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April 10, 2013

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**To: The Honorable Daniel R. Elliott
Chairman
Surface Transportation Board
395 E Street, SW
Washington, District of Columbia 20423-0001
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Public Record

**Regarding Docket: FD_35724_0 California High-Speed Rail Authority-Construction Exemption
In Merced, Madera and Fresno Counties, California**

Dear Ms. Brown,

I respectfully request that the Surface Transportation Board (STB) deny the California High-Speed Rail Authority's (CHSRA) request for an exemption from the STB's jurisdiction and oversight during the construction and operation of their high-speed rail project in Merced, Madera and Fresno Counties, in California. The STB must require the CHSRA to apply for a Certificate from the STB as required by 49 USC, Section 10901.

The CHSRA has demonstrated repeatedly in their planning and their execution of this controversial project that they require oversight to obey laws, to work with local governments and to simply do the right thing. It is your duty by law to ensure that they do the right thing.

Documented in the California High-Speed Train Project's (CHSTP) current Business Plan and various Environmental Impact Statements (EIS), the CHSTP will be indefinitely operated as an interstate diesel Amtrak service through Fresno, Kings, Tulare and Kern Counties and not a high-speed electric service as sold to the public.

I said indefinitely because high-speed service per the CHSTP Business Plan will not occur until the CHSRA finds another \$25-Billion and completes its environmental work and construction over and through the Tehachapi Mountains across a half a dozen-earthquake faults to just accomplish the first phase of this project. Per the Business Plan, this should occur around 2022 but in reality without an infusion of 400-times the amount of money earmarked today for the project and a lifetime of good fortune, high-speed train service is not going to happen.

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The new diesel Amtrak service that will operate in place of the high-speed train in many places between Madera, California and Shafter, California, will run immediately parallel to the existing interstate Amtrak service. If more train sets are added to system to travel on the new CHSTP track without double tracking the existing BNSF system, bottlenecks will affect interstate Amtrak service and interstate Freight service near Fresno and Shafter, California where the CHSTP alignment will connect back into the existing BNSF track. The BNSF track is primarily a single-track system and is more or less maxed out between Amtrak and Freight services today. Funding is not available to change that in the near future; however the current California State Rail Plan being developed reflects double tracking the BNSF decades from now.

The CHSTP alignment in question is plus or minus 100-miles between Madera and Shafter/Bakersfield. However, across most of Kings County and parts of Madera County the track will be several miles away from the BNSF track eliminating the Hanford, Corcoran and Wasco Amtrak stations according to the current CHSTP EIS. This will effectively cut off the populations living in southern Fresno County, Kings County, Tulare County, northern Kern County and the Central Coast region from San Joaquin Amtrak access.

What could go wrong with this project without STB oversight? Plenty...a goofed up interstate passenger and freight service, wasted/stranded federal investment and political controversy.

I am an Agro-Business owner. Our prime agricultural land and business is being threatened by the proposed construction of the CHSTP. Our five potentially affected ranches produce walnuts, organic cherries and almonds and are located in northeastern Kings County, four miles east of the nearest railroad track and two miles east of the nearest highway or transportation corridor. The CHSTP as designed will course through our ranches closer to the middle of the parcels than the edges, at an angle, turning five productive ranches into ten oddly shaped parcels of ground that will no longer be economically viable to farm.

The design of the CHSTP has had no regard for local property ownership or local land use. The CHSTP's design causes access problems, irrigation problems, chemical application problems and farm equipment movement problems. These easily avoidable problems will be economically devastating to our neighbors, our community, our county and us. These problems simply will be the by-product of poor design and planners with no concept of the real situation on the ground. This is because the CHSRA has only designed this project to a 15 to 30% standard leaving 70 to 85% of the problems unaddressed. In Kings County, the CHSTP is not even in a transportation corridor that does not comply with the state approved Kings County General Land Use Plan.

We have tried to work with the CHSRA on the design of their project through our community since June of 2010 to no avail. The CHSRA has decided to build whatever they want, where ever they want too. Our local governments have attempted to work with the CHSRA to minimize the negative impacts of the project.

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It is clearly documented by the media that working relationships between CHSRA and Madera County, Madera, Chowchilla, Kings County, Hanford, Corcoran, Kern County and Bakersfield are strained. This has led to lawsuits spanning most of CHSTP's Central Valley project length.

This is not the time or the project to surrender STB's oversight responsibilities. The public demands that you responsibly do your due diligence.

You may be asking yourself why I am sending this letter to you since I do not own land, operate a business or live in Merced, Madera or Fresno Counties. I am in contact with people living in those areas and they express similar concerns and experiences to mine. Pursuant to the CHSTP Business Plan, Phase-I of its construction is identified as being a rail alignment between Merced, California and Los Angeles, California and not just Merced, Madera and Fresno Counties and Kings County is in the plan.

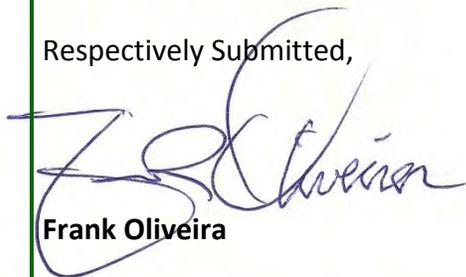
The STB is being deceived about the scope of the CHSTP and being asked to exempt only selected parts of the project at hand. If the STB surrenders its authority concerning parts of the project now, the expectation will surely be as the project develops south, STB will also subordinate its authority to the CHSRA consistent with the precedent that CHSRA is asking STB to set now. CHSRA expects STB to subordinate to CHSRA's authority since the CHSTP is an integral part of the California State Rail Plan that is being finalized now.

What authority or purpose does the STB really serve in California pertaining to rail passenger service and rail freight service if STB is not going to provide oversight responsibilities to the most expensive, costly and controversial transportation project being built in the United States today?

If the STB is willing to simply subordinate to the California State Rail Plan, what purpose will the STB serve in the other 49-states?

Deny the exemption; require the certification for this project.

Respectfully Submitted,



Frank Oliveira

Attachments: None

Pc: Congressman David Valadao
Congressman Jeff Denham