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604 Plover Court  
Bakersfield, CA 93309

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Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room 100  
Washington, D.C. 20423-0001

**Re: STB Finance Docket No. 35861, California High-Speed Rail Authority -  
Opposition to Petition for Declaratory Order**

Dear Ms. Brown:

As a forty-year resident of Bakersfield, California and a close follower of the controversial high-speed rail project, I have written to the Surface Transportation Board (Board) several times previously concerning the Authority's petitions for construction exemptions in Board Finance Docket No. 35724 (Sub-No. 1).

The California Environmental Quality Act (CEQA) requires a protocol of analysis and public disclosure of environmental impacts of proposed projects and adoption of all feasible measures to mitigate the impacts. This is done through an Environmental Impact Report (EIR). At the end of the environmental review, aggrieved parties have recourse through a lawsuit resulting in judicial review of the record.

If the EIR is found to be deficient, various forms of redress are available, such as amending the EIR, preparing a new EIR or agreeing to mitigation measures. If construction has begun, the judge should have the opportunity to order injunctive relief and stop the project until the deficiencies in the EIR are corrected. If the Board does what the Authority is asking, the all-important remedy of stopping the project while the deficiency is cured would be removed from the process. In this scenario, the citizens of California could be subject to a waste of limited resources if construction were allowed to continue while the EIR was being revised with possible impacts to that construction. CEQA was designed to ensure that the impacts of a project are understood and addressed before construction begins. For this reason, it is essential that all CEQA remedies be upheld.

I respectfully request that the Board not preempt the injunctive relief available through CEQA and deny California High-Speed Rail Authority's petition.

Sincerely,

  
William C. Descary