

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36488

DESERTXPRESS ENTERPRISES, LLC—CONSTRUCTION AND OPERATION
EXEMPTION—PASSENGER RAIL LINE BETWEEN VICTOR VALLEY AND RANCHO
CUCAMONGA, CAL.

Decided: May 19, 2021

On April 13, 2021, DesertXpress Enterprises, LLC, a Nevada limited liability company d/b/a Brightline West (DesertXpress), filed a petition under 49 U.S.C. § 10502 for an exemption from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate an approximately 50-mile rail line for high-speed passenger rail service between Victor Valley, Cal., and Rancho Cucamonga, Cal. (the Line). (DesertXpress Pet. 1.) The Line would connect with another high-speed passenger rail line that DesertXpress proposes to build between Victorville, Cal., and Las Vegas, Nev. See DesertXpress Enters., LLC—Constr. & Operation Exemption—in Victorville, Cal., & Las Vegas, Nev., FD 35544 (STB served Oct. 25, 2011). DesertXpress states that it plans to initiate high-speed rail service between Las Vegas and Rancho Cucamonga in 2025. (DesertXpress Pet. 11.)

On May 5, 2021, the San Manuel Band of Mission Indians (San Manuel Band) requested an extension of time to reply to the petition for exemption to June 3, 2021, citing its reduced staffing and reallocation of personnel due to the pandemic. (San Manuel Band Pet. 1.) The San Manuel Band asserts that the extension of time will provide it sufficient time to fully review the petition and comment on the impact of granting the petition on their cultural and historic homelands. (Id.)

DesertXpress replied on May 11, 2021, opposing the extension request. Among other things, DesertXpress claims that granting the requested extension would prejudice it by imposing delay on a project that will promote the public interest by improving transportation options and combatting climate change. (Reply 2.) DesertXpress argues that the delay would not serve those important public interest objectives and would result in increased costs and complicate project financing. (Id.) DesertXpress adds that “time is of the essence for this project.” (Id.)

Although DesertXpress claims that an extension of the comment period would prejudice it, the argument lacks merit given the time required to conduct the environmental review and the fact that DesertXpress does not intend to begin service until 2025. Under these circumstances, the San Manuel Band’s request is reasonable and will not delay the Board’s overall consideration of the project. The request therefore will be granted.

It is ordered:

1. The San Manuel Band's reply to the petition for exemption will be due on June 3, 2021.
2. This decision is effective on its date of service.

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