

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35724

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

Decided: May 13, 2013

On March 27, 2013, California High-Speed Rail Authority (Authority), a noncarrier state agency, filed a petition for exemption (petition) under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 to construct an approximately 65-mile dedicated high-speed passenger rail line between Merced and Fresno, California (the Project). Concurrently, the Authority filed a motion to dismiss the petition for lack of jurisdiction.

In a decision served on April 18, 2013, the Board denied the Authority's motion to dismiss and extended the deadline for replies to the petition to May 8, 2013.<sup>1</sup> The Board has received comments from Federal, state and local elected officials, residents, landowners, water districts, school districts, grassroots organizations, and other interested parties.

As the Board noted in its previous decision, there is significant interest in public participation in this proceeding. To help create a comprehensive record that embodies the full spectrum of interests involved and to facilitate the ability of individual private citizens to participate in that process, the service requirements of 49 C.F.R § 1104.12(a), which require every document filed with the Board to be served upon all parties to the proceeding, will be waived for individual private citizens who file comments in this proceeding. Thus, filings made by individual private citizens will be included in the public record of this proceeding (and posted on the Board's website) regardless of whether the filings comply with the service requirements of § 1104.12(a). All other parties of record, including citizen organizations, are expected to comply with the Board's service requirement regulations and serve all parties of record listed on the Board's service list for this proceeding.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> By letter dated May 7, 2013, 13 Members of Congress from California requested an extension of the comment period through July 15, 2013. That request will be addressed in a subsequent decision.

It is ordered:

1. The service requirements under 49 C.F.R. § 1104.12(a) are waived for individual private citizens participating in this proceeding.
2. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.