



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

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The Honorable Dina Titus
2464 Rayburn House Office Building
Washington, DC 20515

Dear Representative Titus,

Thank you for your recent letter regarding DesertXpress Enterprises, LLC and DesertXpress HSR Corp. – Construction and Operation Exemption – In Victorville, CA and Las Vegas, NV, Docket No. FD 35544 and DesertXpress Enterprises, LLC – Construction and Operation Exemption – Passenger Rail Line Between Victor Valley and Rancho Cucamonga, CA, Docket No. FD 36488. I appreciate hearing your views about the potential economic and environmental benefits that could result from construction of a high-speed passenger rail system between Nevada and California.

As you are aware, on July 28, 2011, DesertXpress Enterprises, LLC (“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 190-mile rail line for high-speed passenger rail service between Victorville, CA, and Las Vegas, NV (“Las Vegas Line”). The Federal Railroad Administration (“FRA”) conducted an environmental review of the proposed project by preparing an Environmental Impact Statement (“EIS”) pursuant to the National Environmental Policy Act (“NEPA”) and the Board, through its Office of Environmental Analysis (OEA), participated in the environmental review as a cooperating agency. On October 25, 2011, the Board granted the petition for a construction and operation exemption, subject to environmental conditions and the requirement that petitioners construct the FRA-designated Selected Alternative.

On March 27, 2019, DesertXpress filed a petition to reopen the proceeding, to permit the Las Vegas Line to be constructed along a modified route, referred to as the I-15 median alignment. FRA agreed to reevaluate the environmental review in light of the proposed alignment changes, and the Board again participated in that process as a cooperating agency. OEA concluded that FRA’s reevaluation adequately assessed the potential environmental impacts associated with DesertXpress’ project modifications and concurred with FRA’s determination that a supplemental EIS was not necessary. Accordingly, OEA recommended that the Board consider FRA’s reevaluation, along with the EIS, when it decides whether to authorize the DesertXpress project as modified. The Board was not able to issue its final decision on modifying the routing condition until the historic review process, under Section 106 of the National Historic Preservation Act, was completed. That process is now complete.

On April 13, 2021, DesertXpress Enterprises, LLC d/b/a Brightline West, 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, CA, and Rancho Cucamonga, CA (“RC Line”). The RC Line would connect with the Las Vegas line. The Board is evaluating comments from stakeholders in response to that petition. FRA served as the lead agency in conducting the environmental review for the RC Line, and the Board participated as a cooperating agency. FRA issued a Final Environmental Assessment (EA) and a Finding of No Significant Impact on July 12, 2023, and OEA is reviewing the Final EA before making its final recommendations to the Board.

Thank you again for contacting me with your views about the project. Because this case is pending, I cannot comment further at this time. However, please be assured that the Board will fully consider all comments and submissions in this proceeding regarding the potential impacts and benefits of the proposed construction and will issue a decision on the petitions in a timely manner.

A copy of your letter and this response has been placed in the public docket. If you or your staff have any questions, please contact Ms. Janie Sheng, Director of the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238.

Sincerely,

A handwritten signature in dark ink, reading "Martin J. Oberman". The signature is fluid and cursive, with the first name "Martin" and last name "Oberman" clearly legible.

Martin J. Oberman
Chairman