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March 20, 2013

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

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Re: Application by California High-Speed Rail Authority

Dear Ms. Brown:

I am a retired attorney and a landowner whose farm is threatened by a proposed alignment of the California High-Speed Rail Authority's (CHSRA) Madera to Bakersfield Initial Construction Segment (ICS).

It is my understanding that 49 USC 10901 provides that no party can "construct an additional line" or "provide transportation over, or by means of, an extended or additional railroad line," unless "the Board [Surface Transportation Board] issues a certificate authorizing such activity."

It is also my understanding that, under 49 USC 10502, an applicant can file a petition for exemption from the certification requirement of 49 USC 10901. In such a case, the Surface Transportation Board (STB) would take evidence and determine whether it should exempt the proposed project from STB's certification requirement. However, it is my further understanding that, to date, the CHSRA has not filed with the STB either an application for certification of its project or a petition for exemption.

Upon review of this project, the STB will discover that the CHSRA has approximately \$6.0 billion to spend constructing approximately 100 miles of new rail line - from Madera to north of Bakersfield - that will have the capability of conveying high-speed passenger trains. However, in its revised 2012 Business Plan the CHSRA declares that it will not commence operating high-speed passenger trains on this new rail line until it can obtain another \$25.0 billion to extend high-speed-capable rail lines north of Madera to Merced and south of Bakersfield to the San Fernando Valley.¹ With the fiscal condition of the state and federal governments, it is highly uncertain as to when such a large amount of additional funding could be obtained, if ever.

In the meantime, the CHSRA admits in its Business Plan that this proposed new rail line (ICS) will be used to run Amtrak passenger trains.² This new rail line, and the road crossings over and under it, will be taking almost 6000 acres (about ten square miles) of prime farmland out of

¹CHSRA's Revised 2012 Business Plan (RBP), 2-9, 2-11, 2-14, 3-2, and 3-11.

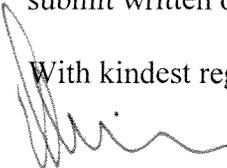
²RBP, ES-3, and ES-7.

production. Moreover, most of the new rail line is planned to run parallel to and two to four miles distant from the existing BNSF rail line and will by-pass three important Amtrak passenger stations – at Hanford, Corcoran and Wasco. None of CHSRA’s funding is allocated to the construction of replacement stations.³ This means the proposed project could have a significant adverse effect on Amtrak passenger service, and many who currently board and disembark at those stations are low-income people who own no car, and who may be profoundly affected by the diminished Amtrak service.

We believe the STB is under a legal duty to review and assess the potential effects before certifying or exempting the CHSRA’s project. We respectfully request that you ensure that the CHSRA brings this consequential project before your Board for review and analysis.

Finally, please add my name and address to your list of parties who are to receive notices regarding this matter. I also hope that when the time comes, I will be provided an opportunity to submit written or oral testimony and other evidence relevant to the issues in this matter.

With kindest regards, I am,



Michael E. LaSalle

Cc:

Congressman Jeff Denham
Congressman David Valadao
Congressman Devin Nunes
Congressman Kevin McCarthy
Congressman Doug LaMalfa

³ CHSRA’s *Revised Draft EIR/EIS – Fresno to Bakersfield Section*.