFITS

- 320 billion fewer vehicle miles traveled over 40 years
- 146 million hours in traffic saved annually
- Significant CO<sub>2</sub> emission reductions
- 237 million gallons of auto fuel saved annually
- 35 million gallons of aviation fuel saved annually

*"A major new high-speed rail line will generate many thousands of construction jobs over several years, as well as permanent jobs for rail employees and increased economic activity in the destinations these trains serve."*

- President Barack Obama

### CALIFORNIA HIGH-SPEED RAIL STATEWIDE RAIL MODERNIZATION



## **UNIONS' EXHIBIT 3**



# CALIFORNIA High-Speed Rail Authority

CONNECTIVITY & BOOKENDS • JANUARY 2013

## High-Speed Rail Connectivity and Bookends

The California High-Speed Rail Authority (Authority) is responsible for planning, designing, building and operation of the first high-speed rail system in the nation. California high-speed rail will connect the mega-regions of the state, contribute to economic development and a cleaner environment, create jobs and preserve agricultural and protected lands. By 2029, the system will run from San Francisco to the Los Angeles basin in under three hours at speeds capable of over 200 miles per hour. The system will eventually extend to Sacramento and San Diego, totaling 800 miles with up to 24 stations. In addition, the Authority is working with regional partners to implement a statewide rail modernization plan that will invest billions of dollars in local and regional rail lines to meet the state's 21st century transportation needs.

### 2012-13 BUDGET ACT (SENATE BILL 1029): CONNECTIVITY AND BOOKEND INVESTMENTS

California's High-Speed Rail system includes billions of dollars in infrastructure investment throughout the state. These funds will strengthen and improve existing rail networks, while also connecting them with California's future high-speed rail system. Senate Bill (SB)1029, passed by the California Legislature and signed by Governor Brown in July 2012, invests almost \$2 billion from the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century (Proposition 1A) into transit, commuter, and intercity rail projects across the state. This funding leverages approximately \$5 billion in additional funding for these projects.

The following is a summary of rail infrastructure investments made throughout the state as a result of high-speed rail program:

#### NORTHERN CALIFORNIA

##### CALTRAIN - ELECTRIFICATION

SB 1029 provides \$600 million to install an electric rail system that will enable the replacement of diesel trains and connect the system with high-speed rail, resulting in cleaner, faster travel. The state investment of these dollars will leverage funding to bring the total investment to \$1.5 billion. (Bookend)



#### **BART – MILLBRAE STATION TRACK IMPROVEMENTS & CAR PURCHASE**

SB 1029 provides \$145 million to lengthen track at the Millbrae Station (cross platform connection to high-speed rail), and for the purchase of new BART cars. The state investment will be matched by other funding for a total investment of \$290 million. BART is also contributing \$38 million of its share for the design, installation, testing, training and warranty for an intelligent network of signals, sensors, train tracking technology, and computer systems on the Caltrain Corridor as part of Caltrain's advanced signaling system. (Connectivity)

#### **SF MUNI – CENTRAL SUBWAY**

SB 1029 provides \$61 million to construct a 1.7-mile extension of light rail line from 4th & King Streets to Chinatown (downtown San Francisco). The state investment in SB 1029 helps leverage a total investment of \$1.6 billion into this project, with other matching funds. (Connectivity)

#### **CALTRANS – CAPITOL CORRIDOR (AMTRAK), OAKLAND TO SAN JOSE**

SB 1029 provides \$47 million to help construct a series of track improvements to permit an increase in service frequency between Oakland and San Jose from the current 7 weekday round trips to 11 weekday round trips. The state investment in SB 1029 brings the total investment to \$248 million, with other matching funds. (Connectivity)

#### **CALTRAIN - ADVANCED SIGNALING SYSTEM (POSITIVE TRAIN CONTROL)**

SB 1029 provides \$42 million (\$106 million total including Bay Area Rapid Transit (BART) and Santa Clara Valley Transportation Authority (SCVTA) contributions) for the design, installation, testing, training and warranty for an intelligent network of signals, sensors, train tracking technology, and computer systems on the Caltrain Corridor as part of Caltrain's advanced signaling system. This system is required by federal regulation and allows trains to travel at higher speeds when safe to do so. The state investment helps bring the total dollars for this project to \$231 million, with other matching funds. (Connectivity)

#### **CALTRANS – SAN JOAQUIN CORRIDOR (AMTRAK), MERCED TO LE GRAND**

SB 1029 provides \$41 million to Amtrak's San Joaquin for construction of 8.4 miles of double track between Le Grande and west Planada to increase service and reduce freight conflicts. (Connectivity)

#### **SACRAMENTO REGIONAL TRANSIT (RT) – SACRAMENTO INTERMODAL FACILITY IMPROVEMENTS**

SB 1029 provides \$30 million for the relocation of existing light rail track, passenger platform and associated systems to connect to a new Sacramento Intermodal Facility and future high-speed rail terminal. The state investment in SB 1029 brings the total investment to \$60 million, with other matching funds. (Connectivity)

#### **SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (SCVTA) – CALTRAIN ADVANCED SIGNALING SYSTEM (POSITIVE TRAIN CONTROL)**

SCVTA is contributing \$26 million for the design, installation, testing, training and warranty for an intelligent network of signals, sensors, train tracking technology, and computer systems on the Caltrain Corridor as part of Caltrain's advanced signaling system required. (Connectivity)



**CALTRANS – CAPITOL CORRIDOR (AMTRAK), SACRAMENTO TO ROSEVILLE**

SB 1029 provides \$16 million to Amtrak's Capitol Corridor station in Roseville for a series of improvements designed to increase service frequency, reduce freight train conflicts and accommodate freight train growth projects, consists of relocation of the Roseville station and addition of a third track. This investment brings the total to \$28 million, with other matching funds. (Connectivity)

**ALTAMONT COMMUTER EXPRESS (ACE) – STOCKTON PASSENGER TRACK EXTENSION (GAP CLOSURE)**

SB 1029 provides the Altamont Commuter Express (ACE) train with nearly \$11 million in high-speed rail connectivity funds to extend an existing ACE platform so Amtrak passengers have direct access to it. The project will also provide additional track work for a new ACE maintenance facility. This investment brings the total to \$25 million, with other matching funds. (Connectivity)

**SOUTHERN CALIFORNIA**
**SOUTHERN CALIFORNIA MEMORANDUM OF UNDERSTANDING**

SB 1029 provides \$500 million for regional rail projects that improve local networks and facilitate high-speed rail travel to Southern California. Projects will be selected by local transit agencies, in conjunction with the High-Speed Rail Authority, and state funding will be matched by additional investments to make the total investment in these projects \$1 billion. (Bookend)

**LOS ANGELES METROPOLITAN TRANSPORTATION AUTHORITY (METRO) – REGIONAL RAIL CONNECTOR**

SB 1029 provides \$115 million to help construct a 2-mile light rail connection among Metro Gold, Metro Blue and Metro Exposition light rail transit systems through downtown Los Angeles to provide a one-seat ride from throughout the County to Union Station and the high-speed rail system. SB 1029 helps leverage \$1.4 billion in funding for this project. (Connectivity)

**SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY (METROLINK) – NEW OR IMPROVED LOCOMOTIVES/CARS**

SB 1029 provides \$89 million to repower and/or purchase 20 to 30 higher horsepower locomotives, and recondition and improve passenger cars. The state investment of \$89 million will help leverage a total investment of \$203 million for this purpose. Metrolink also received approximately \$35 million for advanced signaling system work from Proposition 1A in previous appropriations. (Connectivity)

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM (TROLLEY) – BLUE LINE LIGHT RAIL IMPROVEMENTS**

SB 1029 provides \$58 million to rehabilitate grade crossings, track, and switches and ties, add track work and signaling, and raise platforms to accommodate low floor vehicles to allow for reduced headway and improved reliability. This investment helps bring a total investment of \$152 million to update and modernize San Diego's Blue Line light rail system. (Connectivity)

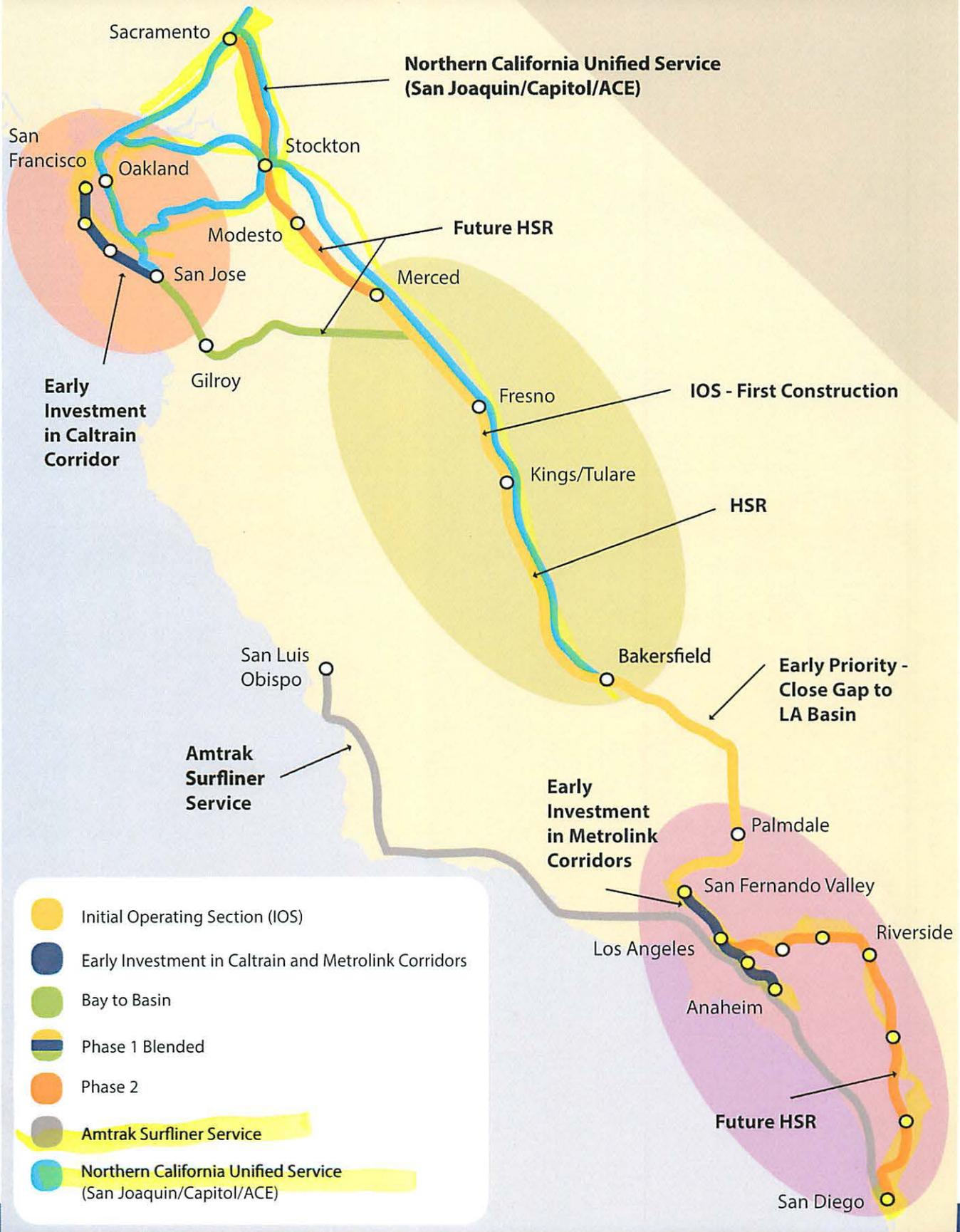
**SAN DIEGO NORTH COUNTY TRANSIT DISTRICT (COASTER) – ADVANCED SIGNALING SYSTEM (POSITIVE TRAIN CONTROL)**

SB 1029 adds \$7.3 million to a previously appropriated \$10.5 million of Proposition 1A funds to a Positive Train Control project for the North County Transit District in the San Diego Area. The funds are to build an advanced signaling system to track the location of trains in order to avoid collisions. The state investment will help bring the total investment in this project to \$60 million. (Connectivity)



# STATEWIDE RAIL MODERNIZATION

## EARLY INVESTMENTS/STATEWIDE BENEFITS



# **UNIONS' EXHIBIT 4**



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#### Proposed Route Planner



[Click here](#) to contact the Los Angeles - Anaheim team.

#### Key Facts

[Los Angeles - Anaheim Fact Sheet](#)

## Los Angeles - Anaheim

Due to the large scope of the project – the largest public infrastructure project in the nation – the environmental review is being conducted in two parts: a statewide program-level EIR/EIS followed by a more specific project-level EIR/EIS of each of the nine sections of the system. Each project section is moving through this process at a different pace.

The Los Angeles to Anaheim section of the 800-mile system is 29 miles long. This section travels between Los Angeles Union Station and the planned Anaheim Regional Transportation Intermodal Center (ARTIC) via the existing Los Angeles-San Diego Rail Corridor (LOSSAN) currently utilized by BNSF, Metrolink and Amtrak trains. An additional station is being considered for either Norwalk/Santa Fe Springs or Fullerton.

The high-speed train project is expected to generate 92,000 construction-related jobs in this section over the life of construction. Once operating, projections estimate 14,100 boardings daily in Los Angeles and 23,500 in Anaheim, with travel time between the two cities estimated at 22-25 minutes. CO2 emission savings are estimated at 21.75 lbs. per trip.

### Proposed Route Map

Use the [Proposed Route Map](#) to view different alignments being considered for each section.



### Development Progress

The Los Angeles to Anaheim section is currently in Stage 3, Planning: Draft EIR/EIS. [Learn more about the stages of the project.](#)



### Calendar of Events

*Showing events after 4/8.*

[Look for earlier events](#)

**Thursday, May 2**

10:00am **HSRA Board Meeting**

**Thursday, June 6**

10:00am **HSRA Board Meeting**

*Showing events until 6/15.*

[Look for more](#)



### What's New?

The Los Angeles to Anaheim Section team continues to work closely with project partners and cities adjacent to the corridor to develop a high-speed train system that meets design and operational requirements while minimizing impacts to local communities. In July 2010, the Authority Board approved the Supplemental Alternatives Analysis Report modifying the alternatives presented last June based on further technical study and stakeholder input, as well as incorporating a new shared track alternative. On March 3, 2011, the Authority Board approved the development and study of a phased implementation plan for the Los Angeles to Anaheim section. The phased approach would bring early benefits to existing rail and commuter services and would improve mobility and rail safety for the local region. We anticipate the draft environmental reports

(DEIR/DEIR) will be available for public review in the fall of 2012.

Community meetings are being organized to provide the public with an opportunity to review and comment; please continue to check the section's calendar for a meeting near you. If you would like to schedule a presentation to your group or organization, please contact us at [Los.Angeles\\_Anaheim@hsr.ca.gov](mailto:Los.Angeles_Anaheim@hsr.ca.gov) or (916) 324-1541.

### Featured Documents

-  [Board Meeting: Agenda Item 9 - LA-Anaheim Shared-Track Alternative Investigation and Recommendations Board Presentation 07/08/2010](#)
-  [Board Meeting: Agenda Item 9 - Supplemental AA Report & Technical Update on Shared-Track Alternative 07/08/2010](#)
-  [Board Meeting: Agenda Item 9 - Supplemental Alternatives Analysis LA-A Board Presentation 07/08/2010](#)
-  [Board Meeting: Agenda Item 9 - LA-Anaheim briefing memo 07/08/2010](#)
-  [Press Release: High-Speed Rail Community Open House in Montebello 11/18/2010](#)

### Local Independent Resources

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#### Proposed Route Planner



[Click here](#) to contact the Los Angeles - San Diego team.

### Key Facts



[Los Angeles - San Diego Fact Sheet](#) 05/25/2011

## Los Angeles - San Diego

Due to the large scope of the project – the largest public infrastructure project in the nation – the environmental review is being conducted in two parts: a statewide program-level EIR/EIS followed by a more specific project-level EIR/EIS of each of the nine sections of the system. Each project section is moving through this process at a different pace.

The Los Angeles to San Diego section of the 800-mile system is 167 miles long. This section travels east from Los Angeles Union Station to the Inland Empire cities of Pomona and Ontario before turning south along either the I-215 or I-15 to San Diego. Stations are planned in Los Angeles; either El Monte or West Covina or Pomona; Ontario; either San Bernardino and Riverside or Corona; Murrieta; Escondido; and San Diego, depending upon the rail alignment route selected.

The high-speed train project is expected to generate 19,200 construction-related jobs over the life of construction in this section. Once operating, travel time between Los Angeles and San Diego is projected to be 1 hour 18 minutes, and CO2 emission savings are estimated at 125.25 lbs. per trip.

### Proposed Route Map

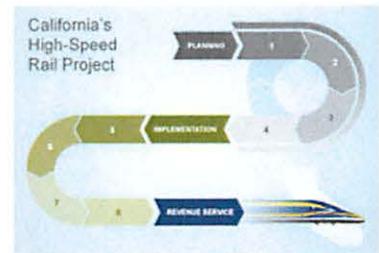
Use the [Proposed Route Map](#) to view different alignments being considered for each section.



### Development Progress

The Los Angeles to San Diego section is currently in Stage 2, Planning: Alternatives Analysis.

[Learn more about the stages of the project.](#)



### Calendar of Events

### What's New?

The Los Angeles to San Diego via the Inland Empire Section has completed its Preliminary Alternatives Analysis (PAA) Report in March, 2011. During May and June 2011, the Los Angeles to San Diego Section presented the results of the PAA to the public at 27 Open House Community Meetings in cities and communities along the proposed alignments in the counties of Los Angeles, San Bernardino, Riverside, and San Diego. As the planning for the Los Angeles to San Diego Section moves forward, the next steps will be to complete a Supplemental Alternatives Analysis Report and then a multi-year Draft and Final Environmental Impact Report/Environmental Impact Statement effort.

### Featured Documents

-  [Los Angeles to San Diego Community Open House Meeting Statewide Boards](#) 05/16/2011
-  [Los Angeles to San Diego Community Open House Meeting Maps](#) 05/16/2011
-  [Los Angeles to San Diego Community Open House Meeting Boards](#) 05/16/2011
-  [Los Angeles to San Diego Community Open Houses – May 16-June 30](#) 05/05/2011
-  [LA-SD Preliminary AA Executive Summary and Report](#) 03/03/2011

*Showing events after 4/8.*  
[Look for earlier events](#)

**Thursday, May 2**

10:00am **HSRA Board Meeting**

**Thursday, June 6**

10:00am **HSRA Board Meeting**

*Showing events until 6/15.*  
[Look for more](#)

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#### Proposed Route Planner



[Click here](#) to contact the San Jose - Merced team.

#### Key Facts



[San Jose - Merced Fact Sheet](#)

## San Jose - Merced

Due to the large scope of the project – the largest public infrastructure project in the nation – the environmental review is being conducted in two parts: at the statewide level followed by a more specific project-level review of each of the nine sections of the system. Each project section is moving through this process at a different pace.

The San Jose to Merced section of the 800-mile system is 125 miles long. Starting at the Diridon Train Station in San Jose, the study area travels south through Gilroy, east through the Pacheco Pass to Chowchilla and north to Merced. **Stations are planned in San Jose, Gilroy and Merced.**

**Once operating, projections estimate 7,600 boardings daily in San Jose and about 5,300 in Merced, with travel time between San Jose and Merced estimated at 45 minutes. CO2 emissions savings are estimated at 62 lbs. per trip.**

Embed your HTML code

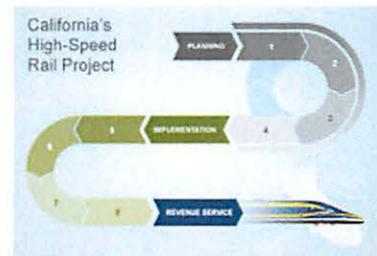
### Proposed Route Map

Use the [Proposed Route Map](#) to view different alignments being considered for each section.



### Development Progress

The San Jose to Merced section is currently in Stage 2, Planning: Alternative Analysis. [Learn more about the stages of the project.](#)



### Calendar of Events

Showing events after 4/8.

[Look for earlier events](#)

**Thursday, May 2**

10:00am **HSRA Board Meeting**

**Thursday, June 6**

10:00am **HSRA Board Meeting**

Showing events until 6/15.

[Look for more](#)

### What's New?

The San Jose to Merced Section team presented two Supplemental Alternatives Analysis (AA) reports to the Authority Board in 2011. The team anticipates presenting a third Supplemental AA Report to the Authority Board this summer, which will include an update on the alignment alternatives, stations and design options recommended to be studied in the Draft Environmental Impact Report/Statement. Call (800-881-5799) or email ([san\\_jose\\_merced@hsr.ca.gov](mailto:san_jose_merced@hsr.ca.gov)) the project team for more information.

### Featured Documents

- [Fact Sheet for 2012 Revised Business Plan](#) 04/09/2012
- [City of San Jose Visual Design Guidelines](#) 02/02/2012
- [SJ-Merced 11x17 Fact Sheet](#) December 2011 12/09/2011



-  [SJ-Merced 11x17 Fact Sheet\\_December 2011\\_en Español.pdf](#) 12/09/2011
-  [San Jose to Merced Supplemental Alternatives Analysis Report - SR-152 Wye](#) 07/15/2011
-  [San Jose to Merced Frequently Asked Questions – Spring 2011](#) 03/29/2011
-  [Supplementary Alternatives Analysis Maps](#)
-  [Regional Fact Sheet – Spring 2011](#) 05/05/2011

### Local Independent Resources

-  [Greater Merced HSR Committee](#)

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 [Click here](#) to contact the Sacramento - Merced team.

[Key Facts](#)

 [Sacramento - Merced Fact Sheet](#)

## Sacramento - Merced

Due to the large scope of the project – the largest public infrastructure project in the nation – the environmental review is being conducted in two parts: a statewide program-level EIR/EIS followed by a more specific project-level EIR/EIS of each of the nine sections of the system. Each project section is moving through this process at a different pace.

The Sacramento to Merced section of the 800-mile system is 110 miles long. From the Sacramento Amtrak Station, the study area runs east and south, roughly paralleling Highway 99 from Elk Grove through the northern San Joaquin Valley to Merced, where it will connect with the Merced to Fresno and Merced to San Jose sections. Stations are planned for Sacramento, Stockton, Modesto and Merced.

Once operating, projections estimate 5,300 boardings daily in Merced, with travel time between Merced and Sacramento estimated at 43 minutes. CO2 emissions savings are estimated at about 82.5 lbs. per trip.

### Proposed Route Map

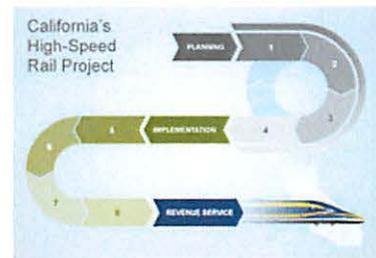
Use the [Proposed Route Map](#) to view different alignments being considered for each section.



### Development Progress

The Sacramento to Merced section is currently in Stage 2, Planning: Alternatives Analysis.

[Learn more about the stages of the project.](#)



### Calendar of Events

Showing events after 4/8.

[Look for earlier events](#)

**Thursday, May 2**

10:00am **HSRA Board Meeting**

**Thursday, June 6**

10:00am **HSRA Board Meeting**

Showing events until 6/15.

[Look for more](#)

### What's New?

The Sacramento to Merced Section team recently presented its Briefing on Initial Alternatives to the Authority Board on May 6, 2010. Check out the briefing below for more information or join the project team at an upcoming public meeting to learn more.

### Featured Documents

-  [Phase 2\\_Plans for Progress\\_Fall 2011 01/20/2012](#)
-  [Fase 2\\_Planes para Progreso\\_Otoño 2011 01/20/2012](#)
-  [May 2010 Board Meeting: Agenda Item 6 05/03/2010](#)

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