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Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street
S.W. Washington, DC 20423-0111

Date: May 7, 2013

Subject: Docket: FD_35724_0: California High Speed Rail Authority-Construction Exemption for the Merced, Madera & Fresno Counties

Dear Ms. Brown

My name is Bill James. I oppose the Petition for Exemption ("Petition") filed by the California High-Speed Rail Authority ("Authority") to the Surface Transportation Board ("Board"). An exemption would support the Authority's violation of Article 1, Section 8 of the US Constitution (Patent Holders) and undermines the policy objectives of 49 U.S.C. Section 10901.

Article 1, Section 8 of the Constitution requires, "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;"

The monopolistic behavior of the Authority has blocked lower cost, safer and, better mode of transportation such as those patented in the general field of Personal Rapid Transit (PRT). Congressional Office of Technology Assessment study PB-244854 (published 1974) outlines how PRT can make US cities independent of imported oil. The PRT network in Morgantown, WV has delivered 110 million oil-free, injury-free passenger-miles since going into operation as a solution to the 1973 Oil Embargo.

High Speed Rail (HSR) technology is not high speed. PRT have high speed (4,000 mph) and local versions that complement each other. PRT examples are JPods, ET3, Skytran, etc.... My patent 6,810,817 (2004) claims the use of distributed collaborative computer networks to move physical packets, a Physical-Internet™. This patent applies to both high and low speed versions of PRT.

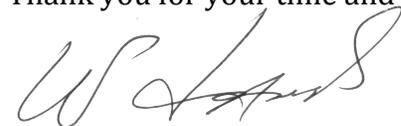
In its Petition and monopoly behavior the Authority undermines the policy objectives of § 10101.

1. It does not "allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail." The Authority spends tax dollars to promote itself as the only option for sustainable infrastructure suppressing PRT competitors.

2. It fails to "ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense." The High-Speed Rail creates a high value terrorist target that can be attacked anywhere along its route with dramatic secondary derailment affects. PRT networks low-grade targets with minimum secondary affects.
3. It fails to "foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes." HSR creates a linear barrier to commerce and construction must the funded by taxes. PRT networks can be constructed with private capital, are above the ground plane, have a small, intermittent footprint, can use existing rights of way without interfering with existing traffic, do not inflict economic hardships on citizens and businesses during constitution or by creating a physical barrier during operation. Building PRT networks are at least 1/10th the cost and resource consumption of HSR.
4. It fails "to operate transportation facilities and equipment without detriment to the public health and safety." HSR are loud. PRT networks are quiet with a dramatically better safety record than HSR.
5. It fails "to prohibit predatory pricing and practices, to avoid undue concentrations of market power, and to prohibit unlawful discrimination." HSR discriminates by rewarding those near its widely spaced stations and punishing those remote from stations. PRT networks support many more stations with local versions providing feeder rails to high speed PRT.
6. It fails "to encourage honest and efficient management of railroads." The Authority has not published and disclosed to voters the success of Morgantown's PRT, findings of PB-244854, or patented alternatives.
7. It fails "to encourage and promote energy conservation." The High Speed Rail uses approximately the same energy per passenger mile as an airplane without the security or flexibility of airplanes. PRT networks are 10 to 100 times more energy efficient per passenger-mile. JPods networks deploy solar collectors over the rails, gathering about 5 megawatt-hours of energy per mile of rail per day. PRT networks can be powered without foreign oil or pollution from coal burning power plants.

The Board denying the Authority's Petition and requiring the Authority apply for the certificate provides the Board the opportunity to fully vet the Project to determine whether it meets the transportation goals of Section 10101 and the patent protections of the US Constitution.

Thank you for your time and consideration.



Bill James

bill.james@jPods.com

612.414.4211