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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceeding
May 17, 2013
Part of Public
Record

FINANCE DOCKET NO. 35724

CALIFORNIA HIGH-SPEED RAIL AUTHORITY
— CONSTRUCTION EXEMPTION —
IN MERCED, MADERA AND FRESNO COUNTIES, CALIFORNIA

MOTION FOR LEAVE
TO FILE RESPONSE TO PUBLIC COMMENTS AND REPLIES

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Dated: May 17, 2013

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California High-Speed Rail Authority (“Authority”) hereby files this Motion for Leave in order to file the accompanying Response to Public Comments and Replies (“Response”) in this proceeding.

On March 27, 2013, the Authority filed in this proceeding a petition for an exemption (“Petition”) pursuant to 49 U.S.C. § 10502 from the formal application requirements of 49 U.S.C. § 10901 for the construction by the Authority of a dedicated high-speed passenger rail line between Merced, CA and Fresno, CA, a distance of approximately 65 miles (the “Project” or the “Merced to Fresno HST Section”). On April 12, the Board published a notice of this proceeding in the Federal Register. 78 Fed. Reg. 22031. On April 18, the Board issued a decision extending the deadline for replies to the Petition from April 16 to May 8. A number of parties submitted reply comments that call into question the facts contained in the Authority’s Petition and misinterpret the essential inquiry in this proceeding – whether the Authority’s Project meets the § 10502 exemption criteria.

In accordance with the Board’s precedent, the Authority’s Response will provide the Board “with a more complete record and their acceptance does not prejudice any party,” and the Response is “filed in time for [the Board] to adequately consider []

without jeopardizing [the Board's] ability to meet [the] statutory deadline." *Sierra Pacific Indus.—Abandonment Exemption—In Amador County, CA*, et al, STB Docket No. AB-512X, et al (STB served Feb. 25, 2005). In *Sierra Pacific*, the Board accepted the otherwise unauthorized reply of petitioners in a 49 USC 10502 exemption proceeding to a number of protests and comments filed in response to the initial petition. The instant scenario presents the same facts.

For the foregoing reasons, the Authority respectfully requests that the Board accept and consider the accompanying Response in the interest of a more complete record.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2013, I served the foregoing **Motion for Leave** upon the following parties of record in this proceeding:

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