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EXPEDITED ACTION REQUESTED

July 21, 2023

Ms. Cynthia T. Brown
 Chief, Section of Administration
 Surface Transportation Board
 Office of Proceedings
 395 E Street, SW
 Washington, DC 20423-0001

Re: 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*

Dear Ms. Brown:

This letter has reference to the Petition for Exemption filed in the above-captioned proceeding on April 13, 2021 by DesertXpress Enterprises, LLC d/b/a Brightline West (“DXE”) seeking an exemption from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate an extended high-speed passenger rail line between Victor Valley and Rancho Cucamonga, CA, a distance of approximately 50 miles (the “VVRC Line”). The VVRC Line would create a connection between the approximately 170-mile high-speed passenger rail line between Las Vegas, NV and Victorville, CA previously exempted by the Board in *DesertXpress Enterprises, LLC and DesertXpress HSR Corp.—Construction and Operation Exemption—In Victorville, Cal. and Las Vegas, Nev.*, STB Docket No. 35544 (STB served Oct. 25, 2011) (“2011 Decision”) and the commuter rail network operated by Metrolink serving points throughout Southern California.

By Decision served on July 12, 2021, the Board instituted a proceeding under 49 U.S.C. § 10502(b) “to consider the issues presented and to permit time to conduct the required environmental review” of the proposed VVRC Line. *See DesertXpress Enterprises, LLC – Construction and Operation Exemption -- Passenger Rail Line Between Victor Valley, CA and Rancho Cucamonga, CA* (STB served July 12, 2021).

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The Federal Railroad Administration (“FRA”) served as lead Federal agency in conducting the required NEPA review of the VVRC Line project. The Board’s Office of Environmental Analysis (“OEA”), and various other Federal and state entities, participated in the NEPA review process as cooperating agencies. An Environmental Assessment (“EA”) of the VVRC Line project was made available for public review on October 28, 2022, and FRA held virtual public meetings regarding the EA during November 2022.

Based on the EA and its evaluation of comments received in writing and at the virtual public meetings, FRA issued a Finding of No Significant Impact (“FONSI”) with respect to the VVRC Line project on July 12, 2023. FRA determined that “[t]he [VVRC Line] Project is needed to address transportation capacity, congestion, limited travel mode choices, safety, and [to] reduce greenhouse gas (GHG) emissions.”¹ FRA concluded that:

“FRA has carefully considered the Project record, including the EA and associated technical reports and analysis; the mitigation measures required; and the written and oral comments offered by agencies, stakeholders, and the public. Based on this consideration, FRA has determined the attached EA satisfies the requirements of NEPA, CEQ’s implementing regulations, FRA’s Environmental Impact and Related Procedures and other applicable environmental requirements, and *the Selected Alternative, as presented and assessed in the EA, will not significantly impact the quality of the human environment.*”²

With the issuance of the FONSI, the environmental review of the VVRC Line project required by NEPA is now complete, and DXE’s Petition for Exemption is ripe for a final decision.

As DXE’s Petition for Exemption demonstrates, construction and operation of the proposed VVRC Line clearly satisfies the criteria for exemption set forth in Section 10502:

The VVRC Line will benefit the public and promote the national transportation policy by providing a safe, reliable, convenient and environmentally friendly option for travel between Las Vegas and Southern California.³ The Board has previously found that DXE’s Las Vegas – Victorville Line will promote the national transportation policy by “providing additional

¹ See Attachment 1, Finding of No Significant Impact at 3 (emphasis added).

² See Attachment 1, Finding of No Significant Impact at 17 (emphasis added).

³ See Petition for Exemption at 13-18.

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transportation options and alleviating automobile congestion on the I-15 freeway, while also reducing air pollution and overall fuel consumption.”⁴ In issuing the FONSI, FRA found that:

“[t]ravel demand analysis forecasts 49.1 million one-way trips between Southern California and Las Vegas in 2025, with approximately 85 percent of travelers making the trip by automobile. Most of these trips use the capacity-constrained Cajon Pass segment of I-15. Further, the freeway system leading into I-15 from points west, east, and south, including Interstate (I-) 10, State Route (SR-) 210, I-215 and SR-60 have similar delays and capacity constraints.”⁵

By extending the Las Vegas - Victorville Line to a connection with Metrolink at Rancho Cucamonga, the VVRC Line will create the first through passenger high-speed rail service between Southern California and Las Vegas.

There is no question that construction of the extended VVRC Line, and the enhanced rail transportation services that it will make possible, are consistent with both the Rail Transportation Policy (“RTP”) set forth at 49 U.S.C. § 10101 and with current Federal policy encouraging the development of high-speed passenger rail service in the United States. As a bipartisan, bi-state group of 10 Members of Congress recently observed:

“Brightline West will serve as a powerful example of the possibilities of high-speed rail for other cities and regions and is well-positioned to advance the U.S. Department of Transportation’s priorities related to multi-generational infrastructure investments, job creation, equity, and climate change resiliency and sustainability The system will also align with the Administration’s climate goals by diverting millions of automobile users from I-15 onto a faster, more efficient, zero-emission transportation option.”⁶

⁴ 2011 Decision at 3.

⁵ See Attachment 1, Finding of No Significant Impact at 3.

⁶ See Attachment 2, Letter dated April 24, 2023 from Members of Congress to Honorable Pete Buttigieg at 1, 2.

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Moreover, regulation of the VVRC Line project is not necessary to protect the public from an abuse of market power. No freight shipper will lose access to an existing rail option as a result of the construction and operation of the VVRC Line.⁷ Nor will the VVRC Line threaten competitive harm to rail passengers. To the contrary, upon commencement of DXE service, the public will – for the first time – have access to a safe and efficient high-speed rail option for travel between Las Vegas and the Los Angeles metropolitan area. DXE’s train service will face competition from multiple airlines that serve the Las Vegas – Southern California travel market, and passengers will continue to have the option to travel by automobile via I-15.

Section 10901(c) itself “directs the Board to grant rail construction proposals unless it finds the proposal ‘inconsistent with the public convenience and necessity.’”⁸ The Board has acknowledged that this legal standard, which was enacted as part of ICCTA in 1995, establishes a statutory presumption that rail construction projects are in the public interest and should be approved.⁹

[I]n enacting the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, *Congress intended to facilitate rail construction* by changing the statutory standard from requiring approval if the agency finds that a project is consistent with the public convenience and necessity (PC&N) to *requiring approval unless the agency finds the project is inconsistent with the PC&N*. Under this new standard, proposed rail construction projects are to be given the benefit of the doubt.¹⁰

⁷ 2011 Decision at 4.

⁸ 2011 Decision at 3. See also *Ken Tenn Regional Rail Partners, Inc. – Construction & Operation Exemption – In Fulton County, KY and Obion County, Tenn*, Finance Docket No 36328 (STB served December 1, 2020) at 3.

⁹ See *Class Exemption for the Construction of Connecting Track Under 49 U.S.C. 10901*, 1 S.T.B. 75, 79 (1996) (“Thus, there is now a presumption that construction projects will be approved.”). See also 2011 Decision at 3; *Northern Plains Resource Council, Inc. v. STB*, 668 F.3d 1067, 1089-92 (9th Cir. 2011) (affirming Board’s interpretation of §10901 finding a presumption that new construction should be approved).

¹⁰ *The Burlington Northern & Santa Fe Ry. Co. - Construction and Operation Exemption - Seadrift and Kamey, TX*, Finance Docket 34003, at 4 (STB June 19, 2001) (emphasis added).

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In short, the transportation merits of DXE's proposal to extend its previously-approved high-speed passenger rail line from Victorville to a connection with Metrolink at Rancho Cucamonga are manifest.

DXE's objective is to complete construction of the entire line between Las Vegas and Rancho Cucamonga, and to initiate passenger rail service, in time for the 2028 Summer Olympics hosted by the City of Los Angeles. The only remaining Federal regulatory hurdle to commencing construction of the line is Board action on the Petition for Exemption in this proceeding (and on DXE's pending Petition to Reopen in Finance Docket No. 35544).¹¹ DXE's request for expedited final decisions on those petitions is supported by key stakeholders in the States of California and Nevada as well as the High-Speed Rail Labor Coalition (consisting of 13 unions that represent more than 160,000 American rail workers).¹²

For the reasons set forth above, DXE respectfully requests that the Board expedite a final decision exempting the VVRC Line project from the prior approval requirements of 49 U.S.C. § 10901, so that DXE can deliver the many transportation, environmental, safety and other public benefits of high-speed passenger rail service to the communities to be served by the line.

Please direct any questions regarding this letter to the undersigned counsel for DesertXpress Enterprises, LLC. Thank you for your assistance in this matter.

Sincerely,



Terence M. Hynes
Counsel for DesertXpress Enterprises, LLC

TMH:mdm

cc: Parties of Record

Danielle Gosselin (OEA)

Andrea Poole (OEA)

¹¹ The Petition to Reopen in Finance Docket No. 35544 requests that the Board modify the *2011 Decision* to authorize DXE to construct the Las Vegas – Victorville Line along a new alignment (in the median between the northbound and southbound lanes of I-15) that was approved by FRA in its reevaluation of the original July 8, 2011 Record of Decision. *See* Petition to Reopen at 4-7.

¹² *See* Attachments 2 and 3.

ATTACHMENT 1

**U.S. Department of Transportation
Federal Railroad Administration**

FINDING OF NO SIGNIFICANT IMPACT

**Brightline West Cajon Pass High-Speed Rail Project
Victor Valley to Rancho Cucamonga, California
July 2023**

1 Introduction

Brightline West, the Project Sponsor, proposes to construct and operate the Brightline West Cajon Pass High-Speed Rail Project (Project), a 49-mile train system capable of reaching a top speed of approximately 140 miles per hour (mph) between Victor Valley and Rancho Cucamonga, California. The Project includes two new railway stations—one in Hesperia, and one in Rancho Cucamonga. The connecting station in Victor Valley was approved as part of a separate project that was evaluated in the DesertXpress Final Environmental Impact Statement (Final EIS; FRA 2011).

Brightline West proposes to construct and operate the Project within the Interstate-15 (I-15) right-of-way for 48 miles and on existing transportation corridors for the last mile into the proposed Rancho Cucamonga station (see Figure 1). The Project will be powered by overhead electric catenary and require construction of one new traction power substation in the Hesperia area. The maintenance facility that was approved with the DesertXpress Project will provide the primary maintenance functions (Final EIS; FRA 2011). Additional layover tracks are anticipated at the Rancho Cucamonga station, which could include light maintenance capability, such as interior cleaning and daily inspection.

Trains are expected to operate daily on 60-minute headways between Victor Valley and Rancho Cucamonga. The trip between Victor Valley and Rancho Cucamonga will be approximately 35 minutes. Service will be coordinated with existing and planned Metrolink service at the Rancho Cucamonga station to provide a convenient connection between the HSR and commuter rail systems.

Brightline West will construct and operate the Project under a lease agreement with the California Department of Transportation (Caltrans) for the use of the I-15 right-of-way and the station at Hesperia. Brightline West will secure additional agreements for Right-of-Way Use; Design & Construction Oversight and Reimbursement; and Operations & Maintenance, as necessary, including agreements with the City of Rancho Cucamonga and the San Bernardino County Transportation Authority (SBCTA) for land rights, construction, operations, and maintenance for the last mile of the Project from I-15 to Rancho Cucamonga station.

Since Federal funds and Federal permits are necessary for the Project, compliance with the National Environmental Policy Act of 1969 (42 USC § 4321 et seq.) (NEPA) is required. The federal actions and approvals required for implementation of the Project are listed in **Exhibit 1**. The Federal Railroad Administration (FRA) is the lead Federal agency for review under NEPA. FRA, in cooperation with the Federal Highway Administration (FHWA), Surface Transportation Board (STB), United States Army Corps of Engineers (USACE), and Yuhaaviatam of San Manuel Nation, prepared an Environmental Assessment (EA) and draft Section 4(f) Evaluation in October 2022 evaluating the potential environmental effects of the Project. FRA prepared the EA in accordance with NEPA, the Council on Environmental Quality's (CEQ) NEPA implementing regulations (40 CFR Parts 1500-1508), and FRA's Environmental Impact and Related Procedures (23 CFR Parts 771 and 774), and other related laws and requirements. The EA documents the effects of the Project on the environment and the measures that will be implemented to avoid, reduce, and mitigate the Project's adverse effects on social, economic, and environmental resources.

Exhibit 1
Federal Permits and Approvals

Agency	Coordination and Approvals
U.S. Fish and Wildlife Service (USFWS)	Consultation consistent with Section 7 of the Endangered Species Act
U.S. Army Corps of Engineers (USACE)	Section 404 Permit, pursuant to the Federal Clean Water Act
Surface Transportation Board (STB)	Approval for Construction and Operation
Federal Railroad Administration (FRA)	49 U.S.C. Sections 103, 20103 – Authority to regulate the safety of railroads 49 CFR Part 236 – Type and safety approval for the signaling system (ETCS) 49 CFR Part 238 – Vehicle qualification for the rolling stock
Federal Highway Administration (FHWA)	Jurisdiction over the use of and/or modification of Interstate highway right-of-way

The EA was made available for review by agencies and the public for a 30-day review and comment period between October 28, 2022, and November 28, 2022. A notice of availability of the EA was distributed via email and postcard to the Project mailing list and residents of the Project area. The EA was available on FRA's website¹ and Regulations.gov² and its availability was advertised in the Rancho Cucamonga Daily Bulletin, The Sun, and Victor Valley News. FRA held virtual public meetings on November 12, 2022, and November 15, 2022. Summaries of comments received on the EA and responses to those comments are provided in **Attachment C**; the full text of all comments is provided in **Attachment D**.

This Finding of No Significant Impact (FONSI) is made based on the information in the EA to comply with NEPA, CEQ's implementing regulations, FRA's Environmental Impact and Related Procedures; and other applicable laws, including Section 106 of the National Historic Preservation Act (Section 106) and Section 4(f) of the U.S. Department of Transportation Act of 1966 (Section 4(f)). The EA is incorporated by reference into this FONSI. The use of errata sheets (**Attachment B**) in lieu of a Final EA is appropriate under CEQ's regulations as the comments received on the EA were minor in nature and the responses to the comments are limited to factual corrections of explanations of why the comments do not warrant further response.³ Corrections in **Attachment B** are limited to clarification of mitigation measures and to the discussion of impacts regarding wetland and stream areas, land use, hazardous materials, transportation, and safety, as well as minor revisions to figures.

¹ <https://railroads.dot.gov/rail-network-development/environment/environmental-reviews/brightline-west-cajon-pass-high-speed>

² <https://www.regulations.gov/docket/FRA-2022-0090>

³ USDOT, 2019. Guidance on the Use of Combined Final Environmental Impact Statements/Records of Decision and Errata Sheets in National Environmental Policy Act Reviews. Available: <https://www.transportation.gov/sites/dot.gov/files/docs/mission/transportation-policy/permittingcenter/337371/feis-rod-guidance-final-04302019.pdf>.

2 Purpose and Need

The purpose of the Project is to provide reliable and safe passenger rail transportation between the Los Angeles metropolitan region and the High Desert of San Bernardino County by providing an alternative to automobile travel along the I-15 freeway by adding capacity to the overall transportation system to reduce travel time between metropolitan regions.

The Project is needed to address transportation capacity, congestion, limited travel mode choices, safety, and reduce greenhouse gas (GHG) emissions. Travel demand analysis forecasts 49.1 million one-way trips between Southern California and Las Vegas in 2025, with approximately 85 percent of travelers making the trip by automobile. Most of these trips use the capacity-constrained Cajon Pass segment of I-15. Further, the freeway system leading into I-15 from points west, east, and south, including Interstate (I-) 10, State Route (SR-) 210, I-215 and SR-60 have similar delays and capacity constraints. Refer to Section 2.3 of the attached EA for a complete description of the Project's purpose and need.

3 Alternatives Considered

3.1 No Action Alternative

The No Build Alternative will involve no action to create a passenger HSR system in the median and immediately alongside the I-15 highway between Victor Valley and Rancho Cucamonga. The I-15 corridor will remain operational without improving the major points of congestion or transportation capacity deficiencies along the highway. There are two planned improvements on I-15 within the project study area. The first project, Caltrans' the I-15 Interchange Reconstruction Project, consists of improvements to the D Street, E Street, Stoddard Wells Road, and Mojave River Bridge interchanges to improve traffic safety, operational characteristics, and aesthetics. The second project is the I-15 Pavement Rehabilitation Project which is intended to improve the safety performance and smoothness of the roadway. Neither of these projects would increase capacity on I-15 or meet any of the other identified transportation needs. The No Build Alternative will not result in temporary or permanent impacts to resources in the affected environment as no project related activities or construction will occur. Travelers between Victor Valley and Rancho Cucamonga will continue to use passenger cars for travel. Due to anticipated population increases, travel demand along I-15 will increase, along with Vehicle Miles Traveled (VMT) and associated criteria air pollutants, TACs, and GHG emissions from passenger vehicles.

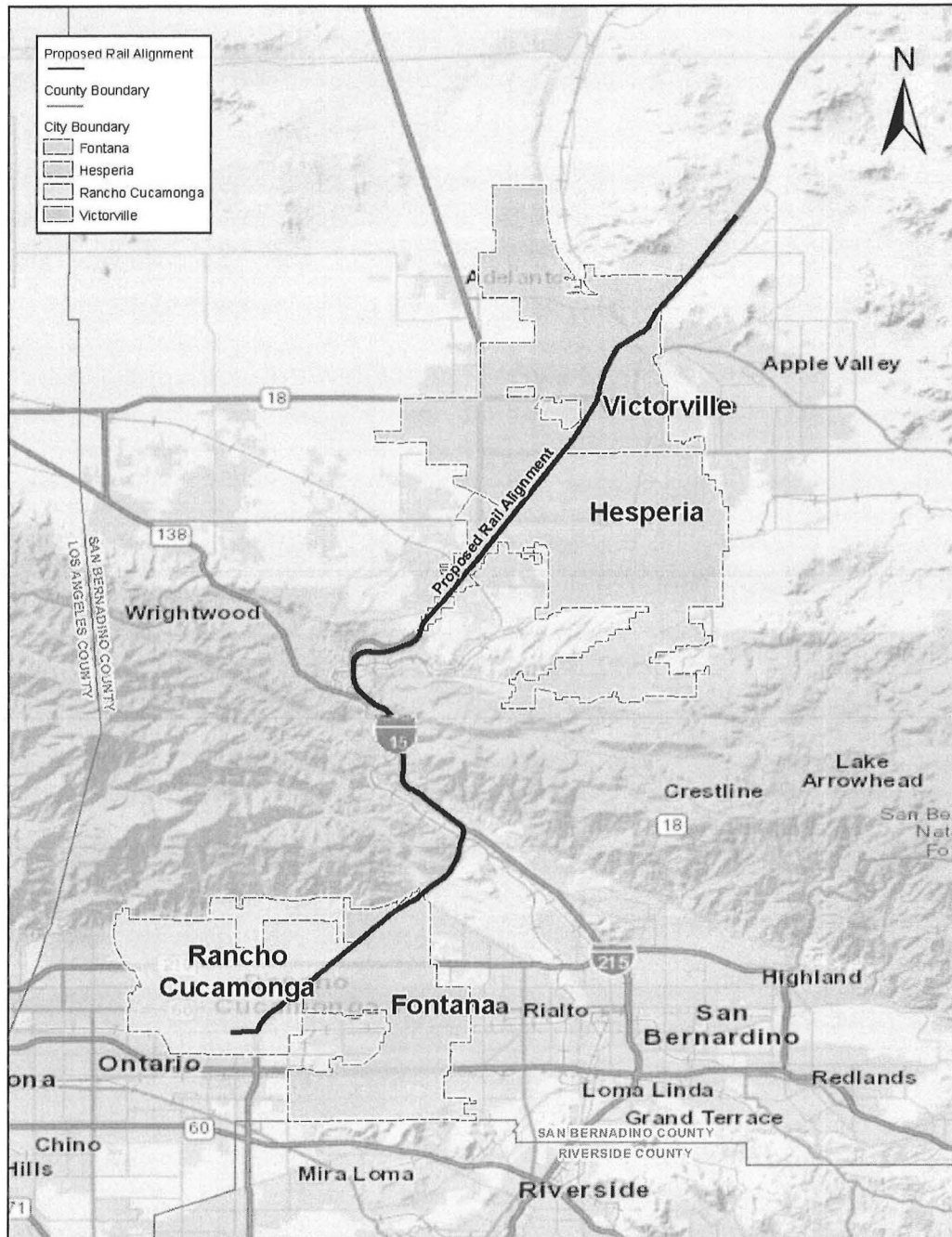
3.2 Build Alternative

The Build Alternative (i.e., the Project) consists of a proposed HSR passenger railway with associated infrastructure, including two new proposed passenger stations. Nearly all of the Project will be built within the I-15 right-of-way. Near the proposed southern terminus station in Rancho Cucamonga, approximately one mile of the rail alignment will be in city street, railroad, or utility rights-of-way.

The proposed rail alignment, as shown in Figure 1, will be located within the median of I-15 freeway between Victor Valley and Rancho Cucamonga except at the approach to the proposed Rancho Cucamonga station. The rail alignment will be predominantly at-grade (the same elevation as the existing freeway), with select segments of the alignment on aerial structures or in a trench to allow for grade separations (including four BNSF Railway railroad crossings and three Union Pacific railroad crossings) and to provide a safe incline for train operation. The rail alignment will be predominantly single-track, with limited double-track segments in Victor Valley (2.6 miles, including 0.9 miles constructed as part of the approved DesertXpress Project), Hesperia (5.5 miles), and Rancho Cucamonga (2 miles). This will allow for 60-minute headways in the opening year between Victor Valley and Rancho Cucamonga. These headways along with the ability to couple trains (double passenger capacity), will address projected ridership needs for the foreseeable future.

For analytical purposes, the Build Alternative is described in sections. Sections were developed to reflect similarly developed areas with similar environmental sensitivity. The sections are represented in Figure 2 and include:

- **Section 1:** High Desert - From the Victor Valley station, continuing south along I-15, to the I-15/Oak Hill Road interchange in Hesperia
- **Section 2:** Cajon Pass - From the Oak Hill Road interchange continuing south along I-15, through the Cajon Pass, to the I-15/Kenwood Avenue interchange
- **Section 3:** Greater Los Angeles - From the I-15/Kenwood Avenue interchange in San Bernardino continuing south along I-15, through the existing Metrolink Station in Rancho Cucamonga to Haven Avenue



Source: BrightLine West, 2022; San Bernardino County GIS, 2022; National Geographic, 2022

Figure 1 Project Map

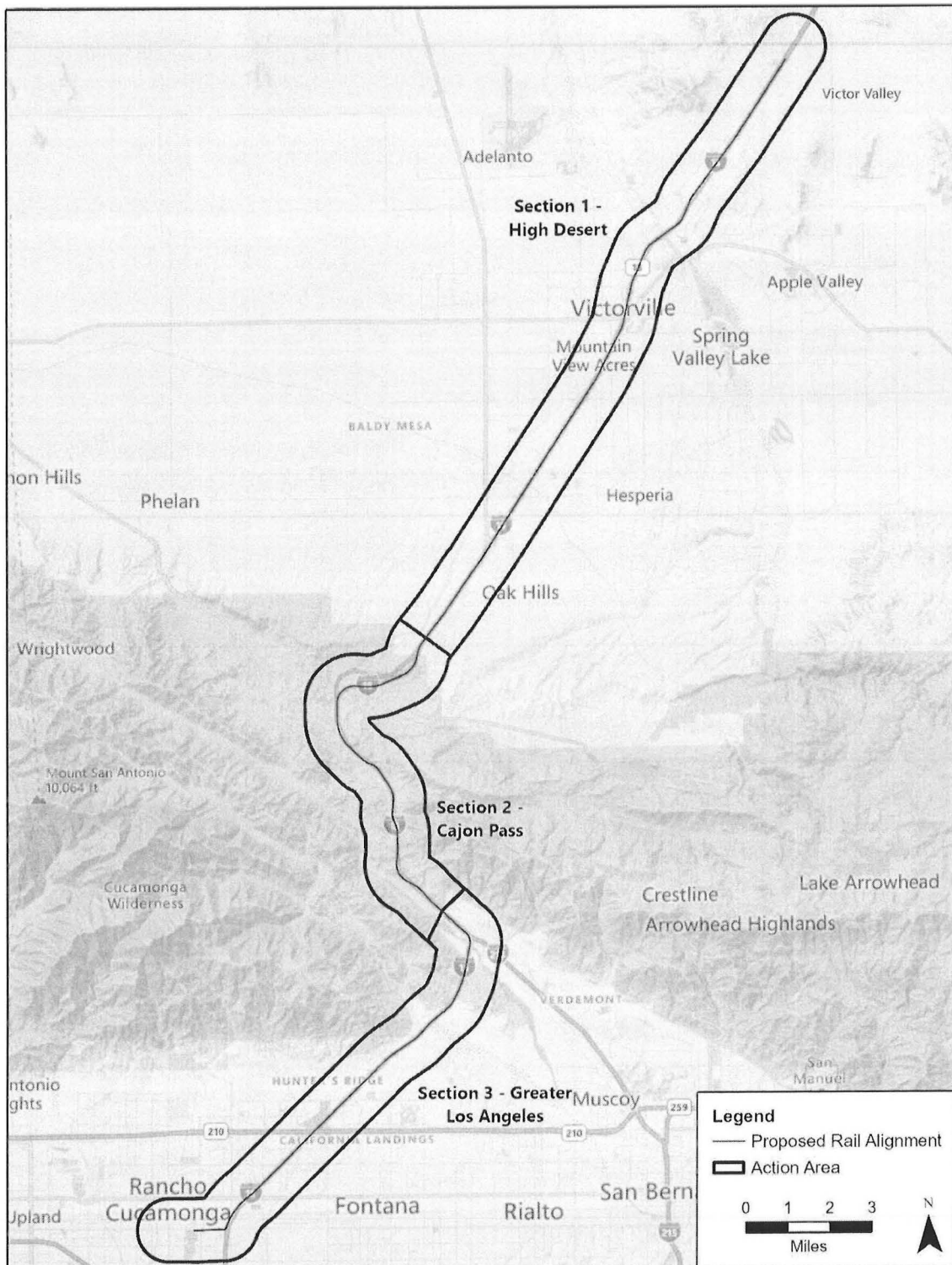


Figure 2 Project Sections

3.3 Selected Alternative

FRA identified the Build Alternative as the Preferred Alternative in the EA. Based on the analysis in the EA, and consideration of public comments received during the comment period, FRA selects the Build Alternative for implementation.

4 Affected Environment and Environmental Consequences

In the EA, FRA defined the study area for the Project, and described the affected environment, regulatory setting, and the environmental consequences for the Project. The No Build Alternative served as a baseline against which to compare the impacts of the Build Alternative. **Exhibit 2** summarizes the potential long-term operations impacts and associated mitigation measures of the Selected Alternative and **Exhibit 3** summarizes the temporary construction impacts of the Selected Alternative. Measures to mitigate the potential for adverse impacts are summarized in both tables, as warranted. The complete text of all environmental commitments, including mitigation measures, is included in **Attachment A**.

Exhibit 2

Summary of Operations Impacts and Mitigation

Analysis Area	Long-Term Operational Impacts of the Selected Alternative	Mitigation
Transportation	The Rancho Cucamonga station will result in traffic impacts to three intersections that are projected to operate at unacceptable level of service during the 2025 Opening Year conditions during peak periods and will also degrade the level of service at the Milliken Avenue/7th Street Intersection compared to the 2045 No Build scenario. Operation of the Project would increase demand for local transit at the Hesperia station, such that the hourly volume of passengers desiring to depart the station via bus will likely exceed the available bus capacity during any single hour. At the Rancho Cucamonga station, the Project will impact passengers utilizing regional rail on Sunday, when there is a 5-hour period in the late afternoon/early evening with only one train in each direction. Based on ridership estimates, parking at the Hesperia and Rancho Cucamonga stations will exceed the amount of existing and planned spaces at the station in the 2045 Horizon Year.	During project design, Brightline West will coordinate with SBCTA, Caltrans, Rancho Cucamonga, and Hesperia to incorporate intersection improvements to lessen or avoid adverse impacts to traffic to the extent feasible, including optimizing signal timing to reflect changes in traffic flows in station areas during operation of the Project. Brightline West will coordinate with local transit agencies to identify opportunities to best serve the needs of transit users at the Hesperia and Rancho Cucamonga stations without significantly affecting other transit services. Brightline West will develop and implement a parking demand management plan prior to operation of the Project to manage increasing parking demand at the Hesperia and Rancho Cucamonga stations.
Land Use and Community Facilities	None	None.
Socioeconomic Environment	None.	None.
Cultural Resources	None.	None.
Aesthetics	The Project would have a permanent impact on views of the San Gabriel and San Bernardino Mountains, as well as the Southern California Edison Boulder Dam-San Bernardino transmission lines from northbound I-15, looking north toward the split of northbound and southbound I-15 as it climbs toward the summit of Cajon Pass.	During the design phase, Brightline West will design rail features, including bridge pillars/columns, raised tracks, trains, catenary structures, crash barriers, retaining walls, abutments, fencing, and embankments to blend with or represent the surrounding desert or urban environment. Features will be created or stained in muted desert colors. Bright colors and highly reflective materials will be avoided, as feasible. Project elements defined in the design process will include visual elements that contribute to a sense of place and a memorable experience for motorists, pedestrians, and rail passengers. Concrete will be embossed with patterns, where appropriate, that are indicative of the surrounding environment and that create a visual link between the railway features and their surroundings and will be similar in character to recent nearby freeway projects.
Water Quality	The Project will result in permanent increased impervious surface along the rail alignment and the proposed Hesperia station, which will increase the amount of stormwater runoff and nonpoint-source pollution in some areas, affecting 48 ephemeral or intermittent drainage features.	To protect water quality, Brightline West will install permanent water quality treatment devices in accordance with the National Pollutant Discharge Elimination System (NPDES) permit obtained for the Project (Mitigation Measure WQ-7). Brightline West will redesign and resize the existing drainage features to accommodate

Analysis Area	Long-Term Operational Impacts of the Selected Alternative	Mitigation
		the potential increase in runoff along the rail alignment. Additionally, stormwater treatment will be designed in accordance with the Caltrans Project Planning and Design Guide (PPDG). The 100-year, 24-hour storm event will be used to determine the appropriate size of drainage facilities need for the Project (Mitigation Measure WQ-8).
Wetlands and Stream Areas	During Project operation, railway crossings over Debris Cone Creek, Cajon Wash/Creek, and Lytle Creek will require new structures in the channels. All crossings will result in less than 0.1 acre of permanent fill. The Project will have no permanent impacts on the Mojave River itself, but a small portion (less than 0.01 acre) of wetlands associated with the Mojave River will be permanently impacted.	Prior to construction, Brightline West will coordinate with USACE to obtain a jurisdictional determination for aquatic resources. If applicable, Brightline West will obtain any required permits and implement all required permit conditions.
Floodplains	None.	None.
Biological Resources	Approximately 64 acres of native vegetation habitat types will be permanently converted to transportation uses by the Project. Permanent impacts occur in a wide variety of habitat types; most permanent impacts would occur in Desert Scrub habitats (37 acres).	Brightline West will implement mitigation and compensation strategies identified during consultation with USFWS and documented in USFWS' Biological Opinion. Brightline West will also obtain an Incidental Take Permit for Endangered Species Act (ESA)-listed species. Refer to Attachment A , for a list and description of Mitigation Measures BIO-1 through BIO-57
Geology, Soils, and Seismicity	Seismic activity during operation could result in impacts related to surface fault rupture, ground shaking, and liquefaction because the Project alignment crosses or comes within 1,000 feet of four major faults: the Sierra Madre, the San Jacinto, the San Andreas, and the Cleghorn faults.	Brightline West will hire qualified geologists and geotechnical engineers to conduct geotechnical investigations along the Project alignment for potential hazards related to geology, soils, seismicity. Brightline West will incorporate recommendations of the evaluation that avoid or minimize hazardous impacts and will be implemented prior to design and construction. Refer to Attachment A for a list and description of Mitigation Measures GEO-2 through GEO-8.
Air Quality and Greenhouse Gas	None. The Project will not result in exceedances of the <i>de minimis</i> thresholds for criteria pollutants in the applicable air basins. As ridership increases during the operation period, the Project will reduce emissions of both criteria pollutants and GHGs by providing an alternative to passenger car travel and reducing vehicle miles traveled within the South Coast Air Basin and Mojave Desert Air Basin, resulting in a beneficial impact to air quality and reductions in greenhouse gas emissions.	None.
Energy Resources	None.	None.
Noise and Vibration	None.	None.

Analysis Area	Long-Term Operational Impacts of the Selected Alternative	Mitigation
Safety and Security	None.	None.
Environmental Justice	The Project will not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.	None.

Exhibit 3

Summary of Construction-Period Impacts and Mitigation

Analysis Area	Temporary Construction-Related Impacts of the Selected Alternative	Mitigation
Transportation	None.	None.
Land Use and Community Facilities	None.	None.
Socioeconomic Environment	None.	None.
Cultural Resources	None.	None.
Aesthetics	Changes in visual quality from construction will result from implementation of standard industry practices, including the use of temporary lighting, fences, barriers, stockpiling of materials, and the use of heavy equipment, and will result in temporary visual disturbances to natural visual resources.	Brightline West will implement measures to minimize nighttime light spillover onto adjacent properties, to reduce glare for freeway motorists, and to prevent visible lighting overflow into the natural dark sky of the desert at night. Visual screening, such as fences, will be erected along construction and staging areas as appropriate. Landscaping and native vegetation that is cleared for temporary construction areas (TCA) will be replaced by Brightline West within one year of the completion of construction at any location along the alignment.

Analysis Area	Temporary Construction-Related Impacts of the Selected Alternative	Mitigation
Water Quality	Construction of the Project will impact water quality from activities involving soil disturbance, excavation, cutting/filling, stockpiling, and grading. Grading could result in increased erosion and sedimentation of surface waters. Stormwater runoff from TCAs could contain sediment and other contaminants, and could carry contaminants to drainages, groundwater, and impaired water bodies.	Brightline West will implement Best Management Practices (BMP) during construction and operation of the Project to minimize impacts on aquatic resources (Mitigation Measure WQ-1), comply with the statewide National Pollutant Discharge Elimination System (Mitigation Measure WQ-2), implement a stormwater pollution prevention program (SWPPP) (Mitigation Measure WQ-3), implement a spill prevention, control and countermeasures plan (SPCC) (Mitigation Measure WQ-4), locate TCAs to avoid key water features (Mitigation Measure WQ-5), and obtain water from existing, commercially available water sources (Mitigation Measure WQ-6).
Wetlands and Streams	Construction of bridges over the Bell Mountain Wash, Mojave River, Brush Creek, Cleghorn Creek, Cajon Wash/Creek and Lytle Creek, will involve work in the Ordinary High Water Mark (OHWM). The Project may require temporary soil disturbance and vegetation clearing within the Mojave River riparian area and in and around other drainages along the corridor.	Brightline West will contract with a qualified biologist, who will be on site prior to and during construction of the Project to identify and protect aquatic resources. The biologist will define the boundaries of the aquatic resources and will supervise the placement of exclusion fencing to protect those areas during all project activities. Additionally, a silt fence around the construction areas adjacent to aquatic resources will protect the resources, including waters of the United States (WOTUS), from runoff and spills associated with construction activities, if any. Aquatic resources that are affected by construction activities (e.g., clearing, ground disturbance) will be restored by Brightline West with native vegetation within one year of the completion of construction at any location along the alignment.
Floodplains	Project construction will involve the use of heavy, earth-moving equipment in the floodplains of the Mojave River and Lytle Creek, and near the floodplains of Etiwanda Channel and Hawker-Crawford Channel. Construction activities within floodplains will likely result in temporary impacts such as minor erosion and runoff on floodplains.	Brightline West will implement BMPs prior to construction to minimize the temporary effects on floodplains, and construction equipment and materials will not be stored within the floodplain. Brightline West will return any temporary effects on floodplains to preconstruction conditions.

Analysis Area	Temporary Construction-Related Impacts of the Selected Alternative	Mitigation
Biological Resources	Construction of the project would have temporary impacts on approximately 2,206 acres of various types of wildlife habitat. The most common habitat types would be Urban (1,787 acres), Desert Scrub (168 acres), and Mixed Chaparral (128 acres). Construction impacts would include disturbance of vegetation and soils, construction noise, hydrologic modifications, facilitation of invasive species, and changes in habitat elements that increase or decrease populations of predators or prey species.	Brightline West will implement mitigation and compensation strategies identified during consultation with USFWS and documented in USFWS' Biological Opinion. Brightline West will also obtain an Incidental Take Permit for ESA-listed species. Refer to Attachment A , for a list and description of Mitigation Measures BIO-1 through BIO-57.
Geology, Soils, and Seismicity	Construction of the Project may result in impacts related to ground fissures due to pile driving.	Brightline West will retain qualified geologists and geotechnical engineers to conduct geotechnical investigations along the Project alignment for potential hazards related to geology, soils, seismicity. Recommendations of the evaluation that avoid or minimize hazardous impacts will be implemented prior to design and construction (Mitigation Measure GEO-1).
Air Quality and Greenhouse Gas	Construction of the Project will temporarily generate emissions of both criteria pollutants and GHGs. However, the Project will not result in exceedances of the <i>de minimis</i> thresholds for criteria pollutants in the applicable air basins. The Project will result in short-term increases in GHG emissions from construction activities.	Prior to construction activities, Brightline West will develop and implement a fugitive dust control plan and utilize additional means to reduce construction period emissions of air pollutants, such as solar powered signal boards.
Energy Resources	None.	None.
Noise and Vibration	Construction of the Project will result in short-term noise impacts to resources due to elevated noise levels associated with construction activities, including construction equipment, diesel engines, impact pile driving and jackhammering.	Brightline West will require the contractors to prepare a detailed Noise Control Plan (Mitigation Measure NOI-1) in coordination with a qualified noise monitor prior to construction. Brightline West will comply with all applicable local noise regulations to minimize temporary construction noise and vibration impacts (Mitigation Measure NOI-2).
Hazardous Materials	Construction of the Project may result in the release of hazardous materials through disturbance of identified hazardous materials sites and using hazardous materials, either of which may result in impacts on human health. There is also the potential to encounter previously unidentified hazardous materials along the Project footprint.	Brightline West will prepare a Hazardous Materials Management Plan (HMMP) prior to application for permits for demolition, grading, or construction, as required by the State of California (Mitigation Measure HAZ-1). The HMMP shall be reviewed and approved by either the office of the State Fire Marshall or the San Bernardino County Certified Unified Program Agency (CUPA). Activities identified in the HMMP will be implemented by Brightline West throughout the construction period.

Analysis Area	Temporary Construction-Related Impacts of the Selected Alternative	Mitigation
Safety	Construction of the Project will involve use of heavy equipment on site, earthwork, and other major construction activities, including the transportation of overweight and oversized materials. Throughout construction, workers and nearby community members could be exposed to hazards, which could affect human health or present to safety from construction site hazards and accidents, associated with construction site equipment and activities. Project construction could temporarily increase fire risks in the high fire hazard severity zones (FHSZ) due to the storage and use of flammable or combustible materials, operation of vehicles and heavy machinery. The Rancho Cucamonga and Hesperia stations will not be located within FSHZ zones.	Brightline West will implement construction safety requirements during construction, per regulatory requirements, including California Division of Occupational Safety and Health (Cal OSHA) Construction Safety Orders and California Public Utilities Commission (CPUC) General Order No. 176.
Environmental Justice	The Project will not result in disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.	None.

5 Section 106 Determination

FRA completed consultation in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800), which require Federal agencies to: 1) take into account the effects of their undertakings on historic properties that are listed in, or meet the eligibility criteria for listing in, the National Register of Historic Places (NRHP); and 2) afford the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Office (SHPO) a reasonable opportunity to comment. Section 106 also requires that agency officials work with SHPO to identify parties to participate in the Section 106 process (consulting parties). Consulting parties may include, but are not limited to, local governments, federally-recognized Native American tribes, and individuals and organizations with a demonstrated interest in a project.

FRA sent information about the Project to Chairpersons for the Chemehuevi Indian Tribes, the Colorado River Indian Tribes, the Morongo Band of Mission Indians, the Soboba Band of Luiseno Indians, and Twenty-Nine Palms Band of Mission Indians as well as to the Tribal Historic Preservation Officers (THPOs) for the Colorado River Indian Tribes, Morongo Band of Mission Indians, San Fernando Band of Mission Indians, Soboba Band of Luiseno Indians, Twenty-Nine Palms Band of Mission Indians, and identified tribal contacts for the Yuhaaviatam of San Manuel Nation. FRA, as lead Federal agency responsible for Section 106 compliance for the Project, extended invitations to local preservation groups, local planning agencies, neighborhood associations, and other organizations to participate in consultation. The following entities agreed to be consulting parties for the Project's Section 106 consultation process: ACHP, Brightline West, Caltrans, City of Fontana, City of Ontario, City of Rancho Cucamonga, City of Rialto, City of Victorville, FHWA, STB, USACE, and the United States Forest Service.

Identification and evaluation of historic properties and assessment of effects was conducted within the Area of Potential Effect (APE) in accordance with the requirements of 36 CFR part 800. Because no NRHP-eligible resources were identified in the portion of the APE where ground-disturbing activities will occur, and because eligible resources outside of that area would be sufficiently distant from construction activities that no noise or vibration impacts are anticipated, FRA concluded that the Project would have no adverse effects on NRHP-eligible or listed historic properties. On May 22, 2023 the California SHPO did not object to FRA's finding of no adverse effect for the Project. FRA issued

the final Finding of Effect reporting and documentation of FRA's finding of no adverse effect for the Project on June 30, 2023 to all consulting parties.

FRA acknowledges that properties may be identified within the APE as the Project progresses, such as previously unidentified historic properties, historic properties (including Traditional Cultural Landscapes and Traditional Cultural Properties) with previously unknown or undocumented eligibility under the NRHP criteria, or cultural resources that have recently reached the age threshold for consideration for eligibility for listing in the NRHP. In the event previously unknown potential historic properties are identified or unanticipated effects from the Project on known historic properties are found, FRA would address them under the post-review discoveries process at 36 CFR § 800.13(b).

FRA considered developing a Programmatic Agreement (PA) to govern any future changes to the APE and the potential for additional identification of historic properties and assessment of effects that may result from changes to the APE. However, coordination with the Project Sponsor indicates that the Project design has progressed such that changes to the APE are not expected. As a result, FRA determined a PA is unnecessary. Any changes to the APE or design changes from the Project that may result in new or different types of effects to known historic properties would be addressed by FRA under re-initiation of Section 106 compliance steps under 36 CFR § 800.4 through § 800.6.

6 Section 4(f) Determination

Section 4(f) of the United States Department of Transportation Act (USDOT Act) of 1966 (Section 4(f)) applies to all publicly owned parks, recreation areas, wildlife and/or waterfowl refuges, and significant historic sites, whether publicly or privately owned. Section 4(f) requirements apply to all transportation projects funded or approved by USDOT. As a USDOT agency, FRA must comply with Section 4(f). FRA cannot approve a Project that would use a Section 4(f) resource unless it determines there is no other feasible and prudent alternative and the project incorporates all possible planning to minimize harm, or FRA determines the impact to the resource is de minimis. Use of a Section 4(f) property occurs: (1) when land is permanently incorporated into a transportation project; (2) when there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose; or (3) when there is a constructive use (a project's proximity impacts are so severe that the protected activities, features, or attributes of a property are substantially impaired).

Pursuant to the requirements of Section 4(f), and consistent with 23 CFR Part 774, the EA included a Draft Section 4(f) Evaluation. FRA made the Draft Section 4(f) Evaluation available for public and agency review and comment on October 28, 2022, concurrent with the EA. FRA received no public comments regarding the Draft Section 4(f) Evaluation. FRA based the Draft Section 4(f) Evaluation on preliminary identification and evaluation of historic properties and assessment of effects that had occurred within the APE. Further evaluation following the Draft Section 4(f) Evaluation determined the Project would have no adverse effect on historic resources, and subsequently the California SHPO did not object to this finding on May 22, 2023.

At this time, FRA has not identified a potential use of any resource protected under Section 4(f). Therefore, the Project as designed and with application of avoidance, minimization, and mitigation measures discussed in the Draft EA, would not result in the use of any Section 4(f) resource. Additional measures to minimize harm are not warranted, nor required, in order to avoid a Section 4(f) use. FRA determined a Final Section 4(f) Evaluation is not required, due to no potential use of any resource protected under Section 4(f).

7 Section 7 Determination

Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.) requires federal agencies to consult with the appropriate resource protection agency to ensure that the actions they fund, authorize, permit, or otherwise carry out will not jeopardize the continued existence of any federally-listed species or adversely modify designated critical habitats. In compliance

with this requirement, FRA prepared a Biological Assessment (BA) to analyze the effects of the project on the San Bernardino kangaroo rat (*Dipodomys merriami parvus*; SBKR) and its designated critical habitat, least Bell's vireo (*Vireo bellii pusillus*; vireo), arroyo toad (*Anaxyrus californicus* [*Bufo microscaphus* c.]) and its designated critical habitat, Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*), and slender-horned spineflower (*Dodecahema leptoceras*). FRA provided the BA and requested formal consultation with the United States Fish and Wildlife Service (USFWS) on July 15, 2022.

After review of the BA and consultation with FRA, USFWS issued a Biological Opinion (BO) on April 6, 2023 stating their determination that the project is not likely to jeopardize the continued existence of the SBKR, arroyo toad, least Bell's vireo or adversely modify arroyo toad or SBKR critical habitats. USFWS also concurred with FRA's finding that the project would not be likely to adversely affect the federally threatened desert tortoise (*Gopherus agassizii*), Yellow-billed Cuckoo (*Coccyzus americanus*), coastal California gnatcatcher (*Polioptila californica*; gnatcatcher), the federally endangered Southwestern willow flycatcher (*Empidonax traillii extimus*), Santa Ana River woolly-star and the slender-horned spineflower or their designated critical habitat.

8 Environmental Commitments

As described in the sections above, FRA has identified measures required to avoid, minimize, and mitigate environmental impacts of the Project. **Attachment A**, itemizes the specific avoidance, minimization, and mitigation commitments that Brightline West is required to implement as part of the Project. The exhibit incorporates commitments that are new since publication of the EA, including commitments related to the new elements of the Selected Alternative described in Section 3.3 of this FONSI and new commitments added in response to public comments.

If FRA provides funding to construct the Project, the environmental commitments listed in **Attachment A** will be incorporated into the applicable funding agreement and implemented by the recipient of federal funds. FRA will monitor compliance with these measures through FRA's oversight of the funding agreement. Other federal agencies may also incorporate these commitments as conditions of applicable authorizations, approvals and permits.

9 Public and Agency Coordination

Throughout the NEPA process, FRA solicited input on the Project from several government and transportation agencies including but not limited to: USACE, FHWA, STB, Yuhaaviatam of San Manuel Nation, and other Federal, state, and local government entities. Extensive coordination was conducted among FRA and Brightline West prior to publication of the EA.

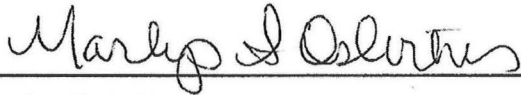
The EA was distributed for a 30-day public and agency review and comment period October 28, 2022, and November 28, 2022. A notice of availability of the EA was distributed via email and postcard to the Project mailing list and local residents in the Project area. The EA was available on FRA's website and Regulations.gov. and its availability was advertised in the Rancho Cucamonga Daily Bulletin, The Sun, and Victor Valley News. FRA held virtual public meetings on the EA on November 12, 2022, and November 15, 2022. The comment period remained open until 5:00 PM on November 28, 2022.

10 Public and Agency Comments

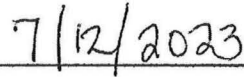
Public and agency comments received on the EA are provided in **Attachment D, "Comments Received on the EA,"** and summaries of the comments with FRA's responses to those comments are provided in **Attachment C, "Summary of and Responses to Comments Received on the EA."** 28 comments were received on the Draft EA, including 6 in the form of verbal testimony via the public hearings. Comments received on the EA generally expressed support of the Project, asked for clarifications on mitigation measures, inquired about coordination with local agencies, or noted concern regarding traffic and transportation impacts.

11 Conclusion

FRA has carefully considered the Project record, including the EA and associated technical reports and analysis; the mitigation measures required; and the written and oral comments offered by agencies, stakeholders, and the public. Based on this consideration, FRA has determined the attached EA satisfies the requirements of NEPA, CEQ's implementing regulations, FRA's Environmental Impact and Related Procedures and other applicable environmental requirements, and the Selected Alternative, as presented and assessed in the EA, will not significantly impact the quality of the human environment. In addition, the EA identifies measures, included in this FONSI, that would avoid, minimize, and/or mitigate the adverse effects of the Selected Alternative. Based on this analysis FRA concludes that the Selected Alternative is technically and economically feasible and an environmental impact statement is not required for the Project.



Marlys Osterhues
Director
Office of Environmental Program Management
Federal Railroad Administration



Date

For further information regarding this document, please contact:

Matthew Mielke
Project Manager
USDOT Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Attachments:

Attachment A. Environmental Commitments
Attachment B. Errata to EA
Attachment C. Response to Comments
Attachment D. Comments Received on EA
Attachment E. Biological Opinion (USFWS)
Attachment F. Project Footprint Drawings

ATTACHMENT 2

Congress of the United States
Washington, DC 20510

April 24, 2023

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Buttigieg,

We write to express our strong support of the Nevada Department of Transportation's (NDOT) application to the U.S. Department of Transportation's Federal-State Partnership for Intercity Passenger Rail Grant. This application requests funding through the Bipartisan Infrastructure Law for the Brightline West high-speed rail system along the congested Interstate 15 corridor, connecting Southern California to Nevada.

This unprecedented funding opportunity for intercity high-speed rail will unleash private investment at a critical moment for our nation, demonstrating the potential for public-private partnerships and planting a flag for American high-speed rail. Brightline West will serve as a powerful example of the possibilities of high-speed rail for other cities and regions and is well-positioned to advance the U.S. Department of Transportation's priorities related to multi-generational infrastructure investments, job creation, equity, and climate change resiliency and sustainability.

Brightline West will connect Nevada and Southern California through planned stations in Las Vegas and San Bernardino County, with connectivity into Los Angeles County through Metrolink. The project will bolster additional economic activity for both states, with an estimated \$10 billion in economic impact and \$1 billion in tax revenue. According to Brightline West's current plan, the project is expected to create over 35,000 construction jobs and approximately 1,000 permanent jobs, creating pathways for workforce development, training, and access to quality jobs. This includes a commitment through a Memorandum of Understanding (MOU) to ensure the creation of good-paying union jobs. As seen through other transit areas, the development of a new transit system will provide opportunities for ancillary development around station areas, spurring additional economic activity for communities along the corridor. High-speed rail connecting Nevada and California also has the potential to significantly increase visitors to both states, boosting travel and tourism across the region.

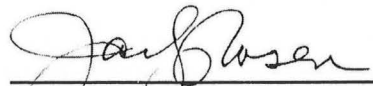
The system will also align with the Administration's climate goals by diverting millions of automobile users from I-15 onto a faster, more efficient, zero-emission transportation option. Each year, Brightline West operations will remove an estimated 3 million vehicles and over 700 million vehicle miles traveled from the highway, as well as 400,000 tons of CO2 emissions from the atmosphere, supporting California's and Nevada's respective greenhouse gas emissions reduction goals and leading the way for cleaner travel options for Americans. Moreover, the project will reduce congestion on I-15, leading to a faster and more enjoyable travel experience for both drivers and riders alike.

For the above reasons, this bipartisan delegation from Nevada and California are pleased to support the federal resources necessary to develop essential transportation access between this highly trafficked corridor between our two states. We are excited about the mobility and economic benefits the project will bring, from job creation to reduced congestion to the potential for increased tourism and economy activity. For these reasons, we ask you to give your full and fair consideration to the grant application and provide critical funding to enable this transformational project to move forward as expeditiously as possible. If you have any questions, please reach out to us or our staff.

Sincerely,



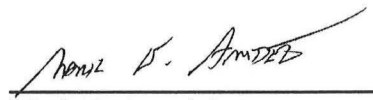
Catherine Cortez Masto
United States Senator



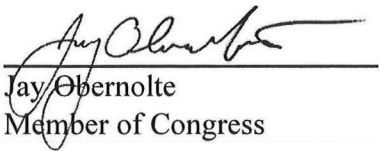
Jacky Rosen
United States Senator



John Garamendi
Member of Congress



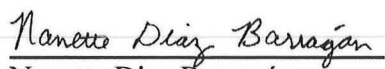
Mark E. Amodei
Member of Congress



Jay Obernolte
Member of Congress



Dina Titus
Member of Congress



Nanette Diaz Barragán
Member of Congress



Susie Lee
Member of Congress



Jimmy Gomez
Member of Congress



Steven Horsford
Member of Congress

ATTACHMENT 3



FIONA MA, CPA
TREASURER
STATE OF CALIFORNIA

June 16, 2023

The Honorable Martin J. Oberman
Chairman
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Petitions for Exemptions in Docket No. FD 35544 and Docket No. FD 36488

Dear Chairman Oberman,

I write to ask the Surface Transportation Board (STB) to expedite its final decisions with respect to the petitions for exemption filed by DesertXpress Enterprises, LLC dba Brightline West in Docket No. FD 35544 (modification of track alignment for previously approved line between Las Vegas and Victor Valley) and Docket No. FD 36488 (line extension from Victor Valley to Rancho Cucamonga). Brightline West is poised to break ground this year on its proposed high-speed rail system connecting Southern California and Nevada, with the objective of initiating passenger rail service in time for the 2028 Summer Olympics hosted by Los Angeles. Prioritizing Brightline West's petitions will ensure that the project is able to meet these timelines, planting a flag for American high-speed rail to be showcased on a global scale during the Olympic games.

Brightline West has made substantial progress on advancing development of both projects. The environmental review and approval process led by the Federal Railroad Administration (with the STB as a cooperating agency), is nearing completion. Obtaining final STB approvals is essential to support Brightline West's financing activities and a 2023 groundbreaking. As the federal regulatory agency tasked with granting authority to construct and operate interstate railroads, it is imperative that the STB make Brightline West a priority and prepare to issue decisions on the petitions to continue momentum on the project.

The urgency of this request comes at a time when a long-term solution is needed to address the highly trafficked Interstate 15 (I-15) corridor between Nevada and California, a route that is critical to the movement of goods and people. Brightline West's planned stations in Las Vegas and San Bernardino County, with connectivity into Los Angeles County via Metrolink service at Rancho Cucamonga, will deliver significant mobility and economic benefits to the region,

from job creation to reduced traffic congestion to the potential for increased tourism activity. Brightline West will generate more than \$10 billion in economic impact and \$1 billion in tax revenue. It will create more than 35,000 construction jobs and 1,000 permanent jobs, and Brightline West has agreements in place that guarantee the creation of good-paying union jobs. The proposed high-speed rail system also has the potential to significantly increase visitors to California and Nevada, boosting travel and tourism across the region. In addition, the system will reduce highway congestion by diverting millions of automobiles from I-15 to a faster, more efficient, zero-emission transportation option. Brightline West estimates that it will remove an estimated 3 million vehicles and over 700 million vehicle miles traveled from the highway annually, eliminating more than 400,000 tons of CO2 emissions from the atmosphere, thereby supporting California's and Nevada's emissions reduction goals, and leading the way for cleaner travel options for Americans.

Brightline West is a transformational project that will serve as a powerful example of the possibilities of high-speed rail for other cities and regions and will deliver on U.S. Department of Transportation priorities. For the above reasons, I ask you to enable the project to move forward as expeditiously as possible by issuing decisions on Brightline West's pending petitions promptly following the imminent completion of the environmental approval process, to ensure that the system is operational by 2028.

In Peace and Friendship,

A handwritten signature in black ink, appearing to be 'Fiona Ma', with a stylized, cursive script.

Fiona Ma, CPA
California State Treasurer

cc: The Honorable Karen J. Hedlund, Vice Chairman
The Honorable Patrick J. Fuchs
The Honorable Michelle A. Schultz
The Honorable Robert E. Primus



High-Speed Rail Labor Coalition

July 10, 2023

The Honorable Martin J. Oberman
 Chairman
 Surface Transportation Board
 395 E Street SW
 Washington, DC 20423

Dear Chairman Oberman,

On behalf of the High-Speed Rail Labor Coalition, a coalition of 13 Rail Unions representing over 160,000 freight, regional, commuter and passenger railroad workers in the U.S., we write to ask the Surface Transportation Board (STB) to expedite its final decisions with respect to the petitions filed by DesertXpress Enterprises, LLC dba Brightline West in Docket No. FD 35544 and Docket No. FD 36488. Brightline West is poised to break ground this year on its proposed high-speed rail system connecting Southern California and Las Vegas, with plans to initiate passenger rail service in time for the 2028 Summer Olympics in Los Angeles. Prioritizing Brightline West's petitions will ensure that the project is able to meet these timelines, planting a flag for American high-speed rail constructed and operated with Union Labor to be showcased on a global scale during the Olympic games.

Brightline West has made substantial progress in advancing development of its high-speed rail system. The environmental review and approval process led by the Federal Railroad Administration (with the STB as a cooperating agency), is nearing completion. Obtaining final STB approvals is essential to support Brightline West's financing activities and a 2023 groundbreaking, bringing us one step closer to employing thousands of skilled Workers to build and operate America's first true high-speed passenger rail system. As the federal regulatory agency tasked with granting authority to construct and operate interstate railroads, it is imperative that the STB make Brightline West a priority and prepare to issue decisions on the petitions in order to continue momentum on the project.

The urgency of this request comes at a time when a long-term solution is needed to address the highly trafficked Interstate 15 (I-15) corridor between Nevada and California, a route that is critical to the movement of goods and people. Brightline West's planned stations in Las Vegas and San Bernardino County, with connectivity into Los Angeles County via Metrolink service at Rancho Cucamonga, will deliver significant mobility and economic benefits to the region, from job creation to reduced traffic congestion to the potential for increased tourism activity.

Brightline West's \$12 billion investment will generate more than \$10 billion in economic impact and \$1 billion in tax revenue. It will create more than 35,000 construction jobs and over 1,000 permanent jobs. Union Labor will directly account for more than 10,000 field jobs during construction and more than 900 permanent jobs. The proposed high-speed rail system also has the potential to significantly boost travel and tourism in California and Nevada. In addition, the system will reduce highway congestion by diverting millions of automobiles from I-15 to a faster, more efficient, zero-emission transportation option. Brightline West estimates that it will remove an estimated 3 million vehicles and over 700 million vehicle miles traveled from the highway annually, eliminating more than 400,000 tons of CO2 emissions from the atmosphere, making it one of the greenest forms of transportation in the country.

Brightline West is a transformational project that will serve as a powerful example of the possibilities of high-speed rail for other cities and regions and will deliver on U.S. Department of Transportation priorities. For the above reasons, we ask you to enable the project to move forward by issuing decisions on Brightline West's pending petitions as expeditiously as possible following the completion of the environmental approval process, to ensure that the system is operational by 2028.

Sincerely,

Brotherhood of Maintenance of Way
Employees Division/IBT



Tony Cardwell, BMWED President

International Brotherhood of Boilermakers



John Mansker, IBB Director of Railroad
Division

Brotherhood of Railroad Signalman



Michael Baldwin, BRS President

Transportation Workers Union of
American International



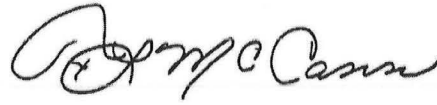
John Feltz, TWU International Vice
President/Railroad Division Director

International Association of Sheet Metal, Air,
Rail and Transportation Workers-Mechanical
and Engineering Department



Michael Coleman, SMART General President

American Train Dispatchers Association



F. Leo McCann, ATDA President

National Conference of Fireman and Oilers
32BJ/SEIU



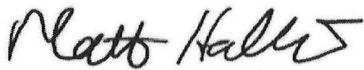
Dean Devita, NCFO President

International Association of Sheet Metal,
Air, Rail and Transportation Workers-
Transportation Department



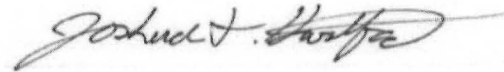
Jeremy Ferguson, SMART-TD President

Transportation Communications Union/IAM



Matt Hollis, TCU National Vice President

International Association of Machinists
and Aerospace Workers



Joshua Hartford, Special Assistant to the
International President IAMAW Rail
Division

Brotherhood of Locomotive Engineers
and Trainmen



Edward A. Hall BLET National President

Brotherhood of Railway Carmen
Division/TCU/IAM



Donald Grissom, General President BRC

cc: The Honorable Karen J. Hedlund, Vice Chairman
The Honorable Patrick J. Fuchs
The Honorable Michelle A. Schultz
The Honorable Robert E. Primus