



Office of the Vice-Chairman

Surface Transportation Board
Washington, D.C. 20423-0001

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May 14, 2013

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The Honorable Kevin McCarthy
Majority Whip
U.S. House of Representatives
Washington, DC 20515

The Honorable Devin Nunes
U.S. House of Representatives
Washington, DC 20515

The Honorable Darrell Issa
U.S. House of Representatives
Washington, DC 20515

The Honorable Ed Royce
U.S. House of Representatives
Washington, DC 20515

The Honorable John Campbell
U.S. House of Representatives
Washington, DC 20515

The Honorable Duncan Hunter
U.S. House of Representatives
Washington, DC 20515

The Honorable Paul Cook
U.S. House of Representatives
Washington, DC 20515

The Honorable David Valadao
U.S. House of Representatives
Washington, DC 20515

The Honorable Ken Calvert
U.S. House of Representatives
Washington, DC 20515

The Honorable Buck McKeon
U.S. House of Representatives
Washington, DC 20515

The Honorable Doug LaMalfa
U.S. House of Representatives
Washington, DC 20515

The Honorable Dana Rohrabacher
U.S. House of Representatives
Washington, DC 20515

The Honorable Tom McClintock
U.S. House of Representatives
Washington, DC 20515

Dear Members of Congress:

Thank you for your joint letter dated May 7, 2013, requesting an extension of the comment period from May 8, 2013, to July 15, 2013, in STB Finance Docket No. 35724, California High-Speed Rail Authority—Construction Exemption—In Merced, Madera and Fresno Counties, Cal. I appreciate hearing from you and knowing your views.

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As you may know, while I agreed with the Board's conclusion that it has jurisdiction over the proposed California High-Speed Train System, I dissented from the remainder of the Board's April 18, 2013 decision. Enclosed please find a copy of my statement that accompanied the Board's decision, which further explains my position. I hope you will find it of interest.

Because this matter is pending before the Board I cannot comment substantively on the issues you have raised; however, I welcome your participation in this process, and your letter has been entered into the public record. You can be assured that I am committed to giving fair and thorough consideration to this and all other matters that come before the Board.

Again, thank you for contacting me on behalf of your constituents. I appreciate your ongoing interest in this matter.

Sincerely,

A handwritten signature in black ink that reads "Ann D. Begeman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ann D. Begeman
Vice Chairman

Enclosure

Docket No. FD 35724, CALIFORNIA HIGH-SPEED RAIL AUTHORITY—CONSTRUCTION EXEMPTION—IN MERCED, MADERA AND FRESNO COUNTIES, CAL.

VICE CHAIRMAN BEGEMAN, concurring in part and dissenting in part:

I agree that sufficient information exists about the proposed California High-Speed Train System (HST) to conclude that the Board has jurisdiction over it, based largely on the publicly available information that I have been reviewing since the Petition and Motion to Dismiss were filed last month. But that is where my agreement with this decision ends.

The Board's finding of jurisdiction should be accompanied by a rationale to support that finding, instead of waiting to disclose it in a subsequent decision, which could be weeks, if not months, from today. Such an approach is rare by this agency and is one that I cannot support here, not only because it is important for the California High-Speed Rail Authority to know the reasons we reached this finding, but also to inform other States that are planning high-speed rail projects so they can ensure full compliance with our regulations, as appropriate.

Further, I believe that if we have enough information to conclude that we have jurisdiction over this matter, we also have enough information to determine whether it falls within the statutory exemption criteria under 49 U.S.C. § 10502. In my view, continued regulation by the Board is necessary here to carry out the rail transportation policy of 49 U.S.C. § 10101, and a project of this size and magnitude in terms of cost and miles—estimated at over \$68 billion and 800 miles of rail line—is not one of “limited scope.” We should direct the Authority to file an application so that the Board can fully review and analyze the proposal. The scope of the project and significant interest in public participation, which this decision itself recognizes, mandates it.

I can appreciate the Board's desire to meet the Authority's request for expedited consideration, and it is unfortunate that the Authority didn't come to the Board in a more timely manner than it did. But the Authority's own deadline should not come at the expense of a full and thorough review by the Board.