



Committee on Transportation and Infrastructure  
U.S. House of Representatives

Bill Shuster  
Chairman

Washington, DC 20515

Nick J. Rahall, III  
Ranking Member

Christopher P. Bertram, Staff Director

February 22, 2013

James H. Zoia, Democrat Staff Director

234033

The Honorable Daniel R. Elliot III  
Chairman  
Surface Transportation Board  
395 E St., SW  
Washington, DC 20423

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Office of Proceedings  
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Public Record

Dear Chairman Elliott:

I write as Chairman of the Subcommittee on Railroads, Pipelines, and Hazardous Materials regarding the California High-Speed Rail Authority's (Authority) planned construction of a passenger rail line to connect the San Francisco Transbay Terminal to Los Angeles Union Station (project). As you may know, the Authority expects to begin construction on the initial construction segment of the project this summer.

Under the Interstate Commerce Act, as amended, the Surface Transportation Board (Board) must approve the construction and operation of rail lines. The Board has jurisdiction over such activity if it involves transportation by rail carriers (1) between a place in a state and a place in another state, and (2) between a place in a state and another place in the same state, as long as it is carried out as part of the interstate rail network. I understand that whether the Board has jurisdiction over construction and operation of an intrastate passenger rail line is a fact-specific determination. Therefore, in similar situations in the past, entities have come before the Board to determine jurisdiction and, if necessary, apply for construction authority prior to beginning any construction-related activities.

As I understand it, the Authority has not sought such a determination by the Board regarding its proposed project. The Authority's *California High-Speed Rail Program Revised 2012 Business Plan* states, however, that the project will connect to Amtrak, and existing intercity passenger rail service, and provide coordinated ticketing and marketing. While I pass no judgment on whether the Board has jurisdiction over the construction of the project—indeed, that is a determination properly left to the Board—I believe it is imperative that the authorities set forth in the Interstate Commerce Act, including the requirement for construction authority, be followed. I therefore request that the Board take all reasonable action to ensure the Authority is complying with the Interstate Commerce Act.

If you or your staff have any questions or need further information, please contact Mike Friedberg of the Subcommittee on Railroads, Pipelines, and Hazardous Materials at (202) 226-0727.

Sincerely,

A handwritten signature in black ink, appearing to read "JDH", written over the word "Sincerely,".

Jeff Denham  
Chairman  
Subcommittee on Railroads, Pipelines, and Hazardous  
Materials