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SERVICE DATE – DECEMBER 10, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35941

HIGH DESERT CORRIDOR JOINT POWERS AUTHORITY—CONSTRUCTION AND
OPERATION EXEMPTION—PASSENGER RAIL LINE IN LOS ANGELES AND SAN
BERNARDINO COUNTIES, CAL.

Decided: December 9, 2021

By petition filed on September 24, 2021, the High Desert Corridor Joint Powers Authority (Authority) seeks an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate an approximately 54-mile high-speed passenger rail line between Palmdale, Cal., and the town of Apple Valley, Cal. (the Line). The Authority also requests an exemption from ongoing regulation under 49 U.S.C. Subtitle IV. On October 13, 2021, the Los Angeles County Metropolitan Transportation Authority filed a reply in support of the petition.

The Authority states that the Line would connect existing Metrolink service and future California High-Speed Rail service in Palmdale with the DesertXpress Enterprises, LLC/XpressWest High-Speed Train Project (Brightline West) in the town of Apple Valley, enabling high-speed rail transportation for interstate passengers between the Los Angeles metropolitan area and Las Vegas, Nev. (Pet. 5-6.)

The Authority states that it was formed in 2006 to support the development of a multipurpose transportation corridor in California connecting the Palmdale/Lancaster area to the cities of Adelanto, Victorville, Hesperia, and the town of Apple Valley and that its members include the counties of San Bernardino and Los Angeles, the town of Apple Valley, and the cities of Adelanto, Victorville, Lancaster, and Palmdale. (Id. at 6.) The Authority intends initially to accept the common carrier obligation to operate the Line but anticipates that when the Line is completed, it will be operated and maintained by a third party. (Id. at 6-7.)

According to the Authority, an Environmental Impact Statement/Report (EIS/R) was prepared for the Line as part of a larger proposed multi-modal transportation project, the final version of which was released on June 20, 2016. (Id. at 14.) The Authority states that the Federal Railroad Administration (FRA) is conducting a reevaluation of the current rail project design, which includes some minor changes from the design evaluated in the June 20, 2016 EIS/R, to determine if the findings in the EIS/R remain valid or if new significant or previously unidentified impacts would occur, and a draft reevaluation document was submitted to FRA on April 12, 2021. (Id. at 16-17.) The Board's Office of Environmental Analysis (OEA) is participating in FRA's reevaluation process as a cooperating agency.

By this decision, an exemption proceeding under 49 U.S.C. § 10502(b) will be instituted. To ensure that interested parties have an opportunity to comment on the transportation merits of the proposed project, comments on the transportation merits may be filed until January 10, 2022. Replies to comments on the transportation merits will be due by February 8, 2022.

It is ordered:

1. Under 49 U.S.C. § 10502(b), a proceeding is instituted.
2. Comments on the transportation merits of the petition are due January 10, 2022. Reply comments are due February 8, 2022.
3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.