

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
May 13, 2021
Part of
Public Record

FINANCE DOCKET NO. 36488

**DESERTXPRESS ENTERPRISES, LLC –AUTHORITY TO CONSTRUCT
AND
OPERATE– PETITION FOR EXEMPTION FROM 49 U.S.C. § 10901 –
PASSENGER RAIL LINE BETWEEN VICTOR VALLEY, CA AND RANCHO
CUCAMONGA, CA**

COMMENTS IN RESPONSE TO PETITION FOR EXEMPTION

The Brotherhood of Maintenance of Way Employees Division/IBT (“BMWED”); Brotherhood of Railroad Signalmen (“BRS”); International Association of Sheet Metal, Air, Rail and Transportation Workers-Mechanical Division; and National Conference of Firemen and Oilers, 32BJ/SEIU (referred to herein as the “Allied Rail Unions” or “ARU”)¹ support the petition for exemption filed DesertXpress Enterprises LLC (d/b/a Brightline West) in this Finance Docket.²

When DesertXpress filed its petition for exemption in Finance Docket No. 35544 for its original planned routing, BMWED and BRS supported that petition and opposed the assertions by another party that the Board lacked jurisdiction over the planned operation. BMWED and BRS supported that petition because: 1) DesertXpress recognized that it would be a rail carrier

¹ There is no formal organization known as the “Allied Rail Unions”, rather that name has been adopted by these organizations for convenient collective reference in this proceeding; each organization is a separate participant in this proceeding.

² Since this is a petition for exemption published in the Board’s filings docket, not a “pleading” served on any party, these Comments are timely filed.

subject to the Interstate Commerce Act, Railway Labor Act, Railroad Retirement Act and Railroad Unemployment Insurance Act; and 2) the new operation would involve creation of new good rail industry jobs that would be covered by those statutes.

The Allied Rail Unions similarly support the petition in this Finance Docket for an extension of the original DesertXpress line because the extension will provide additional good railroad jobs; and because employees working on and for the service on the line, including Maintenance of Way workers, Signalmen, and Equipment Maintenance workers, will be rail carrier employees. The ARU applaud DesertXpress/Brightline West for acknowledging that the operation will be rail carrier service so its employees will be rail carrier employees covered by the RLA, RRRA and RUIA. The ARU therefore urge the Board to grant the petition.

Respectfully submitted,

/s/ Richard S. Edelman

Richard S. Edelman

Mooney, Green, Saindon, Murphy & Welch, P.C.

1920 L Street NW, Suite 400

Washington, DC 20036

(202) 783-0010

Redelman@MooneyGreen.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused copies of the foregoing Comments In Response to Petition for Exemption to be served by First Class Mail (and email as noted) on the following:

Terence M. Hynes
Marc A. Korman
Sidley & Austin, LLP
1501 K St NW
Washington, DC 20005
THynes@sidley.com

Kenneth Ramirez
26569 Community Center Drive
Highland, CA 92346

May 14, 2021

/s/Richard S. Edelman

Richard S. Edelman